

**GRAND JUNCTION CITY COUNCIL
TWO RIVERS CONVENTION CENTER, 159 MAIN STREET
AGENDA**

WEDNESDAY, July 19, 2000, 7:30 P.M.

CALL TO ORDER

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

PROCLAMATIONS / RECOGNITIONS

PROCLAMATION DECLARING JUNE 22, 2000 AS "ANDREW MARTINEZ, NATIONAL MARBLE CHAMPION KING DAY" IN THE CITY OF GRAND JUNCTION

RECOGNITION OF CITY EMPLOYEES DAN TONELLO, INDUSTRIAL PRE-TREATMENT COORDINATOR, AND DREW REEKIE, HAZARDOUS MATERIALS COORDINATOR, FOR THEIR ASSISTANCE IN CONVICTING VIOLATORS OF THE CLEAN WATER ACT, AS PART OF THE CITY'S INDUSTRIAL PRE-TREATMENT PROGRAM

APPOINTMENTS

APPOINTMENTS TO THE PARKS & RECREATION ADVISORY BOARD

APPOINTMENT TO THE BOARD OF APPEALS

CITIZEN COMMENTS

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

1. **Minutes of Previous Meeting** [Attach 1](#)
Action: Approve the Minutes of the Regular Meeting July 5, 2000
2. **Remodel of the Grand Junction Police Department** [Attach 2](#)

Revised December 16, 2011

**** Indicates New Item*

** Requires Roll Call Vote*

July 19, 2000

The Police Station Remodel consists of removing and replacing walls, carpet and ceiling tile, and the necessary modifications to the electrical and mechanical systems.

The following bids were received on July 13, 2000:

K & G Construction, Grand Junction	\$76,600
KD Construction, Grand Junction	\$89,500

Action: Award Contract for Remodel of the Grand Junction Police Department to K & G Construction in the Amount of \$76,600

Staff presentation: Lt. Bob Knight, Police Department
Rex Sellers, Senior Buyer

3. **DOE Lift Station Replacement** [Attach 3](#)

Replacement of the lift station will be funded entirely by the U.S. Department of Energy.

The following bids were received on July 11, 2000:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
R. W. Jones Construction, Inc.	Fruita	\$50,515.00
Mountain Valley Contracting, Inc.	Grand Junction	\$69,675.00
Engineer's Estimate		\$38,540.00

Action: Award Contract for DOE Lift Station Replacement to R.W. Jones Construction, Inc., in the Amount of \$50,515

Staff presentation: Greg Trainor, Utilities Manager

4. **Horizon Drive Interceptor Replacement/Rehabilitation** [Attach 4](#)

The following bids were received on July 11, 2000:

July 19, 2000

<u>Contractor</u>	<u>From</u>	<u>Option A - Replacement</u>	<u>Option B - CIPP</u>	<u>Option C – fold-n-form</u>
WSU Inc	Breckenridge		\$125,786.00	
Insituform Technologies	Denver		\$130,536.00	
Tele-environmental Systems	Glenwood Springs			\$187,516.00
M.A. Concrete	Grand Junction	\$191,886.00		
Taylor Constructors	Grand Junction	\$206,553.60		
Engineer's Estimate		\$189,069.00	\$173,595.00	\$158,735.00

Action: Award Contract for Horizon Drive Interceptor Replacement/Rehabilitation to WSU, Inc., in the Amount of \$125,786 and Appropriate an Additional \$35,000 from Fund 904

Staff presentation: Trent Prall, Utilities Engineer

5. **Lease Renewal with Mesa National Bank (131 N. 6th Street) for the Police Department's Polygraph Testing Facility** [Attach 5](#)

The proposed lease renewal will be for a period of one year. Rent for the proposed one year term is \$1,320.

Resolution No. 72-00 – A Resolution Authorizing the Lease by the City of Office Space Located at 131 North 6th Street

**Action: Adopt Resolution No. 72-00*

Staff presentation: Tim Woodmansee, Real Estate Manager

6. **Construction Change Order for the 1999-B Alley Improvement District and 2000 Alley Improvement District** [Attach 6](#)

The contract price for the construction of the 1999-B Alley Improvement District and 2000 Alley Improvement District was sufficiently below the budget to allow the reconstruction of an additional alley under this year's budget. Alley Improvement District 2000 Phase B was created by City Council on June 7, 2000, authorizing the reconstruction of the Ute/Colorado Alley from 10th Street to 11th Street. Mays Concrete has agreed to reconstruct the additional alley at the unit prices in the contract. The Change Order also includes \$2100 for additional work on two of the alleys in the current contract.

July 19, 2000

Action: Approve Construction Change Order for the 1999-B Alley Improvement District and 2000 Alley Improvement District with Mays Concrete, Inc., in the Amount of \$67,129.10

Staff presentation: Tim Moore, Public Works Manager

7. **Setting a Hearing on Zoning Morrill Annexation to I-1 (Light Industrial), Located at 2980 Gunnison Avenue** [File #ANX-2000-108] [Attach 7](#)

The .689-acre parcel is adjacent to property located within the City. The petitioner desires to construct an industrial building on the site. Under the terms of the Persigo Agreement, the City shall zone land consistent with the adopted Growth Plan Future Land Use Map and/or consistent with Mesa County zoning. The proposed I-1 zoning is consistent with the adopted Growth Plan future Land Use Map and adjacent County zoning.

Proposed Ordinance Zoning the Morrill Annexation to I-1 (Light Industrial), Located at 2980 Gunnison Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for August 2, 2000

Staff presentation: Dave Thornton, Principal Planner

8. **Setting a Hearing on Correction to Zoning of Cherryhill Subdivision, Located on the East Side of 26 1/2 Road, North of F 1/2 Road** [File #FPP-1998-202] [Attach 8](#)

A request to correct the recently adopted zoning map to zone the Cherryhill Subdivision to RSF-4, as it was previously zoned.

Proposed Ordinance Correcting Zoning of the Cherryhill Subdivision

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for August 2, 2000

Staff presentation: Kathy Portner, Planning Manager

9.*** **Acknowledging Defense of Police Officer Geraldine Earlthman** [Attach 11](#)

A resolution indemnifying Officer Geraldine Earthman from damages in a lawsuit filed against her in a personal capacity. The suit results from the arrest of a wanted person.

July 19, 2000

Resolution No. 73-00 - A Resolution Acknowledging Defense of Officer Geraldine Earthman in Civil Action No. 00 S 5236

**Action: Adopt Resolution No. 73-00*

Staff presentation: John Shaver, Assistant City Attorney

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

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

10. **Public Hearing – Rezoning the Scariano/Williams Property Located between 428 Ridgewood Lane and Monument Little League Ball Fields from RMF-12 to CSR** [File #RZ-2000-094] [Attach 9](#)

The City of Grand Junction, representing the owner, proposes to rezone a 1.86-acre parcel from RMF-12 to CSR (Community Services & Recreation). The parcel is located between 428 Ridgewood Lane to the east and Monument Little League ball fields to the west. The CSR zone district is proposed because the parcel is landlocked and serves as a buffer between the two uses. At its June 13, 2000 hearing the Planning Commission recommended approval of this rezone request.

Ordinance No. 3276 – An Ordinance Zoning a Landlocked Parcel from RMF-12 to CSR, Located West of 428 Ridgewood Lane

**Action: Adopt Ordinance No. 3276 on Second Reading*

Staff presentation: Bill Nebeker, Senior Planner

11. **Public Hearing – Appeal of Planning Commission Decision to Approve the Final Plat/Plan for Desert Hills Estates Subdivision, and Variance Request** [File #FPP-2000-057] [Attach 10](#)

The Desert Hills Estates Subdivision consists of approximately 57 acres and has 21 single family residential lots. The Planning Commission granted Final Plat/Plan Approval and granted a variance from the street lighting standards at its June 20, 2000 meeting. An appeal of the decision to grant Final Plat/Plan Approval and the variance request has been filed by the attorney representing neighbors of the Desert Hills Estates Subdivision.

a. Appeal of Planning Commission Decision

July 19, 2000

Action: Decision on Appeal

b. Variance from Street Lighting Standards

Action: Decision on Variance Request

Staff presentation: Lisa Gerstenberger, Senior Planner

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

13. **OTHER BUSINESS**

14. **ADJOURNMENT**

Attach 1

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

July 5, 2000

The City Council of the City of Grand Junction, Colorado, convened into regular session the 5th day of July, 2000, at 7:33 p.m. at Two Rivers Convention Center. Those present were Earl Payne, Jack Scott, Jim Spehar, Reford Theobald and President of the Council Gene Kinsey. Cindy Enos-Martinez and Janet Terry were absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Steve Johnson, Living Hope Evangelical Free Church.

RESOLUTION NO. 65-00 - A RESOLUTION DESIGNATING A CERTAIN TRAIL ON THE GRAND MESA AS "MARK'S TRAIL"

Mayor Kinsey read the resolution.

Upon motion by Mayor Kinsey, seconded by Councilmember Spehar and carried by a unanimous voice vote, Resolution No. 65-00 was adopted.

City Manager Achen expressed his feelings on his service and thanked the Council for this gesture.

PROCLAMATION DECLARING JULY 5, 2000 AS "GET MOO-VING WITH MILK DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING JULY 26, 2000 AS "CELEBRATE THE AMERICANS WITH DISABILITIES ACT DAY" IN THE CITY OF GRAND JUNCTION

PRESENTATION OF CERTIFICATES TO NEWLY APPOINTED COMMISSION ON ARTS AND CULTURE MEMBERS

Pamela Blythe and LeRoy Donegan were present to receive their Certificates of Appointment.

Revised December 16, 2011

**** Indicates New Item*

** Requires Roll Call Vote*

CONSENT ITEMS

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, the following Consent Calendar items #1 through #15 were approved with Councilmember **THEOBOLD** voting **NO** on Item #12:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting June 21, 2000

2. **FAA Grant Agreement and Supplemental Co-Sponsorship for Rehabilitation of East Air Carrier Apron**

The Walker Field Airport Authority has applied for an FAA Airport Improvement Program Grant, AIP-20, to help fund improvements to the airfield in 2000. This is an AIP grant with FAA picking up \$622,000 of the total project cost. The State of Colorado is picking up \$75,000 and the Airport Authority is picking up \$69,000 through Authority Funds. No additional funding is being asked for from either the City of Grand Junction or the County of Mesa for this project. This Grant Agreement is the final step in securing Federal funds.

Action: Approve the Grant Agreement and Supplemental Co-Sponsorship Agreement for AIP-20 with the Federal Aviation Administration

3. **FAA Grant Agreement and Supplemental Co-Sponsorship for Airport Layout Plan Update**

The Walker Field Airport Authority has applied for an FAA Airport Improvement Program Grant, AIP-21, to help fund the update of the Airport Layout Plan in 2000. This is an AIP grant with FAA picking up \$106,833 of the total project cost and the Airport Authority is picking up the remainder of \$11,870, using Authority Funds. No additional funding is being asked for from either the City of Grand Junction or the County of Mesa for this project. This Grant Agreement is the final step in securing Federal funds.

Action: Approve the Grant Agreement and Supplemental Co-Sponsorship Agreement for AIP-21 with the Federal Aviation Administration

4. **Visitor and Convention Bureau Special Events Funding**

Four applications for Special Events funding were received by the June 6 deadline. The VCB Board recommends funding the following events:

Grand Junction Air Show	\$8,500
Fruita Fall Festival	\$3,500 maximum
(VCB will match City of Fruita contributions up to \$3,500)	

Action: Approve the Recommended VCB Special Events Funding to a Maximum of \$12,000

5. **Amending the Signatories on the City's Bank Accounts**

Due to the retirement of City Manager Mark Achen, the authorized signatories on the Alpine Bank accounts needs to be revised. Approval of the resolution will authorize a change removing Mark Achen and adding David Varley as a signatory on the Payroll and Accounts Payable clearing accounts.

Resolution No. 66-00 - A Resolution Amending Resolution No. 2-99, Passed and Adopted by City Council on January 6, 1999 that Modified Section (d) of Resolution No. 69-98 Relative to Authorized Signatures

Action: Adopt Resolution No.66-00

6. **Columbine Park Parking Lot Renovation Project**

The work includes adding new concrete barrier curbing, installation of new walks, installation of an asphalt overlayment in the existing parking lot, installation of new parking lot lighting, irrigation, and shrub/tree plantings.

The following bids were received:

M.A. Concrete Construction, Inc.	\$144,016.88
G & G Paving, Inc.	\$173,519.04
Elam Construction, Inc.	\$178,136.80
Precision Paving and Construction, Inc.	\$198,739.34

Action: Award Contract for Columbine Park Parking Lot Renovation Project, to M.A. Concrete Construction, Inc. in the Amount of \$144,016.88

7. **Sole Source Procurement of Pavement Management Data Collection**

Staff is requesting authorization for the City Manager to sign a contract between the City and Stantec Consulting Ltd./Inc. to provide professional services to the Public Works Department for field testing/data collection, sectional database update, verification, project management, editing the condition data and calculation of the present status of the street network. The amount of the contract is not to exceed \$39,500.

Action: Authorize the City Manager to Sign the Contract with Stantec Consulting LTD./Inc. in an Amount Not to Exceed \$39,500

8. **FY2001 Unified Planning Work Program (UPWP) for the Grand Junction/ Mesa County Metropolitan Planning Organization**

The Metropolitan Planning Organization (MPO) seeks approval of the FY 2001 Unified Planning Work Program (UPWP) to continue transportation planning activities on behalf of the City and the County under the previously approved multi-year contract (Nov. 14, 1996) with the Colorado Dept. of Transportation (CDOT). A local match of \$11,423 is required.

Resolution No. 67-00 - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of the Fiscal Year 2001 Unified Planning Work Program

Action: Adopt Resolution No. 67-00

9. **Amendments to the Grand Junction/Mesa County Metropolitan Planning Organization FY 2000 Transportation Improvement Plan (TIP)**

Staff from the City of Grand Junction, Mesa County and CDOT Region 3 have been consulted and concur with all the proposed amendments. All local funding changes have been made under separate budgets in City & County Public Works, as well as in CDOT Region 3's Engineering budget. Authority is granted to the MPO for TIP amendments under Section F, paragraphs 2a, 2b and 2c of the Grand Junction Urbanized Area Memorandum of Agreement dated July 2, 1984.

Resolution No. 68-00 - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of Administrative Amendments to the Fiscal Year 2000 Transportation Improvement Program

Action: Adopt Resolution No. 68-00

10. **Setting a Hearing on Assessments for Sanitary Sewer Improvement District No. SS-43-99** **Attach 11**

Sanitary sewer facilities have been installed as petitioned by and for the special benefit of seven properties located in the vicinity of Marsh Lane and North 12th Street. The proposed ordinance would levy assessments in the amount of \$11,883.97 upon each of the seven benefiting parcels. A public hearing and second reading of the proposed ordinance will be conducted by the City Council on August 2, 2000.

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Sanitary Sewer Improvement District No. SS-43-99, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for August 2, 2000

10. **25 1/2 Road and Eisenhower Street Connection**

The following bids were received June 19, 2000:

<u>Contractor</u>	<u>From</u>	<u>Bid</u>
G&G Paving	Grand Junction	\$62,778.00
Bogue Construction	Fruita	\$63,164.80
Martinez Western	Rifle	\$63,437.88
Elam Construction	Grand Junction	\$66,948.30
Skyline Contracting	Grand Junction	\$68,228.25
M.A. Concrete Construction	Grand Junction	\$68,557.50
United Companies	Grand Junction	\$72,385.80
Vista Paving	Grand Junction	\$92,109.62
Engineer's Estimate		\$67,641.75

Action: Award Contract for 25½ Road and Eisenhaur Street Connection to G&G Paving in the Amount of \$62,778

11. **Sale of Land to the Grand Junction Housing Authority**

The Housing Authority has submitted a contract offering to purchase the subject property for the sum of \$25,000. The property consists of 8 city lots (approximately 25,000 square feet of vacant land) on the north side of Pitkin Avenue between 10th Street and 11th Street.

Resolution No. 69-00 – A Resolution Authorizing the Acceptance of an Offer to Sell to the Grand Junction Housing Authority Lots 19 through 26, Block 134 of The City of Grand Junction

Action: Adopt Resolution No. 69-00

13. **Setting a Hearing on Rezoning the Scariano/Williams Property Located Between 428 Ridgewood Lane and Monument Little League Ball Fields from RMF-12 to CSR** [File #RZ-2000-094]

The City of Grand Junction, representing the owner, proposes to rezone a 1.86-acre parcel from RMF-12 to CSR (Community Services & Recreation). The parcel is located between 428 Ridgewood Lane to the east and Monument Little League ball fields to the west. The CSR zone district is proposed because the parcel is landlocked and serves as a buffer between the two uses. At its June 13, 2000 hearing the Planning Commission recommended approval of this rezone request.

Proposed Ordinance Zoning a Landlocked Parcel from RMF-12 to CSR, Located West of 428 Ridgewood Lane

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 19, 2000

14. **Notice of Intent to Annex G Road North Enclave Located North of G Road between 25 1/2 Road and 26 1/2 Road** [File #ANX-2000-114]

The 274-acre G Road North Enclave Annexation area consists of 73 parcels of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas after they have been enclaved for a period of three years. The 1998 Persigo Agreement with Mesa County requires the City to annex enclave areas within 5 years.

Resolution No. 70-00 – A Resolution of the City of Grand Junction Giving Notice That a Tract of Land Known as the G Road North Enclave, Located Generally between 25½ Road and 26½ Road and North of G Road and South of H Road, but Including One Property North of H Road, and Including but Not Limited to All or a Portion of the Following Rights-of-Way: 25½ Road, 26 Road, G Road, 26½ Road, G½ Road, Elvira Drive, Partridge Court, Kelly Drive, Clarkdell Court, Cottonwood Drive, Lujan Circle and Interstate-70, Consisting of approximately 274 Acres, will be Considered for Annexation to the City of Grand Junction, Colorado, and Exercising Land Use Control

Action: Adopt Resolution No. 70-00

15. **Notice of Intent to Annex Chamblee/Boydston Enclave Located at 714 and 720 24 1/2 Road** [File #ANX-2000-115]

The 9.60-acre Chamblee/Boydston Enclave Annexation area consists of two parcels of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas after they have been enclaved for

a period of three years. The 1998 Persigo Agreement with Mesa County requires the City to annex enclave areas within 5 years.

Resolution No. 71-00 – A Resolution of the City of Grand Junction Giving Notice That a Tract of Land Known as the Chamblee/Boydston Enclave, Located at 714 and 720 24½ Road, Consisting of Approximately 9.60 Acres, will be Considered for Annexation to the City of Grand Junction, Colorado, and Exercising Land Use Control

Action: Adopt Resolution No. 71-00

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

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

PUBLIC HEARING - ANNEXING THE G ROAD SOUTH ENCLAVE, LOCATED BETWEEN 25 1/2 ROAD AND 26 1/2 ROAD BETWEEN G ROAD AND F ROAD, WITH A PORTION EXTENDING EAST OF 26 1/2 ROAD NEAR ROUND HILL DRIVE AND HORIZON DRIVE [FILE #ANX-2000-087]

The 383.71-acre G Road South Enclave Annexation area consists of 221 parcels of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas after they have been enclaved for a period of three years. The 1998 Persigo Agreement with Mesa County requires the City to annex enclave areas within 5 years.

The public hearing opened at 7:49 p.m.

Dave Thornton, Principal Planner with the Community Development Department, reviewed this item. He spoke of the various meetings that have been held with the residents and how the enclave was formed with the Pomona Park Annexation.

James Bates, 626 Fletcher Lane, stated the map of the enclave is in error. The Planning Commission was advised of the error and it was not corrected. He said the city limit line is incorrect.

Councilmember Theobald said the enclave is much bigger than what is shown on the map.

Mr. Bates said the map is wrong so this enclave item should be taken off the agenda. The enclave is larger than shown. According to the law an enclave is surrounded entirely by city property. In this case that is not true. Part of the boundary is county. He disagreed with the interpretation of the City Attorney.

Councilmember Theobold explained the enclave is much larger than indicated on the map. The city boundary that is intermittent along G Road is not material to the boundary of this particular enclave.

Councilmember Spehar suggested getting all citizen comment first, and then Staff will be asked to respond to Mr. Bates' concerns.

Mr. Bates said the area must be an enclave for three years, and must be annexed within five years per the Persigo Agreement. He quoted from the Daily Sentinel in November, 1999 where one councilmember did not believe in forced annexation and four other councilmembers agreed. He asked why Council has changed its mind.

Councilmember Enos-Martinez entered the meeting at this time (7:55 p.m.).

There were no other public comments. The public hearing closed at 7:56 p.m.

Councilmember Spehar asked Staff to respond to the G Road boundary issue and the appropriateness of the larger enclave.

City Attorney Dan Wilson said the legal authority for annexation of enclaves is the State Statute, the Annexation Act, which promotes annexation. There is no case law because this issue has not come up in litigation in Colorado. The Legislature promotes annexation around urban areas because of efficiencies of services and various other public policy stated by the Annexation Act. The Act says cities may annex areas surrounded by the city for three or more years. There is no prohibition in the Statutes, and Council may annex since no exceptions control. The G Road line is irrelevant because of the northern boundary of the city limits that included the entire Pomona area.

Mayor Kinsey said Council intends to annex the entire area but it's being done in separate pieces for ease in meeting with the neighborhoods.

City Attorney Wilson said the Persigo Agreement requires the City to annex all enclaves within five years.

Councilmember Theobold said the City is obligated by the Persigo Agreement and this Council is doing so willingly and the County wants the City to annex development that is at an urban density, and the Urban Growth boundary coincides with the 201 sewer service boundary. The City and County have determined that an urban density (lots of 2 acres or smaller) are appropriate within a municipal boundary, the City of Grand Junction. As to the perception that Council has changed its mind, the quote Mr. Bates referred to was pre-Persigo Agreement and referred to the use of sewer Powers of Attorney (POA's) to force annexation. It never meant that individuals will never be annexed against their will. Even if put to a vote, those voting no could be forced in by the majority in favor.

Councilmember Spehar said he was satisfied with the issues. Within the last ten years he has been on both sides. He felt it is appropriate to annex this area because of the density of the area. Mesa County is not equipped to serve these urban areas. He was pleased on the progress with the Persigo Agreement.

Councilmember Payne asked Mr. Bates if he read the entire agenda. The G Road North enclave is being annexed also, and will be closing the loop. He suggested Mr. Bates talk with City Attorney Wilson to help him understand the procedure.

Ordinance No. 3264 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, G Road South Enclave Annexation, Located Generally between 25½ Road and 26½ Road and North of Patterson (F) Road and South of G Road and Including a Portion of Land Extending East of 26½ Road near Round Hill Drive and Horizon Drive, and Including but Not Limited to All or a Portion of the Following Rights-of-Way: Fruitridge Drive, Meander Drive, Music Lane, Music Court, Braemar Circle, Fletcher Lane, F½ Road, Young Street, Young Court, Galley Lane, F¾ Road, 26 Road, Knoll Ridge Lane, Glen Caro Drive, Cloverdale Drive, Stepside Drive, Myrtle Lane, Dahlia Drive, Larkspur Drive, Crest Ridge Drive, G Road, 26½ Road, and Horizon Drive, Consisting of Approximately 383.71 Acres

Upon motion by Councilmember Scott, seconded by Councilmember Theobald and carried by roll call vote with Councilmember **ENOS-MARTINEZ ABSTAINING**, Ordinance No. 3264 was passed and adopted on second reading and ordered published.

PUBLIC HEARING - ZONING G ROAD SOUTH ENCLAVE ANNEXATION TO RSF-R, RSF-1 AND RSF-2, LOCATED BETWEEN 25 1/2 ROAD AND 26 1/2 ROAD BETWEEN G ROAD AND F ROAD, WITH A PORTION EXTENDING EAST OF 26 1/2 ROAD NEAR ROUND HILL DRIVE AND HORIZON DRIVE [FILE #ANX-2000-087]

The 383.71-acre G Road South Enclave Annexation area consists of 221 parcels of land completely surrounded by existing Grand Junction city limits. State law requires a City to zone newly annexed areas within 90 days of annexation. Property owners have requested that proposed city zoning be identical with existing Mesa County zoning for their properties. Request for approval of zoning for approximately 383.71 acres from County RSF-R, RSF-1 and PUD to City RSF-R (Residential Single Family 1 unit/5 acres), RSF-1 (Residential Single Family 1 unit/acre) and RSF-2 (Residential Single Family 2 units/acre) zone districts.

The public hearing opened at 8:08 p.m.

Dave Thornton, Principal Planner, reviewed this item. He explained the proposed zoning. He gave some history of two of the properties and their planned zoning.

Councilmember Spehar said in general the zoning conforms to the previous zoning. Mr. Thornton said yes.

Councilmember Payne said outside of Meander Drive, the zone is identical to previous County zoning. Dave Thornton said the zone is as identical as possible.

There were no public comments. The public hearing closed at 8:10 p.m.

Ordinance No. 3265 – An Ordinance Zoning the G Road South Enclave Annexation RSF-R, RSF-1 and RSF-2 Located between 25½ Road and 26½ Road and between G Road and F Road

Upon motion by Councilmember Payne, seconded by Councilmember Spehar and carried by roll call vote, Ordinance No. 3265 was passed and adopted on second reading and ordered published.

PUBLIC HEARING - ANNEXING THE CLARK/WILSON ENCLAVE, LOCATED AT 2522 AND 2524 F 1/2 ROAD [FILE #ANX-2000-088]

The 4.85-acre Clark/Wilson Enclave Annexation area consists of two parcels of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas after they have been enclaved for a period of three years. The 1998 Persigo Agreement with Mesa County requires the City to annex enclave areas within 5 years.

The public hearing opened at 8:11 p.m.

Dave Thornton, Principal Planner, reviewed this item stating it involves two parcels. He pointed out their location.

There were no public comments. The public hearing closed at 8:13 p.m.

Ordinance No. 3266 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado – Clark/Wilson Enclave Annexation Located at 2522 and 2524 F½ Road and Including a Portion of the F½ Road Right-of-Way, Consisting of Approximately 4.85 Acres

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3266 was passed and adopted on second reading and ordered published.

PUBLIC HEARING - ZONING THE CLARK/WILSON ENCLAVE ANNEXATION TO RSF-R, LOCATED AT 2522 AND 2524 F 1/2 ROAD [FILE #ANX-2000-088]

The 4.85-acre Clark/Wilson Enclave Annexation area consists of two parcels of land completely surrounded by existing Grand Junction city limits. State law requires the City

to zone newly annexed areas within 90 days of the annexation. Property owners have requested that proposed city zoning be identical with existing Mesa County zoning for their properties.

The public hearing opened at 8:14 p.m.

Dave Thornton, Principal Planner, reviewed this item. He noted that the zoning was identical to the previous zone in the County.

There were no public comments. The public hearing closed at 8:15 p.m.

Ordinance No. 3267 - An Ordinance Zoning the Clark/Wilson Enclave Annexation to RSF-R Located at 2522 and 2524 F $\frac{1}{2}$ Road

Upon motion by Councilmember Scott, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3267 was passed and adopted on second reading and ordered published.

PUBLIC HEARING - ANNEXING THE SUTTON/RICKERD ENCLAVE, LOCATED AT 2543 G ROAD AND 689 25 1/2 ROAD [FILE #ANX-2000-089]

The 5.73-acre Sutton/Rickerd Enclave Annexation area consists of two parcels of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas after they have been enclaved for a period of three years. The 1998 Persigo Agreement with Mesa County requires the City to annex enclave areas within 5 years.

The public hearing opened at 8:16 p.m.

Dave Thornton, Principal Planner, reviewed this item giving the location as the southwest corner of 25 $\frac{1}{2}$ Road and G Road.

There were no public comments. The public hearing closed at 8:16 p.m.

Ordinance No. 3268 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado - Sutton/Rickerd Enclave Annexation Located at 2543 G Road and 689 25 $\frac{1}{2}$ Road and Including a Portion of the G Road and 25 $\frac{1}{2}$ Road Rights-of-Way, Consisting of Approximately 5.73 Acres

Upon motion by Councilmember Payne, seconded by Councilmember Spehar and carried by roll call vote, Ordinance No. 3268 was passed and adopted on second reading and ordered published.

PUBLIC HEARING - ZONING SUTTON/RICKERD ENCLAVE ANNEXATION TO RSF-R, LOCATED AT 2543 G ROAD AND 689 25 1/2 ROAD [FILE #ANX-2000-089]

The 5.73-acre Sutton/Rickerd Enclave Annexation area consists of two parcels of land completely surrounded by existing Grand Junction city limits. State law requires a City to zone newly annexed areas within 90 days of annexation. Property owners have requested that proposed city zoning be identical with existing Mesa County zoning for their properties. Request for approval of zoning for approximately 5.73 acres from County RSF-R to City RSF-R (Residential Single Family 1 unit/5 acres) zone district.

The public hearing opened at 8:17 p.m.

Dave Thornton, Principal Planner, reviewed this item. The proposed zoning is identical to the previous County zoning.

There were no public comments. The public hearing closed at 8:17 p.m.

Ordinance No. 3269 – An Ordinance Zoning Sutton/Rickerd Enclave Annexation RSF-R, Located at 2543 G Road and 689 25 1/2 Road

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3269 was passed and adopted on second reading and ordered published.

PUBLIC HEARING - ANNEXING THE P.S. SUBSTATION ENCLAVE, LOCATED AT THE SOUTHWEST CORNER OF 25 1/2 ROAD AND F 1/2 ROAD [FILE #ANX-2000-090]

The 2.13-acre P.S. Substation Enclave Annexation area consists of one parcel of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas after they have been enclaved for a period of three years. The 1998 Persigo Agreement with Mesa County requires the City to annex enclave areas within 5 years.

The public hearing opened at 8:18 p.m.

Dave Thornton, Principal Planner, reviewed this item and located the Public Service Substation annexation area at the southwest corner of 25 1/2 Road and F 1/2 Road.

There were no public comments. The public hearing closed at 8:18 p.m.

Ordinance No. 3270 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado - P.S. Substation Enclave Annexation Located at the Southwest Corner of 25 1/2 Road and F 1/2 Road, Consisting of Approximately 2.13 Acres

Upon motion by Councilmember Scott, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3270 was passed and adopted on second reading and ordered published.

PUBLIC HEARING - ZONING THE P.S. SUBSTATION ENCLAVE ANNEXATION TO I-O, LOCATED AT THE SOUTHWEST CORNER OF 25 1/2 ROAD AND F 1/2 ROAD
[FILE #ANX-2000-090]

The 2.13-acre P.S. Substation Enclave Annexation area consists of one parcel of land completely surrounded by existing Grand Junction city limits. State law requires a City to zone newly annexed areas within 90 days of annexation. Request for approval of zoning for approximately 2.13 acres from County PI to City I-O (Industrial Office Park) zone district.

The public hearing opened at 8:19 p.m.

Dave Thornton, Principal Planner, reviewed this item. The zoning is I-O which is one of the new zoning districts under the new Zoning & Development Code. The previous County zone was planned industrial. The proposal is to keep the zone the same as Foresight Industrial Park.

Councilmember Spehar asked if this were a new substation facility, would there be a CUP (Conditional Use Permit) required for construction. Mr. Thornton did not know.

There were no public comments. The public hearing closed at 8:20 p.m.
Ordinance No. 3271 – An Ordinance Zoning P.S. Substation Enclave Annexation to I-O (Industrial Office Park), Located at the Southwest Corner of 25½ Road and F½ Road

Upon motion by Councilmember Payne, seconded by Councilmember Spehar and carried by roll call vote, Ordinance No. 3271 was passed and adopted on second reading and ordered published.

PUBLIC HEARING - ANNEXING THE PUCKETT ENCLAVE, LOCATED AT 2563 F 1/2 ROAD [FILE #ANX-2000-091]

The 1.00-acre Puckett Enclave Annexation area consists of one parcel of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas after they have been enclaved for a period of three years. The 1998 Persigo Agreement with Mesa County requires the City to annex enclave areas within 5 years.

The public hearing opened at 8:20 p.m.

Dave Thornton, Principal Planner, reviewed this item.

There were no public comments. The public hearing closed at 8:21 p.m.

Ordinance No. 3272 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado - Puckett Enclave Annexation Located at 2563 F½ Road and Including a Portion of the F½ Road Right-of-Way, Consisting of Approximately 1.00 Acre

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3272 was passed and adopted on second reading and ordered published.

PUBLIC HEARING - ZONING THE PUCKETT ENCLAVE ANNEXATION TO RSF-R, LOCATED AT 2563 F 1/2 ROAD [FILE #ANX-2000-091]

The 1.00-acre Puckett Enclave Annexation area consists of one parcel of land completely surrounded by existing Grand Junction city limits. State law requires a City to zone newly annexed areas within 90 days of annexation. Property owners have requested that proposed city zoning be identical with existing Mesa County zoning for their properties. Request for approval of the zoning for approximately 1.00 acre from County RSF-R to City RSF-R (Residential Single Family 1 unit/5 acres) zone district.

The public hearing opened at 8:22 p.m.

Dave Thornton, Principal Planner, reviewed this item stating the RSF-R zone is the same zone district as it exists in the County.

There were no public comments. The public hearing closed at 8:22 p.m.

Ordinance No. 3273 – An Ordinance Zoning the Puckett Enclave Annexation to RSF-R, Located at 2563 F ½ Road

Upon motion by Councilmember Spehar, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3273 was passed and adopted on second reading and ordered published.

PUBLIC HEARING - REZONING THE LEGENDS SUBDIVISION FROM RSF-5 TO PD, LOCATED AT THE SOUTHEAST CORNER OF 28 1/2 ROAD AND PATTERSON ROAD

[FILE #RZP-2000-067]

The Planning Commission at the hearing of June 13, 2000, recommended that the City Council rezone The Legends Subdivision to the PD district. The rezone area is comprised of approximately 35 acres. The site will ultimately be developed with 178

residential dwelling units comprised of a mix of single family detached, single family attached and four-unit condominium structures.

The public hearing opened at 8:24 p.m.

Pat Cecil, Development Services Supervisor, Community Development Department, reviewed this item. This is for 35 acres comprised of two parcels. He gave a brief history of the zoning. The northerly portion of the property was originally PR-6.5. The proponent has since added the southerly portion to the project and redesigned the project better. Community Development Staff recommends a zoning of PD.

Mayor Kinsey asked about the density. Mr. Cecil said 11-12 units/acre.

Councilmember Payne referred to the original hearing last fall when this area was annexed into the City and zoned. Now a different zoning is being requested.

Mr. Cecil said when the new Code was adopted, the northerly portion of the property was placed in a Planned Development district because the existing zone was eliminated. This request makes the entire parcel consistent.

The petitioner was not present.

There were no public comments. The public hearing closed at 8:27 p.m. Councilmember Payne said the last hearing was well attended and there was a lot of opposition and a close vote. He was hesitant to change the zoning on the whole parcel. Council told the public that this project would go in a certain density and now the request is to increase the density.

Councilmember Theobald asked if this density complies with the Growth Plan. Mr. Cecil said yes.

Councilmember Theobald said this is an improvement.

Councilmember Spehar said this actually reduces the density.

Mr. Cecil said although the density looks higher because it is figured under the new Zoning & Development Code, it is lower and still meets the Growth Plan density.

Ordinance No. 3274 – An Ordinance Zoning Two Parcels of Land Located South of Patterson Road and East of 28 ½ Road to PD (The Legends Subdivision)

Upon motion by Councilmember Spehar, seconded by Councilmember Enos-Martinez and carried by roll call vote with Councilmember **PAYNE** voting **NO**, Ordinance No. 3274 was passed and adopted on second reading and ordered published.

PUBLIC HEARING - AMENDING ORDINANCE NO. 3220 CONCERNING THE SALARY OF THE CITY MANAGER

Mark Achen is retiring effective July 7, 2000. The City Council appointed David Varley as interim City Manager by Resolution. Since the City Manager's salary is set by ordinance, the proposed ordinance sets that amount for David Varley at \$93,786 per year, prorated appropriately.

The public hearing opened at 8:31 p.m.

Mayor Kinsey explained the reason for the proposed ordinance with the appointment of David Varley as interim City Manager.

There were no public comments. The public hearing closed at 8:33 p.m.

Ordinance No. 3275 – An Ordinance Amending Ordinance 3220 Concerning the Salary of the City Manager

Upon motion by Councilmember Spehar, seconded by Councilmember Theobald and carried by roll call vote, Ordinance No. 3275 was passed and adopted on second reading and ordered published.

EXECUTIVE SESSION

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried, the meeting was adjourned into executive session to discuss personnel issues.

ADJOURNMENT

The meeting adjourned into executive session at 8:30 p.m.

Stephanie Nye, CMC
City Clerk

Attach 2

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Remodel of the Grand Junction Police Department	
Meeting Date:	July 19, 2000	
Date Prepared:	July 13, 2000	
Author:	Rex Sellers	Senior Buyer
Presenter Name:	Robert Knight	Police Dept. Office of Planning, Budget & Research
	Rex Sellers	Purchasing Department
	Workshop	X Formal Agenda

Subject: Contracting for the Remodel of the Police Station.

Summary: The Police Station Remodel consists of removing and replacing walls, removing and replacing carpet, removing and replacing ceiling tile, and the necessary modifications to the electrical and mechanical systems.

Background Information: Remodel is necessary to make best use of building in order to accommodate personnel.

The following responsive bids were received for the project:

- K & G Construction \$76,600.00
- KD Construction \$89,500.00

Budget:

Funding:

100-614161-62210-30 Total Funding	\$120,000.00
Other expenditures	-42,116.90
Remodel Bid	76,600.00
Balance remaining	<u>\$ 1,283.10</u>

Revised December 16, 2011

**** Indicates New Item*

** Requires Roll Call Vote*

Action Requested/Recommendation: Authorization for the Purchasing Division to sign the contract with low responsive/responsible bidder, K & G Construction in behalf of the City in the amount of \$ 76,600.

Citizen Presentation:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes
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Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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Attach 3

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Award of Construction Contract for D.O.E. Lift Station Replacement	
Meeting Date:	July 19, 2000	
Date Prepared:	July 13, 2000	
Author:	Bret Guillory	Project Engineer
Presenter Name:	Greg Trainor	Utilities Manager
	Workshop	X
		Formal Agenda

Subject: Award of a Construction Contract for **D.O.E. Lift Station Replacement** to **R. W. Jones Construction, Inc.** in the amount of **\$50,515.00.**

Summary: Bids were received and opened on July 11, 2000 for **D.O.E. Lift Station Replacement.** The low bid was submitted by **R. W. Jones Construction, Inc.** in the amount of **\$50,515.00.**

Background Information: This project consists of replacement of an existing 15 year old sanitary sewer lift station with a new lift station. The U. S. Department of Energy has asked the City of Grand Junction to take ownership of the existing sanitary sewer lift station that serves the D.O.E. compound. As part of the ownership transfer agreement D.O.E. has agreed to replace the existing lift station. Replacement of the lift station will be funded entirely by the U. S. Department of Energy. All funds associated with this project will be managed by Westren, Inc. for the D.O.E. To date, Westren, Inc. has provided the City with purchase orders to in the amount of \$ 100,000. An additional \$11,140.00 purchase order is to be provided to the City on July 14, 2000. Funds in the amount of \$52,888, provided by Westren, Inc., have already been used to purchase the new sanitary sewer lift station.

Work is scheduled to begin on or about September 19, 2000 and continue for 2 weeks with an anticipated completion date of October 1, 2000.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid</u>
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Revised December 16, 2011

**** Indicates New Item*

** Requires Roll Call Vote*

{R. W. Jones Construction, Inc.}	Fruita	\$50,515.00
{Mountain Valley Contracting, Inc.}	Grand	\$69,675.00

Engineer's Estimate \$38,540.00

Budget: \$107,500.00

<u>Project Costs:</u>		
Construction (includes cost of new lift station)		\$103,403.00
Right-of-way/easement acquisition		n/a
Design		\$4,236.73
City Inspection and Administration (Estimate)		<u>\$3,500.00</u>
Total Project Costs		\$111,139.73

<u>Funding:</u>		
905 Fund – 2000 budget		<u>\$111,139.73</u>
(Purchase Order from D.O.E. to 905 Fund)		
<u>Balance remaining:</u>		<u>\$0.00</u>

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a Construction Contract for the D.O.E. Lift Station Replacement with R. W. Jones Construction, inc. in the amount of **\$50,515.00**.

Citizen Presentation:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes
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Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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Attach 4

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Award of Construction Contract for Horizon Drive Interceptor Replacement/Rehabilitation		
Meeting Date:	July 19, 2000		
Date Prepared:	July 13, 2000		
Author:	Trent Prall / Jim Shanks	Utility Engineer / Project Engineer	
Presenter Name:	Trent Prall	Utilities Engineer	
	Workshop	X	Formal Agenda

Subject: Award of a Construction Contract for **Horizon Drive Interceptor Replacement/Rehabilitation** to **WSU Inc.** in the amount of **\$125,786.00**.

Summary: Bids were received and opened on July 11, 2000, for **Horizon Drive Interceptor Replacement/Rehabilitation**. The low bid was submitted by **WSU, Inc.** of Breckenridge in the amount of **\$125,786.00**.

Background Information: This project consists of the installation of cured-in-place pipe inside the Horizon Drive Interceptor from 7th Street to 12th Street prior to the construction of the Horizon Drive Bike Trail this fall. The project was bid to either replace or rehabilitate the sewer line prior to excavation near and on top of the sewer line due to the trail work. The existing 15 inch RCP sewer interceptor was constructed in 1971. TV logs have shown some deterioration to the interior, however enough of the host pipe remains that would provide a good "host" pipe for a lining alternative to be successful.

The project is being paid for out of the backbone fund (904 – F10100) of the 201 sewer system fund. This project was not originally budgeted, however with work on 24 Road and the Horizon Drive Interceptor Replacement from 12th to G Road coming in under the contract amount, this project would only require an additional \$35,000 be appropriated from Fund 904 as shown below.

Work is scheduled to begin on or about August 14 and continue for 2 weeks. If the line was to be replaced rather than rehabilitated, the work would have taken 6 to 8 weeks.

Revised December 16, 2011

**** Indicates New Item*

** Requires Roll Call Vote*

Cured-in-place pipe (CIPP) has been in use since the early 1960's in Europe and in use since the mid-1970s in the United States. It has proven to be a viable alternative to open trench replacement. The process involves bypass pumping of sewage, cleaning the existing line, placing an resin impregnated liner inside the existing pipe, filling the liner with super-heated water which cures the resin, and then reestablishing service. Usually this can happen within 4-5 hours. Due to the decreased friction with the new pipe, capacity is not comprised despite the pipe diameter decreasing by 6/10ths of an inch. WSU, Inc. has completed over 20 miles of CIPP in the last 5 years for various municipalities and utility companies in the Rocky Mountain Region.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Option A-</u>	<u>Option B</u>	<u>Option C</u>
WSU Inc	Breckenridg		\$125,786.0	
Insituform	Denver		\$130,536.0	
Tele-environmental	Glenwood			\$187,516.0
M.A. Concrete	Grand Jct	\$191,886.00		
Taylor Constructors	Grand Jct	\$206,553.60		
Engineer's Estimate		\$189,069.00	\$173,595	\$158,735

Budget:

Project Costs:

Construction	\$125,786
Design, Inspection and Administration (Estimate)	4,000
Total Project Costs	<u>\$129,786</u>

Impact on Fund 904	Current Budget	Change	Proposed
Current Fund Balance	\$3,381,865		\$3,381,865
24 Road Sewer Line Repl	(\$550,000)	\$40,000	(\$510,000)
Horizon Int (12 th toG Rd)	(\$150,000)	\$60,000	(\$90,000)
Horizon Int (7 th to12 th)	-----	(\$135,000)	(\$135,000)
Other Y2000 904 Projects	(\$2,155,46		(\$2,155,461)
Interest Revenues (projected)	\$650,466		\$650,466
Year End Balance (projected)	\$1,176,870	(\$35,000)	\$1,141,870

Future capital projects would not be jeopardized by this additional expenditure.

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a Construction Contract for the **Horizon Drive Interceptor Replacement/Rehabilitation** with **WSU Inc.** in the amount of **\$125,786.00** as well as appropriate an additional \$35,000 from fund 904 to backbone capital projects.

Citizen Presentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
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Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop

Attach 5

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Leasing Space from Mesa National Bank for the Police Department's Polygraph Testing Facility		
Meeting Date:	July 19, 2000		
Date Prepared:	July 3, 2000		
Author:	Tim Woodmansee	Real Estate Manager	
Presenter Name:	Tim Woodmansee	Real Estate Manager	
Workshop		X	Formal Agenda

Subject: Resolution authorizing the lease of office space at 131 North 6th Street for use as a polygraph testing facility.

Summary: The proposed lease will be for a period of one year. Rent for the proposed one year term is \$1,320.00.

Background Information: The Police Department has conducted polygraph testing procedures in the Mesa National Bank building since 1996. This location has worked very well for the Police Department because it is accessible during evenings and weekends while being isolated from outside noises such as voices, high traffic hallways, telephones, windows and other distractions that could hamper testing procedures.

Budget: Rent for the proposed lease will be paid from the Police Department operating budget.

Action Requested/Recommendation: Adopt proposed Resolution authorizing the City Manager to execute the proposed Lease Agreement.

Citizen Presentation:	X	No		Yes	If Yes,
Name:					
Purpose:					
Report results back to Council:	X	No	Yes	When:	
Placement on Agenda:	X	Consent	Indiv. Consideration	Workshop	

RESOLUTION NO. _____

**AUTHORIZING THE LEASE BY THE CITY OF OFFICE SPACE
LOCATED AT 131 NORTH 6TH STREET**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the City Manager is hereby authorized and directed, as the act of the City and on behalf of the City, to execute the attached Lease Agreement with Mesa National Bank for a one year lease of approximately 116 square feet of office space located at 131 North 6th Street in the City of Grand Junction.

PASSED and ADOPTED this 19th day of July, 2000

Attest:

President of the Council

City Clerk

LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into on the 19th day of July, 2000, nunc pro tunc May 15, 2000, by and between Mesa National Bank, hereinafter referred to as "Lessor", and the City of Grand Junction, a Colorado home rule municipality, hereinafter referred to as "the City".

Recitals.

A. Lessor is the owner of that certain real property and office building situate at 131 North 6th Street in the City of Grand Junction, County of Mesa, State of Colorado, hereinafter referred to as "the Property".

B. The City has leased and is desirous of continuing to lease approximately 116 square feet of office space situate on the third floor of the office building, as identified on **Exhibit "A"** attached hereto and incorporated herein by reference (hereinafter referred to as "the Premises"), in accordance with the terms and conditions of this Lease Agreement.

NOW, THEREFORE, in consideration of the performance of the covenants and agreements by both parties as hereinafter set forth, the parties hereto agree as follows:

1. Grant of Lease. Lessor hereby leases the Premises to the City, and the City hereby leases the Premises from Lessor, subject to the terms, covenants, conditions, restrictions, duties and obligations as hereinafter set forth.
2. Term. The term of this Lease shall be for a period of one (1) year, commencing on May 15, 2000, and continuing through May 15, 2001, at which time this Lease shall expire.
3. Rent. Contemporaneous with the execution of this Agreement by both parties, the sum of \$1,320.00 shall be paid by the City to Lessor as full and complete payment for rents due and payable for the term of this Lease.
4. Duties and Representations of the City.
 - 4.1 The City will not assign, sublease or otherwise transfer or permit a transfer of the City's rights or obligations under any provision of this Lease without the prior written approval of Lessor, which approval will not be unreasonably withheld.

Revised December 16, 2011

**** Indicates New Item*

** Requires Roll Call Vote*

4.2 The City will comply with all applicable laws relative to the City's use of, activities upon and occupancy of the Premises.

4.3 The City will peaceably surrender possession of the Premises immediately upon the expiration of this Lease in as good or better condition as existed when the City entered the Premises, ordinary wear and use excepted.

4.4 The City shall not commit nor permit waste, damage or injury to the Premises.

4.5 The City shall not make any structural alterations to the Premises or any part thereof without the prior written consent of Lessor, which approval shall not be unreasonably withheld.

4.6 Any approved alterations to the Premises, except moveable furniture, moveable trade fixtures and communications equipment brought onto the Premises by the City, shall become part of the Property and shall become and remain the property of Lessor.

5. Duties and Representations of Lessor.

5.1 Lessor warrants that Lessor has full and complete authority to enter into this Lease Agreement.

5.2 Upon the City paying the required rentals and performing all of the other duties as required under this Agreement to be performed by the City, the City may quietly and peacefully occupy, utilize and enjoy the Premises during the term of this Lease.

5.3 Lessor, at no cost to the City, shall maintain in good condition and repair all structural parts of the Property and all electrical connections, natural gas connections, telephone connections, sewer connections, fire sprinkler systems, domestic water connections, roofing, plumbing, heating systems, ventilation systems, air-conditioning systems, wiring and glass; and all entrances, hallways and common areas, such as elevators, stairs and restrooms.

5.4 Lessor shall allow the City, at no cost to Lessor, to operate and maintain communications facilities for the benefit of the Premises, including, but not limited to, cables, lines, conduit, hardware, equipment and antennae in, on, under and through the Property for the purpose of connecting telephone and computer apparatus to other facilities owned and/or occupied by the City.

5.5 Lessor agrees to arrange and pay for janitorial services to all common areas and for all services and utilities which are attributable to the City's lease and

occupancy of the Premises, including, but not limited to, domestic water, sanitary sewer, trash service, electricity and natural gas, excepting therefrom costs for telephone and other communications facilities used by the City, the costs for which shall be paid by the City.

6. Default, Remedies, Security Interest.

6.1 Lessor, at Lessor's option, shall have the right to terminate this Lease upon the occurrence of any of the following:

(a) failure by the City to pay any of the rentals required by the provisions of this Lease within fifteen (15) days after notice that such payments are delinquent; or

(b) failure by the City to perform any of the other terms, covenants or conditions of this Lease to be performed by the City if such failure shall not be remedied within thirty (30) days after written notice to the City of such condition; provided, however, that if such default cannot be cured by the payment of money and cannot with due diligence be wholly cured within such thirty (30) day period, the City shall have such longer period as shall be necessary to cure the same if the City commences such cure within the thirty (30) day period, prosecutes the cure to completion with due diligence, and advises Lessor from time to time, upon Lessors' request, of the actions which the City is taking and the progress being made.

6.2 At any time while any default by the City exists, and after proper notice has been served to the City by Lessor, Lessor may terminate this Lease by giving written notice of termination to the City. If the City shall fail to correct such default before notice of termination is received, this Lease shall be fully and finally terminated without further action by or notice to either party.

6.3 If Lessor in any respect fails to perform any covenant required to be performed by Lessor under the terms of this Lease for more than thirty (30) days after notice is given by the City to Lessor, the City may cure such default or terminate this Lease. In the event the City cures any such default, Lessor agrees to reimburse the City for actual costs paid by the City required cure such default. In the event the City terminates this Lease, Lessor shall reimburse the City in a sum equal to the amount of rent(s) attributed to the remaining term of the Lease based on an amount of \$100.00 per month.

7. Destruction of the Premises. In the event the Premises or any portion of the Property necessary to the full use and quiet enjoyment of the Premises shall become destroyed or substantially injured by any means, Lessor shall either promptly rebuild and restore the improvements or such portion as may have been injured or destroyed, or clear the damaged or destroyed improvements from the Premises. Rent at the basis of \$100.00 per month shall be refunded to the City during the period that the damaged or destroyed improvements affect the City's full use and quiet enjoyment of the

Premises. If the Premises become damaged or destroyed to the extent where they are no longer functional for the purposes of the City, and Lessor determines to not repair the improvements or otherwise make the Premises usable or occupiable, the City may terminate this Lease by giving notice to Lessor that this Lease is terminated.

8. Waivers. The failure of either party to insist on a strict performance of any of the terms and conditions hereof shall be deemed a waiver of the rights or remedies either party may have regarding that specific instance only and shall not be deemed a waiver of any subsequent breach or default in any other term and condition.

9. Notice. All notices to be given with respect to this Agreement shall be in writing. Each notice shall be sent by United States Certified Mail, return receipt requested, and shall be deemed served upon the receiving party as of the date of mailing indicated on the postal receipt, as follows:

To Lessor: Mesa National Bank
Attn: Mr. W.T. Sisson, President
131 North 6th Street
Grand Junction, CO 81501

To the City: City of Grand Junction
Attn: Mr. Tim Woodmansee, Real Estate Manager
250 North 5th Street
Grand Junction, CO 81501

The parties may, by notice as provided above, designate a different address to which notice shall be given.

10. Total Agreement; Applicable to Successors. This Agreement contains the entire agreement between the parties and cannot be changed, modified or terminated except by a written instrument subsequently executed by both parties. This Agreement and the terms and conditions hereof apply to and are binding upon the successors and authorized assigns of both parties.

11. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Venue for any action shall be considered appropriate in Mesa County, Colorado.

Dated the day and year first above written and effective, nunc pro tunc, May 15, 2000.

Attest:

Mesa National Bank, Lessor

Senior Vice President/Cashier

W.T. Sisson, President

Attest:

The City of Grand Junction, Lessee

City Clerk

City Manager

Attach 6

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Authorization of Construction Change Order for 1999-B Alley Improvement District and 2000 Alley Improvement District	
Meeting Date:	July 19, 2000	
Date Prepared:	July 10, 2000	
Author:	T. Kent Harbert	Project Engineer
Presenter Name:	Tim Moore	Public Works Manager
	Workshop	X Formal Agenda

Subject:

Authorization of a Construction Change Order for **1999-B Alley Improvement District And 2000 Alley Improvement District** with **Mays Concrete, Inc.** in the amount of **\$67,129.10**.

Summary:

The contract price for the construction of the **1999-B Alley Improvement District and 2000 Alley Improvement District** was sufficiently below the budget to allow the reconstruction of an additional alley under this year's budget. Alley Improvement District 2000 Phase B was created by City Council on June 7, 2000, authorizing the reconstruction of the Ute/Colorado Alley from 10th Street to 11th Street. Mays Concrete has agreed to reconstruct the additional alley at the unit prices in the contract.

The Change Order also includes \$2100 for additional work on two of the alleys in the current contract.

Background Information:

Revised December 16, 2011

**** Indicates New Item*

** Requires Roll Call Vote*

The additional alley to be reconstructed is the Ute/Colorado Alley from 10th Street to 11th Street. It is 448 feet long and will be reconstructed to a finished concrete width of 16 feet. The sanitary sewer line will also be replaced in this alley. The length of sewer line replacement is 483 feet.

Work will begin on this alley after the completion of the work on all the other alleys under the current contract, around the first of August. It will take five to six weeks to complete the sewer line replacement and alley reconstruction.

Budget:

Alley Improvement District – Fund 2011

Project Costs:

CURRENT CONTRACT

Construction contract	\$ 182,171
Design, Administration and Inspection (Est.)	<u>32,000</u>
Subtotal – Current Contract	\$ 214,171

PROPOSED CHANGE ORDER

Construction – proposed change order	
- extra width and edge treatment on 18 th /19 th Alley	\$ 1,663
- remove and replace curb, gutter and sidewalk on 23 rd Street to eliminate a ponding problem	475
- reconstruct Ute/Colorado Alley (2000-B A.I.D.)	31,516
Design, Administration and Inspection (Est.)	<u>6,000</u>
Subtotal – Proposed Change Order	\$ 39,654

Total - Project Costs \$ 253,825

Funding: 2000 A.I.D. budget \$ 320,000

Remaining Balance in A.I.D. budget: \$ 66,175

Sewer Line Replacements – Fund 905

Project Costs – Sewer Line Replacements in A.I.D.:

Construction – current contract	\$ 110,659
Construction – proposed change order	33,475
Design (estimate)	1,300
City Inspection and Administration (Estimate)	<u>6,500</u>
Total Project Costs	\$ 151,934

Other encumbered 262,752

Total estimated expenditures for Sewer Line Replacements \$ 414,686

Funding: 2000 Sewer Line Replacement budget \$ 396,453
Reimbursements from developer for emergency work 18,979

Total Funds available \$ 415,432

Amount remaining within sewer replacement accounts:

\$ 746

Action Requested/Recommendation:

City Council motion authorizing the City Manager to execute a Construction Change Order for **1999-B Alley Improvement District and 2000 Alley Improvement District** with **Mays Concrete, Inc.** in the amount of **\$67,129.10**.

Citizen Presentation:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes		
Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop

Attach 7

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	ANX-2000-108 – Zone of Morrill Annexation		
Meeting Date:	July 19, 2000		
Date Prepared:	July 11, 2000		
Author:	Pat Cecil	Development Services Supervisor	
Presenter Name:	Dave Thornton	Principal Planner	
	Workshop	X	Formal Agenda

Subject: First reading of the Ordinance for the Zone of Annexation for the Morrill Annexation. The proposed annexation area is located at 2980 Gunnison Avenue. This is a request to consider a zone of annexation to the Light Industrial (I-1) district for the Morrill Annexation. File ANX-2000-108

Summary: The .689 acre parcel is adjacent to property located within the City. The petitioner desires to construct an industrial building on the site. Under the terms of the Persigo Agreement, the City shall zone land consistent with the adopted Growth Plan Future Land Use Map and/or consistent with Mesa County zoning. The proposed I-1 zoning is consistent with the adopted Growth Plan Future Land Use Map and adjacent County zoning.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve the first reading the Zone of Annexation ordinance for the Morrill Annexation.

Citizen Presentation:	X	No	Yes	If Yes,
Name:				
Purpose:				

Revised December 16, 2011

**** Indicates New Item*

** Requires Roll Call Vote*

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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CITY OF GRAND JUNCTION

DATE: July 19, 2000

CITY COUNCIL

STAFF PRESENTATION: Pat Cecil

BACKGROUND INFORMATION				
Location:	2980 Gunnison Avenue			
Applicants:	Earl Morrill Mike Graham			
Existing Land Use:	Vacant land			
Proposed Land Use:	Construction of a sheet metal fabrication shop and office for a heating and air conditioning business.			
Surrounding Land Use:	North	Residential/Agricultural		
	South	Vacant Industrial		
	East	Vacant Industrial		
	West	Vacant Industrial but approved for a gymnastic studio (ANX-2000-037)		
Existing Zoning:	Industrial-Mesa County			
Proposed Zoning:	Light Industrial (I-1)			
Surrounding Zoning:	North	Industrial-Mesa County		
	South	Industrial-Mesa County		
	East	Industrial-Mesa County		
	West	Light Industrial (I-1)- City		
Growth Plan Designation:	Commercial Industrial			
Zoning within density range? N/A	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

Staff Analysis:

ZONE OF ANNEXATION:

This zone of annexation area consists of .689 acres of land. Under the 1998 Persigo Agreement with Mesa County, the City is to annex and zone all areas for which development permits are requested within the 201 boundary. The petitioner is requesting the zone of annexation to a I-1 district in order to construct an approximately 5,000 square foot building to house a sheet metal fabrication shop and office for a heating and air conditioning business.

The zone of annexation area is located in an industrial subdivision, and the proposed zoning is consistent with the surrounding County and City zoning and adjacent property usage.

Zoning and Development Code criteria:

Section 2.14.F: “Lands annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or existing County zoning.” The proposed zoning to the I-1 district is consistent with the adopted Growth Plan and adjacent County zoning.

Section 2.6: Approval criteria. In order to maintain internal consistency between this code and the Zoning Maps, map amendments must only occur if:

1. The existing zoning was in error at the time of adoption;

The zoning at the time of adoption was not in error, but to maintain project consistency with adjacent City zoning, the project should be zoned to the I-1 zone district .

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;

There has been a change in the aspect that the project petitioner has requested annexation to the City in order to receive a development permit to construct an industrial building on the site.

3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or nuisances;

The proposed zoning will be consistent with the zoning of the lot to the west which is in the City, and is consistent with adjacent property usage. The proposed rezoning will not create adverse impacts as identified above.

4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and policies, the requirements of this Code, and other City regulations and guidelines;

The project as submitted is consistent with the Growth Plan and other plans, policies, codes and other regulations of the City.

5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;

Public water and sewer are currently available to the project site.

6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and

The site is located in an industrial subdivision and the proposed zoning is consistent with adjacent City and County zoned land.

7. The community or neighborhood will benefit from the proposed zone.

The proposed rezoning is consistent with adjacent zoning and property usage and should help to maintain surrounding property values.

ANNEXATION SCHEDULE	
6/ 21/2000	Referral of Petition , Exercising Land Use and First Reading (30 Day Notice)
7/11/200	Planning Commission considers Zone of Annexation
7/19/2000	First Reading on Zoning by City Council
8/2/2000	Public hearing on Annexation, second reading of the ordinance and

	second reading of the Zoning by City Council
9/3/2000	Effective date of Annexation and Zoning

Action Requested/Recommendation: The Planning Commission recommended approval at their meeting on July 11th. It is recommended that the City Council approve the zone of annexation to the I-1 district for the Morrill Annexation for the following reasons:

- This zone district meets the criteria of Section 2.14. F. of the Zoning and Development Code, by being identical to the former Mesa County zoning for the parcel.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

Attachments:

1. Zone of Annexation Ordinance
2. Morrill Annexation Map
3. Map of adjacent City zoning

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

Zoning the Morrill Annexation to the Light Industrial (I-1) district

Located at 2980 Gunnison Avenue

Recitals:

After public notice and public hearings as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an I-1 zone district to the annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the I-1 zone district be established for the following reasons:

- This zone district meets the criteria of Section 2.14. F. of the Zoning and Development Code, by being identical to the former Mesa County zoning for the parcel.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

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

Includes the following tax parcel 2943-171-07-009

Lot 9, Banner Industrial Park (Plat Book 11, Page 362) situated in the SE ¼ NE ¼, Section 17, T1S, R1E, U.M., County of Mesa, State of Colorado.

Introduced on the first reading this 19th day of July, 2000.

PASSED and ADOPTED on second reading this _____ day of August, 2000.

President of the Council

ATTEST:

City Clerk

Attach 8

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Correction of Zoning—Cherryhill Subdivision	
Meeting Date:	July 19, 2000	
Date Prepared:	July 11, 2000	
Author:	Kathy Portner	Planning Manager
Presenter Name:	Kathy Portner	Planning Manager
Workshop	X	Formal Agenda

Subject: [FPP-1998-202 Correction of Zoning—Cherryhill Subdivision](#)

Summary: [A request to correct the recently adopted zoning map to zone the Cherryhill Subdivision to RSF-4, as it was previously zoned.](#)

Background Information: [See Attached](#)

Budget: [N/A](#)

Action Requested/Recommendation: It is recommended that City Council [approve](#) the first reading of the ordinance [for the correction of the Cherryhill Subdivision zoning and set a hearing for August 2, 2000.](#)

Citizen Presentation:	X	No	Yes	If Yes,
Name:				
Purpose:				

Report results back to Council:	X	No	Yes	When:	
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Placement on Agenda:	X	Consent	Indiv. Consideration	Workshop
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Revised December 16, 2011

**** Indicates New Item*

** Requires Roll Call Vote*

CITY OF GRAND JUNCTION

DATE: July 11, 2000

CITY COUNCIL

STAFF PRESENTATION: Kathy Portner

AGENDA TOPIC: FPP-1998-202 Correction of Zoning—Cherryhill Subdivision

SUMMARY: A request to correct the recently adopted zoning map to zone the Cherryhill Subdivision to RSF-4, as it was previously zoned.

BACKGROUND INFORMATION			
Location:		E side of 26 ½ Rd, N of F ½ Rd	
Applicants:		City of Grand Junction	
Existing Land Use:		Residential Subdivision	
Proposed Land Use:		No change	
Surrounding Land Use:	North	Single family residential	
	South	Single family residential	
	East	Single family residential	
	West	Single family residential	
Existing Zoning:		RSF-2	
Proposed Zoning:		RSF-4	
Surrounding Zoning:	North	RSF-2	
	South	RSF-1	
	East	PD (Planned Development)	
	West	RSF-2	
Growth Plan Designation:		Residential Low--.5 to 1.9 units per acre	
Zoning within density range?		Yes	X No

ACTION REQUESTED: Council approval of the ordinance correcting the Cherryhill Subdivision zoning.

Staff Analysis:

The Cherryhill Subdivision, consisting of 24 lots on approximately 14.5 acres, was approved by the Planning Commission on January 12, 1999 and by the City Council on February 3, 1999. The plat was recorded on March 19, 1999. At the time of subdivision approval, the property was zoned RSF-4, as it had been since the time of annexation.

Before and during the time this project was under review, the new zoning map for the entire City was put together. On the proposed zoning map, much of this area was given a zoning of RSF-1 or RSF-2 in conformance with the Growth Plan densities. Although the overall density of 1.7 units per acre of the Cherryhill Subdivision and the lot sizes would fit the RSF-2 zoning, the developer and lot owners relied on the setbacks of RSF-4 in determining lot configuration and house design. The setback differences are as follows:

Setback	RSF-2	RSF-4
Front	20	20
Side	15	7
Rear	30	25

The major difficulty with the RSF-2 zoning is with the side setback difference. Many of the lots were configured narrow and deep, making it difficult to fit the types of homes owners had planned for their lot. Had we noticed that RSF-2 zoning was proposed for this property that had already received subdivision approval using the RSF-4 zoning, we would have recommended amending the proposed zoning map prior to adoption.

STAFF RECOMMENDATION:

Staff recommends [approval of the correction of the Cherryhill Subdivision zoning to RSF-4.](#)

PLANNING COMMISSION RECOMMENDATION:

At the July 11, 2000 hearing, the Planning Commission recommended approval of the zoning correction.

CITY OF GRAND JUNCTION

Ordinance No.

CORRECTING ZONING OF THE CHERRYHILL SUBDIVISION

Recitals:

The Cherryhill Subdivision, consisting of 24 lots on approximately 14.5 acres, was approved by the Planning Commission on January 12, 1999 and by the City Council on February 3, 1999. The plat was recorded on March 19, 1999. At the time of subdivision approval, the property was zoned RSF-4, as it had been since the time of annexation.

Before and during the time this project was under review, the new zoning map for the entire City was put together. On the proposed zoning map, much of this area was given a zoning of RSF-1 or RSF-2 in conformance with the Growth Plan densities. Although the overall density of 1.7 units per acre of the Cherryhill Subdivision and the lot sizes would fit the RSF-2 zoning, the developer and lot owners relied on the setbacks of RSF-4 in determining lot configuration and house design. Had the staff noticed that RSF-2 zoning was proposed for this property that had already received subdivision approval using the RSF-4 zoning, we would have recommended amending the proposed zoning map prior to adoption.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the zoning of the land described below is hereby corrected to be RSF-4.

NW1/4 SW1/4 NE1/4 and N1/2 NE1/4 SW1/4 NE1/4 of Section 2, T1S, R1W, U.M., except that part conveyed to Mesa County by instrument recorded September 15, 1969, in Book 939, Page 78, Mesa County, Colorado.

INTRODUCED for FIRST READING and PUBLICATION this 19th day of July, 2000.

PASSED on SECOND READING this ____ day of _____, 2000.

ATTEST:

City Clerk

President of City Council

Attach 9

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Scariano/Williams Rezone		
Meeting Date:	July 19, 2000		
Date Prepared:	July 12, 2000		
Author:	Bill Nebeker	Senior Planner	
Presenter Name:	Bill Nebeker	Senior Planner	
	Workshop	X	Formal Agenda

AGENDA TOPIC: Scariano/Williams Rezone - RMF-12 to CSR; File #RZ-2000-094.

SUMMARY: The City of Grand Junction, representing the owner, proposes to rezone a 1.86-acre parcel from RMF-12 to CSR (Community Services & Recreation). The parcel is located between 428 Ridgewood Lane to the east and Monument Little League ball fields to the west. The CSR zone district is proposed because the parcel is landlocked and serves as a buffer between the two uses. At its June 13, 2000 hearing the Planning Commission recommended approval of this rezone request.

Background Information: [See Attached](#)

Budget: [N/A](#)

Action Requested/Recommendation: Adopt ordinance on second reading.

Citizen Presentation:	X	No	Yes	If Yes,
Name:	Various			
Purpose:				

Report results back to Council:	X	No	Yes	When:	
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Placement on Agenda:	Consent	X	Indiv. Consideration	Workshop
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Revised December 16, 2011

**** Indicates New Item*

** Requires Roll Call Vote*

BACKGROUND INFORMATION				
Location:		West of 428 Ridgewood Lane		
Applicant:		City of Grand Junction for owner (Richard Scariano) and future owner (Anthony Williams)		
Existing Land Use:		Vacant		
Proposed Land Use:		No change proposed		
Surrounding Land Use:	North	Vacant		
	South	Vacant		
	East	Single family residential		
	West	Recreation (Monument Little League)		
Existing Zoning:		RMF-12		
Proposed Zoning:		CSR		
Surrounding Zoning:	North	RMF-12		
	South	RSF-4		
	East	RSF-4		
	West	RMF-12		
Growth Plan Designation:		Park		
Zoning within density range?		N/A	Yes	No

Action Requested: Adopt ordinance on second reading.

Staff Analysis: Richard Scariano and Jeff Williams recently received approval of a boundary line adjustment involving Monument Little League (See file #LLA-2000-049). A portion of a landlocked parcel was divided and sold to the Little League (becoming parcel 1). The remaining portion (parcel 2) is 1.864 acres in size and is located on a wooded hillside. This parcel is being sold to Anthony & Treva Williams at 428 Ridgewood Lane to act as a buffer between their home and the Little League ballfields. The parcel was landlocked before the boundary line adjustment and remains landlocked, except for an easement for fire suppression and weed abatement. A note on the deed notifies present and future property owners that the parcel is landlocked and requires legal access before development can occur.

The parcel was recently rezoned to RMF-12 as part of the new zoning map adoption. As a condition of approval of the boundary line adjustment the applicant agreed to allow the City to rezone the parcel to CSR (Community Services and Recreation). Although a deed restriction for open space purposes has not been placed on the property, the CSR zoning, coupled with the lack of legal access, is intended to help preserve the parcel as an open space buffer.

The CSR zone district allows one single family home per acre. The bulk requirements of the zone do not require street frontage. However, some sort of legal access is necessary to be provided to this parcel before development may proceed. The future owner of this parcel will be responsible for providing that access. The City sees no obligation on its part or on the part of an adjacent landowner to provide access to this parcel as a condition of future development approval.

The Planning Commission finds that the proposed rezone of this parcel meets the criteria established in Section 2.6A of the Grand Junction Zoning and Development Code as noted below:

- 1. The existing zoning was in error at the time of adoption:** The parcel was rezoned to RMF-12 from PZ (Public Zone) with adoption of the new zoning map. The RMF-12 zoning was applied because it was the closest density to the Growth Plan designation of residential medium high 8-12 dwellings per acre, which is north, and southwest of this parcel. The Growth Plan designation of "Park" was determined to be a mistake since this parcel was privately owned. The adjacent parcel owned by Monument Little League should have been the extent of the Park designation.
- 2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.:** Yes. Although it is unknown how long the Monument Little League has had their facilities in this location, the rezone is a result of wanting to maintain an open space buffer between the lighted ball fields and residential uses to the east.
- 3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances:** Yes. The CSR zoning limits development on the parcels and assists in preserving the parcel for its intended use as an open space buffer.
- 4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code, and other City regulations and guidelines:** Yes. Although the Growth Plan Map may be in error on this parcel the rezone to CSR implements the Park designation of the Map.

Policies of the Growth Plan support the preservation of open space areas not suitable for development.

5. **Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development:** No. Adequate facilities are not available and this is why the CSR zoning is requested.
6. **There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs:** not applicable
7. **The community or neighborhood will benefit from the proposed zone:** Yes. The benefit to the community providing an open space buffer between recreational uses and an existing single family neighborhood. The CSR zone district limits development on this parcel to one dwelling, whereas the RMF-12 zoning had the potential for 22 dwellings.

PLANNING COMMISSION RECOMMENDATION: At its June 13, 2000 hearing, the Planning Commission recommended approval of this rezone.

insert attachments here

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

**ZONING A LANDLOCKED PARCEL FROM RMF-12 TO CSR,
LOCATED WEST OF 428 RIDGEWOOD LANE**

Recitals.

The City of Grand Junction, representing the owner, proposes to rezone a 1.86-acre parcel from RMF-12 to CSR (Community Services & Recreation). The parcel is located between 428 Ridgewood Lane to the east and Monument Little League ball fields to the west. The CSR zone district is proposed because the parcel is landlocked and serves as a buffer between the two uses.

After public notice and public hearing, the City Planning Commission found that the proposed zoning is in conformance with Section 2.6A of Grand Junction Zoning and Development Code and recommended approval of this zone change at its June 13, 2000 hearing.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Council finds that the proposed rezone meets the criteria as set forth in Section 2.6A of the Zoning and Development Code and in accordance therewith the following described parcel is hereby rezoned from RMF-12 to CSR:

A parcel of land situated in the SW1/4NE1/4 Sec 10 T1S R1W UM, Mesa Co, CO, being more particularly described as follows: Beg at a pt on the N line of the SW1/4NE1/4 Sec 10, whence the Mesa Co Survey Marker for the center N1/16 cor Sec 10 bears N89°50'06"W 1028.39'; thence along the N line of the SW1/4NE1/4 Sec 10 S89°50'06"E 294.71'; thence S34°08'54"W 138.10'; thence S16°34'54"W 157.00'; thence S58°31'54"W 287'; thence N09°53'13"E 421.69' to POB..

INTRODUCED for FIRST READING and PUBLICATION this 5th day of July, 2000.

PASSED on SECOND READING this day of 2000.

ATTEST:

City Clerk

President of City Council

Attach 10

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	FPP-2000-057, Desert Hills Estates		
Meeting Date:	July 19, 2000		
Date Prepared:	July 12, 2000		
Author:	Lisa Gerstenberger, AICP	Senior Planner	
Presenter Name:	As above		
	Workshop	X	Formal Agenda

Subject: Appeal of the Planning Commission decision to approve the Final Plat/Plan/Variance request for the Desert Hills Estates development located at 2114 Desert Hills Road.

Summary: The Desert Hills Estates subdivision consists of approximately 57 acres and has 21 single family residential lots. The Planning Commission granted Final Plat/Plan Approval and granted a variance from the street lighting standards at its June 20, 2000 meeting. An appeal of the decision to grant Final Plat/Plan Approval and the variance request has been filed by the attorney representing neighbors of the Desert Hills Estates subdivision.

Background Information: [See Attached](#)

Budget: [N/A](#)

Action Requested/Recommendation: Consideration of the appeal of the Planning Commission decision to grant Final Plat/Plan Approval and a variance request.

Citizen Presentation:	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	If Yes,		
Name:	Frederick Aldrich, Attorney				
Purpose:	Representative of appealing parties				
Report results back to Council:	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	When:		

Placement on Agenda:	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Indiv. Consideration	<input type="checkbox"/> Workshop
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Revised December 16, 2011

**** Indicates New Item*

** Requires Roll Call Vote*

AGENDA TOPIC: FPP-2000-057, Desert Hills Estates. Appeal of the Planning Commission decision to approve the Final Plat/Plan/Variance request for the Desert Hills Estates development located at 2114 Desert Hills Road.

SUMMARY: The Desert Hills Estates subdivision consists of approximately 57 acres and has 21 single family residential lots. The Planning Commission granted Final Plat/Plan Approval and granted a variance from the street lighting standards at its June 20, 2000 meeting. An appeal of the decision to grant Final Plat/Plan Approval and the variance request has been filed by the attorney representing neighbors of the Desert Hills Estates subdivision.

<i>BACKGROUND INFORMATION</i>			
Location:		2114 Desert Hills Road	
Applicants:		Tierra Ventures, LLC	
Existing Land Use:		Vacant	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential	
	South	Vacant	
	East	Residential	
	West	Residential	
Existing Zoning:		Planned Residential, 2.5 ac/unit	
Proposed Zoning:		N/A	
Surrounding Zoning:	North	R-2 (County) – 4 units per acre	
	South	R-2 (County) – 4 units per acre	
	East	R-2 (County) – 4 units per acre	
	West	R-2 and PR-4 (County) – 4 units per acre	
Growth Plan Designation:		Residential Estate: 2-5 acres per unit	
Zoning within density range?		X	Yes
			No

ACTION REQUESTED: Consideration of the appeal of the Planning Commission decision to grant Final Plat/Plan Approval and a variance request.

APPEAL OF PLANNING COMMISSION DECISION

Staff Analysis:

Project Background/Summary

Desert Hills Estates was granted Preliminary Plan Approval on November 16, 1999, for a 22 lot single family subdivision. The development is located north of South Broadway and east of Desert Hills Road. Current zoning of the property is Planned Residential, PR 2.5 acres per unit. Three tracts will be dedicated to the Home Owner's Association for use as open space. A conservation zone has been established in the wetland/riparian/flood plain areas for Lots 1-3, Block One, and Lots 1-2, Block Two.

All conditions of Preliminary Plan Approval have been satisfied by the applicant.

Access/Streets

The subdivision will be accessed from South Broadway through property owned by the Rumps and the Museum of Western Colorado. The City is currently holding deeds in escrow for this property and will record said deeds with the final plat to ensure that the entrance road, Escondido Circle, is properly dedicated to the public. One main internal street, Escondido Circle, is proposed which stubs out to the southern property line to provide future access for development of the Rump property.

Escondido Circle has been designed in compliance with the Preliminary Plans previously approved by the Planning Commission.

Lot Configuration and Bulk Requirements

The bulk requirements are as follows:

Minimum street frontage:	50 feet
Maximum height of structures:	32 feet
Minimum front yard setback:	30 feet
Minimum side yard setback:	30 feet
Minimum rear yard setback:	30 feet
Maximum structural coverage of lot:	25%

Fencing standards and restrictions are noted in the Covenants, Conditions and Restrictions for the Desert Hills Estates development.

Drainage/Irrigation/Utilities

Drainage for the subdivision will not significantly change the historic site drainage or irrigation patterns. There are delineated jurisdictional wetlands located within the development site, therefore a permit from the U.S. Army Corps of Engineers has been required.

An irrigation pond will be created for provision of irrigation water to the subdivision and will be owned and maintained by the HOA.

VARIANCE REQUEST:

The applicant requested a variance from Section 5-4-10 (B), Public Improvements, Street Lighting, to be allowed to install street lighting at the roadway intersections at South Broadway and where Escondido Circle loops back into itself. The two street lights to be installed would be compliant with all other street lighting standards.

The variance request is consistent with similar variances granted from the street lighting standards. Staff has no objections to the variance request, provided that the street lights which are installed meet all other street lighting standards.

STAFF RECOMMENATION:

Staff recommended approval of the Final Plat/Plan with the following conditions:

1. Compliance with the comments of the Fire Department as follows: Regarding the requirement to provide a looped water line for this proposal:
2. The applicant may enter into a Development Improvements Agreement with the City which guarantees that the looping will be completed within two years of the date of recording the final plat for the development.
3. The water line stub to the west property line of Tract C must be completed at the time of installation of the water main in Escondido Circle.
4. To receive a Planning Clearance approval from the Fire Department:
 - a. A Development Improvements Agreement is required, which includes completion of the looped water line.
 - b. A utility composite, which includes the looped water line, must be submitted to the Fire Department. The utility composite must be a mylar with a signature line for Fire Department approval.

Compliance with the comments of the Development Engineer as follows:

5. Near Block Two, the floodplain limit line doesn't match the topography. Please contact Rick Dorris for an explanation of this comment.
6. Language must be added in the CC&R's, on the Plat, and on a building envelope plan (if recorded) to state that no fill will be allowed on any residential lot within the 100-year floodplain.

Compliance with the comments of the Community Development Department as follows:

7. The right-of-way for Escondido Circle in front of Tract G shall be reduced to the standard 50'. The City will not accept additional right-of-way for the USPS pull-out area of Tract G serving the common mailbox.
8. The 404 Permit from the Corps of Engineers must be amended to revise the location for the required planting of cottonwood trees and to allow the waterline within the wetlands. The 404 Permit shall be amended prior to issuance of a Planning Clearance.
9. Evidence shall be provided that the Corps of Engineers have approved the wetlands mitigation plan when available from the Corps of Engineers.
10. Revisions to the CC&R's as follows:

a. Page 12, Section 3C, the first section should read “Engineered foundation plans by a Colorado licensed professional engineer. (See also Article VII, Section 8)”

b. Page 15, Section 8, the last sentence of that section should read “The purpose of the site specific geologic investigation shall be evaluation of the surface and subsurface geologic conditions of the lot. The investigation and evaluation of that investigation shall determine the measures necessary to mitigate, if any, unsuitable or potentially dangerous geologic conditions. Those mitigation measures shall be incorporated into the foundation design.”

PLANNING COMMISSION ACTION:

After discussion of the request for Final Plat/Plan Approval and a variance from the street lighting standards, the Planning Commission voted to grant Final Plat/Plan Approval and the variance request, subject to staff conditions.

Attachments:

1. General location map
2. Subdivision layout map
3. Letter from Frederick Aldrich, Esq., dated June 27, 2000
4. Minutes from the June 20, 2000 Planning Commission meeting

FPP-2000-057 FINAL PLAT/PLAN—DESERT HILLS ESTATES

A request for 1) Final Plat/Plan approval of Desert Hills Estates Subdivision consisting of 22 single family lots on approximately 56.75 acres in a PR-2.5 (Planned Residential with a density not to exceed 1 unit/2.5 acres) zone district, and 2) variance from the street lighting standards.

**Petitioner: Tierra Ventures LLC
Location: 2114 Desert Hills Road
Representative: Gayle Lyman, LanDesign**

PETITIONER'S PRESENTATION

Rob Katzenson, representing the petitioner, presented an overhead transparency of the Preliminary Plan. Variance of the street lighting standards would allow for installation of street lighting only at the roadway intersections into the subdivision; this had met with staff's approval. He noted that final review had been provided under old Code criteria. He presented a brief history of the project and said that Outlot C would be deeded to the City. The Final Plan, he said, conformed to the conditions outlined in the Preliminary Plan. Wetland/riparian areas would be protected, both during and after construction. No fencing would be allowed within conservation zones. Property owners would have to comply both with the City's fencing requirements and those outlined in the CC&R's. During further review of the floodplain, one additional lot had been deleted (location noted). This was then added to the existing conservation zone. All staff issues had been resolved, all necessary permits had been received and the Final Plan met with all Code criteria.

The Grand Junction Fire Department required looping of the water line; in addition to the force main water will be in Outlot C of the project. Construction of the water line would occur, to tie in at approximately Desert Hills Road and South Broadway. A request to amend the Corps of Engineers 404 Permit to accommodate the looped line had been submitted. The Corps is waiting for submission of final drawings before amending the permit.

QUESTIONS

Commissioner Dibble asked why the amended 404 Permit had not yet been approved. Mr. Katzenson expected no problem with receipt of the permit. He said that the Corps intended to issue the amended permit following approval of the Final Plat.

With regard to staff condition 5, Commissioner Prinster asked if floodplain boundary lines had been amended on the map to accurately reflect their location. Mr. Katzenson responded affirmatively.

STAFF'S PRESENTATION

Lisa Gerstenberger acknowledged that the plan now reflected only 21 lots. She confirmed that conditions of the Preliminary Plan had been met and staff supported the street lighting variance request. She said that following her presentation, Mr. Dorris

would clarify condition 5. Staff recommended approval of the request subject to the following conditions:

(Exactly as written in the staff report)

1. Compliance with the comments of the Fire Department as follows: Regarding the requirement to provide a looped water line for this proposal:
 2. The applicant may enter into a Development Improvements Agreement with the City, which guarantees that the looping will be completed within two years of the date of recording the Final Plat for the development.
 3. The water line stub to the west property line of Tract C must be completed at the time of installation of the water main in Escondido Circle.
4. To receive a Planning Clearance approval from the Fire Department:
 - a. A Developments Improvement Agreement is required, which includes completion of the looped water line.
 - b. A utility composite, which includes the looped water line, must be submitted to the Fire Department. The utility composite must be a mylar with a signature line for Fire Department approval.
5. Near Block 2, the floodplain limit line doesn't match the topography. Please contact Rick Dorris for an explanation of this comment.
6. Language must be added in the CC&R's, on the Plat, and on a building envelope plan (if recorded) to state that no fill will be allowed on any residential lot within the 100-year floodplain.

Compliance with the comments of the Community Development Department as follows:

7. The right-of-way for Escondido Circle in front of Tract G shall be reduced to the standard 50 feet. The City will not accept additional right-of-way for the USPS pull-out area of Tract G serving the common mailbox.
8. The 404 Permit from the Corps of Engineers must be amended to revise the location for the required planting of cottonwood trees and to allow the waterline within the wetlands. The 404 Permit shall be amended prior to issuance of a Planning Clearance.
9. Evidence shall be provided that the Corps of Engineers have approved the wetlands mitigation plan when available from the Corps of Engineers.

10. Revisions to the CC&R's as follows:

- a. Page 12, Section 3C, the first section should read, "Engineered foundation plans by a Colorado-licensed professional engineer. (See also Article VII, Section 8.)"
- b. Page 15, Section 8, the last sentence of that section should read, "The purpose of the site-specific geologic investigation shall be evaluation of the surface and subsurface geologic conditions of the lot. The investigation and evaluation of that investigation shall determine the measures necessary to mitigate, if any, unsuitable or potentially dangerous geologic conditions. Those mitigation measures shall be incorporated into the foundation design."

Mr. Dorris said that, in his opinion, condition 5 had not yet been resolved; the issue is minor in that it would affect the contours reflected on the map but would not impact the development.

QUESTIONS

Commissioner Prinster asked for confirmation that the revised floodplain contour line would not encroach upon any of the proposed building envelopes, which was given by Mr. Dorris.

Commissioner Dibble asked if staff expected any difficulties with getting approval of the looped water line from the Fire Department. Ms. Gerstenberger said that she anticipated no difficulties.

PUBLIC COMMENTS

FOR:

Steve Voytilla (2070 S. Broadway, Grand Junction) said that property owners were entitled to utilize their properties to their highest and best uses. If all requirements imposed by the Preliminary Plan had been met, there should be no reason to deny the Final Plat.

AGAINST:

Mike Anton (2111 Desert Hills Road, Grand Junction) submitted copies of information generated by Mr. Glen Miller. Noting the location of his property relative to the proposed subdivision, he expressed great concern over impacts to the area's natural drainage and wetlands area. He said that proposed lots were directly in the path of the floodway, with at least five floods having occurred since 1978. He referenced a photo within submitted packets that depicted flooding of his pond in 1978. Mr. Anton wondered why portions of proposed lots were allowed to fall within the boundaries of the conservation easement. He asked what would prevent a future homeowner from erecting a fence and creating a flood issue? In the last few months, since the covering of the Redlands Canal, one of the boards had "kicked out," flooding Lime Kiln Gulch and two neighbors' ponds seven inches higher than had ever been seen.

Also of significant concern to Mr. Anton was placement of the lift station within an established floodplain. He reiterated his previous suggestion that the City relocate the lift station to the east, outside of the floodplain boundary. If the lift station failed, Mr. Anton said that effluent would contaminate not only surrounding properties but the wetlands area as well.

Glen Miller (2264 Willow Wood Road, Grand Junction) indicated that he'd been a geologist/hydrologist for the past 30 years. He said that flooding was unpredictable; floodway boundaries could vary as much as 50 percent. Reading from his report dated May 12, 2000, which had been referenced by Mr. Anton, he expressed concern over damage that could occur to the area if proper studies and precautions weren't taken. Contents of the report were entered into the record. He said that his report was not detailed or complete and constituted his best guesses. He said that the five floods previously referenced had all exceeded 100-year floodplain boundaries and reached the area where Lots 1-6 were proposed. Mr. Miller reviewed results from USGS slope conveyance surveys performed in No Thoroughfare Canyon and in Red Canyon, a short distance from Lime Kiln Gulch. He noted where flooding had washed out a portion of roadway. The surveys called into question the 100-year floodplain boundaries as shown on the petitioner's Overall Grading Plan. He stated that the proposed access road leading into the subdivision appeared to be a flood impediment in some places. While embankments would help protect proposed homes from flood damage, those same embankments could serve to divert floodwater to the property west of Lime Kiln Gulch.

Mr. Miller also noted a lack of attention given to expansive soils in the area. He suggested that future lot buyers be made aware of the potential problems associated with bentonitic soils. Alluviums deposited near building envelopes could pose serious foundation problems and mitigation, he said, would be costly.

Commissioner Binder asked if, upon looking at sedimentation deposits, there was any way to distinguish new deposits from old. Mr. Miller replied negatively. Commissioner Binder referenced a storm that had occurred over the National Monument last summer. She'd witnessed water overflowing its banks by Granite Falls near Lime Kiln Gulch. Mr. Miller said that Mr. Carter, retired engineer with the USGS, indicated that floods flowed over their natural levees more frequently than just once every 10 years.

Commissioner Putnam asked if, in his professional opinion, Mr. Miller felt that the development could impact surrounding properties and neighbors. Mr. Miller responded affirmatively, but admitted that he had no way to know the extent of such impact.

Dick Innis (2108 Desert Hills Road, Grand Junction) expressed concern over how this subdivision would affect his property. The development, he maintained, would change the entire flow of water through the wetlands area. He referenced a photo taken of his

pond after the accidental flooding of the Redlands Canal, showing an increased water depth of 7 ½ inches. He concurred that raising the level of building sites on the subject property would only divert floodwaters to his property and those of surrounding neighbors. He said that the wastewater processed by the lift station would be raised 80 feet. Gravity-fed effluents would be directed through the wetlands. He also stressed the certainty of failure for the lift station, citing four failures of other lift stations within the Persigo area, which lifted effluent no higher than 50 feet.

Dawn Myella (2112 Desert Hills Road, Grand Junction) also expressed concerns over flooding and traffic impacts, and she urged protection of any natural artifacts found in the area (e.g., dinosaur fossils).

Mr. Shaver reminded the Commission that what is being considered is a Final Plat/Plan only. Conformance to Preliminary Plan conditions was the issue to be determined.

Jan Whiting (478 Seasons Court, Grand Junction) said that there were a number of people in the area who really cared about it. She'd read in the paper that City Council was petitioning for lottery funds to buy conservation areas. She noted that those affected most by the development offered to buy the property from the petitioner and give it to the City in perpetuity. The petitioner had refused the offer, and now surrounding properties were in peril. She said that citizen opinion of their government representatives is extremely low. She urged responsible stewardship of the land and consideration of the community as a whole. She also noted that the plan did not represent clustering as promoted by the City.

Dane Innis (2110 ½ Desert Hills Road, Grand Junction) said that it was unfair for a developer to affect the properties of others without regard and with seeming support from the City. What remedy would residents have when their properties were flooded as a result of this development? He said that putting the lift station in the wetlands put his pond at risk for contamination if and when it failed.

Karen Anton (2111 Desert Hills Road, Grand Junction) concurred with previous comments and concerns. She agreed with Mr. Miller that further investigation into the area's expansive soils should be undertaken. She urged greater consideration by the City for existing property owners and their homes.

Mac Cunningham (no address given), stated that he is a developer. He said that he felt that he would be the most impacted by the proposed development. During Preliminary Plan review, the petitioner's representatives stated clearly that all outstanding issues and concerns expressed by staff and the public would be addressed prior to Final. This, he said, had obviously not occurred. It defied logic, he continued, to place a lift station within a floodplain. Downstream to the north, 20 feet of floodwater had crossed Broadway. He noted that if building sites required elevation of 3 to 4 feet, that constituted a dam. He also posed the question, 'who would be responsible for damages

when flooding occurred'? As a professional developer, he said that significant damage would occur downstream and laterally as a result of this development. What about the 40-45 feet of topographic drop on homesites? With regard to expansive soils, most consumers had no idea what that meant or how such soils would affect them. Mitigation of such soils could cost upwards of \$40-\$50K in foundation remedy.

Citing a recent incident of slope failure and a high-end home slipping down the embankment of El Monte Court, he said that in that instance the City had named the developer as the responsible party. Often, however, once a development was constructed, the developer moved on. Both the City and developers had an obligation to protect not only the rights of the developer but also the rights of existing and surrounding homeowners and future property buyers.

Mr. Cunningham closed by suggesting that if any uncertainty still existed, how could the City possibly approve a subdivision given the current issues.

Fred Aldrich (Hoskin, Farina, Aldrich and Kampf, 200 Grand Avenue, Grand Junction), representing Mr. Anton and other neighbors, noted that the conservation easement overlaid 5 of the proposed lots. The CC&R's prohibited owners of those lots from bringing in fill dirt, to prohibit damage to the wetlands and impacts to the floodplain. He wondered how the conservation easement would be enforced. He wondered who would prevent future neighbors from doing anything to impact the easement? While the HOA gave subdivision owners the right to police themselves, surrounding neighbors were given no authority to enforce restrictions on the subdivision's property owners. Thus, he asserted that the conservation easement was "purely illusory" in dealing with neighbors to the west. If the City and developer truly wanted to protect surrounding residents, an enforcement mechanism to include surrounding residents should be built in to the CC&R's. Not to do so represented a significant failure.

Mr. Aldrich reiterated that the new development would alter the natural drainageway and shift the watercourse to the west. If the City approved the Final Plan, it could very well violate the law, since Colorado's statutes prohibited the alteration of any natural drainageway by a property owner to the detriment of surrounding property owners.

Speaking as an attorney who had represented engineers in similar cases, Mr. Aldrich strongly urged placement of the lift station outside the existing 100-year floodplain. Property owners were only asking for responsible development, not the cessation of all development in the area.

PETITIONER'S REBUTTAL

Richard Livingston, attorney representing the petitioner, said that it was important to understand that this was a Final Plat/Plan review. The project, he said, had been in the system for almost two years undergoing constant scrutiny by City staff, engineers, Corps representatives and other officials. He stated that Mr. Miller, while well-

intentioned and honorable, was not a Colorado-licensed engineer and he hadn't met SWMM standards. Studies which did meet those standards and which were performed by Colorado-licensed engineers had been submitted and certified the project as having met City Code requirements and approval criteria. Citizen concerns, he said, had already been given due consideration during Preliminary review. Mr. Livingston could not recall any discussion by this developer that clustering of building envelopes would occur. Since conformance with Preliminary Plan conditions had been achieved without exception, approval of the Final Plat/Plan was warranted.

QUESTIONS

Commissioner Ainsworth asked if further discussion should ensue over lift station placement. Mr. Shaver said that discussions should be limited to the submittal's compliance with Preliminary Plan criteria.

Commissioner Prinster asked Mr. Dorris if he felt comfortable with the floodplain lines as outlined on the map and that based on geologic/hydrologic studies, those lines met established criteria. Mr. Dorris said that there was one section of line that was not located where it should be; however, he felt it to be insignificant to lots in the development and to the western property. When asked if the lift station had been placed outside the floodplain as indicated on the map, Mr. Dorris responded affirmatively. He said that a 100-year floodplain analysis had been undertaken in 1994 by Lincoln-Devore, which established a 100-year flow rate of 5,167 cfs. Base flood elevations had been established on the map. The finished floor elevations on the lots adjacent to finished flood elevations were in the neighborhood of 3.5 to 5 feet higher, establishing an adequate safety factor. LanDesign modeled several cross-sections of the gulch to try ascertaining flow rates coming down the channel. Then the question was asked, 'What if you raise the water level by one foot? How much water can be flushed through there?' The computer model generated figures of between 8,500 and 10,000 cfs. Thus, in his opinion and that of LanDesign, the 100-year floodplain analysis was accurate.

Commissioner Prinster asked about the conservation easement and Mr. Aldrich's assertion that lot lines violated that easement. "Was any mechanism in place to force new property owners to return areas within the easement to their natural states?" Ms. Gerstenberger said that the petitioner had tried to turn enforcement of easement restrictions over to a land trust, but due to the size of the area and its association with a residential subdivision, no outside agency was willing to accept it. Thus, enforcement of easement restrictions will fall to the subdivision's HOA. This did not, however, include outside property owners. In terms of civil remedy, Mr. Shaver said that the expectation was very clear. Since the area of concern was classified "wetlands," other agencies would be involved in its oversight. He read from Article 12, Section 13 in the CC&R's, that gave a general enforcement authority to the City of Grand Junction as well as the HOA. He said at the very least, such verbiage would be cause for a political appeal if not a legal appeal based upon the way the covenants were drafted. Mr. Shaver also

said that there could be other private rights of action for surrounding property owners or others.

Commissioner Binder referenced condition 6 and wondered how it could deny fill from being brought in to the property when testimony consistently referenced raising the building envelopes by adding fill. Mr. Dorris stated that clearer wording could have been used, but the intent was to prohibit the placement of fill *within* the 100-year floodplain on any lot. Thus, the developer could fill up to the floodplain boundary but could not place fill within it. Commissioner Binder wondered from a legal standpoint, if floodwaters and drainage were diverted as a result of fill material, who would be responsible. Mr. Dorris explained that the toe of the slope was within 5 feet of the 100-year floodplain. Thus, if a 100-year flood occurred, it would not impact the neighbor's property. If the flow was higher than 100-year rates, it could affect the adjacent property, but such impact would be likely insignificant. Mr. Shaver questioned Mr. Dorris on his credentials and experience. Mr. Dorris gave a detailed statement of his experience and training. He said that while there may be historical evidence of wider-ranging floods, there was an established framework by which to measure floodplain boundaries. The generally accepted industry standard which the SWMM Manual describes requires designs to be based on 100-year flood figures and the Lincoln-Devore study (HEC 1 method) was the best source of information available using those standards. Mr. Dorris said that placement of the lift station would be 2-3 feet higher than the base flood elevation as established by the Lincoln-Devore study. The lift station had not been placed within the floodplain as defined by that study.

Mr. Shaver asked Mr. Dorris if he'd reviewed and considered 100-year floodplain demarcation lines on both sides of the channel. Mr. Dorris said that only one side had been considered because the mapping presented had not shown the other side of the channel. He said that no alteration of the other side of the channel was anticipated. He also said while typical review would include both sides of the channel, he was comfortable with the way this review had been conducted.

Mr. Shaver said that if damage occurred as a result of flooding, likely there would be a civil lawsuit initiated to include the HOA, individual owners, design engineers and all of those involved in the project. He continued; however, stating that the specific standards mentioned by Mr. Dorris were generally recognized standards of prudent engineering practice. Mr. Shaver said that so long as the design incorporated those standards and they were competently reviewed, there should not be any finding of liability barring instances of willful intent. The courts would probably take the position that life cannot be guaranteed to be "risk-free" recognizing that engineers are only bound to analyze and determine risk within ranges or degrees of risk; not with absolute certainty.

Commissioner Binder asked what the 80-foot reference made for the lift station meant. Was that elevation? Mr. Dorris was unsure since he was not a utility engineer. Commissioner Binder asked if any other lift station had ever been placed so closely to a

floodplain. Mr. Dorris assumed so, noting that one had been situated in the Ridges next to its drainageway; however, he was unsure where the Ridges' demarcation line lay within that channel.

Commissioner Binder asked if any relocation of the lift station had occurred following Preliminary Plan review. Mr. Dorris reiterated that the lift station would not be located in the 100-year floodplain as defined by Lincoln-Devore's study. He suspected that the station could be moved further away but added that he would need more information on sewer pipe grades, etc. before forming a conclusion. Another option, he said, might be to place fill around the lift station and elevate the top of it; however, that would potentially involve filling in a wetlands area, which would affect conditions of the Corps 404 Permit.

Vice-Chairman Grout referenced condition 10 and asked staff if verbiage was adequate to ensure proper construction of engineered foundations. Mr. Shaver read the entire paragraph from the CC&R's, as amended by condition 10, into the record.

Commissioner Dibble asked for a visual interpretation of where the floodplain line, mentioned in condition 5, was deficient. Mr. Dorris provided a depiction.

Vice-Chairman Grout stated that the project had met all the conditions and requirements of the Preliminary Plan. He commended staff for their work and the mitigation of the issues and concurred with their recommendations.

Commissioner Dibble remarked that while the project may have met the letter of the law, it may have failed to meet the spirit of the law of ensuring overall "community good." He said that entitlements probably outweighed community need, and because conformance with Preliminary Plan criteria was the issue for consideration by the Planning Commission he would support the project.

Commissioner Binder concurred that once Preliminary Plan conditions were met, planning commissioners "did not really have any leeway." Mr. Shaver reminded the Commission that the fundamental legal question was, 'did the Final Plat conform to the Preliminary Plan'? He did say that the Commission could certainly review the conditions imposed during Preliminary review that were to be satisfied at Final.

Commissioner Dibble asked for confirmation that the natural drainageway would not be altered by the development, which was provided by Mr. Dorris.

Commissioner Prinster said that staff was correct in using the 100-year floodplain boundary, given that it was the national accepted standard. He also expressed confidence in Mr. Dorris' ability and expertise in the matter and felt confident in staff's recommendations.

MOTION: (Commissioner Dibble) "Mr. Chairman, on item FPP-2000-057, the Desert Hills Estates Final Plat/Plan approval, I recommend that we approve the project subject to staff conditions."

Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

MOTION: (Commissioner Dibble) "Mr. Chairman, in conjunction with the variance report for the same filing, I would recommend that we approve the request for the variance for the street lighting standards."

Commissioner Boutillier seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

GENERAL DISCUSSION

Commissioner Binder asked if the School District was responding to review agency requests for information. Ms. Portner said that City forms were being sent to them and for the most part they were being completed and returned.

Vice Chairman Grout asked about copies of the Sign-In sheet that had been left with planning commissioners. Ms. Portner hoped that speakers would sign in prior to their testimony with the information being incorporated by the secretary into the minutes.

With no further business, the hearing was adjourned at 11:20 p.m.

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Acknowledgement of Defense of Police Officer Geraldine Earthman	
Meeting Date:	July 19, 2000	
Date Prepared:	July 17, 2000	
Author:	John Shaver	Assistant City Attorney
Presenter Name:	John Shaver	Assistant City Attorney
	Workshop	X Formal Agenda

Subject: Acknowledgement of Defense of Police Officer Geraldine Earthman

Summary: A resolution indemnifying Officer Geraldine Earthman from damages in a lawsuit filed against her in a personal capacity. The suit results from the arrest of a wanted person.

Background Information: A lawsuit was recently filed in small claims court against Officer Earthman. The action clearly arises out of Officer Earthman's assigned and lawful duties and as such it is appropriate for the City to indemnify and defend Officer Earthman. By adopting this resolution the City Council is authorizing such action. It is unclear the exact nature of the Plaintiff's claim or the damages asserted. Officer Earthman arrested the plaintiff for violation of a restraining order, the District Attorney did not prosecute the criminal case and the Plaintiff brought an action against Officer Earthman

The response to the suit has been drafted and following adoption of this resolution will be filed. It is anticipated that filing of the responsive pleading will result in the action being summarily dismissed.

Budget: No direct budget impact from the adoption of the resolution. Direct and indirect cost of responding to the lawsuit and indemnifying the officer if judgment were to attach.

Action Requested/Recommendation: Council approval and adoption of Resolution.

Citizen Presentation:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	If Yes,
Name:					
Purpose:					

Report results back to Council:	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	
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Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. __-00

**ACKNOWLEDGING DEFENSE OF OFFICER GERALDINE EARTHMAN IN
CIVIL ACTION NO. 00 S 5236**

RECITALS:

A Small Claims Court action has been filed alleging violation of a citizen's rights by an employee of the City of Grand Junction's Police Department, Geraldine Earthman. The factual basis of the lawsuit involves alleged misconduct by Officer Earthman in arresting a person for a restraining order violation.

Under the provisions of the Colorado Governmental Immunity Act, specifically sections 24-10-110 and 24-10-118, the City has certain indemnification obligations and it may, if it determines by resolution adopted at an open public meeting that it is in the public interest to do so, defend a public employee against a punitive damages claim or pay or settle any punitive damage claim against a public employee. Although it is unclear exactly the claim that the plaintiff is asserting, it may be that his complaint could be construed to assert such a punitive damage claim.

Because the City Council finds that the police officer was acting appropriately and within the scope of her employment and also because to do otherwise would send a wrong message to the employees of the City (that the City may be unwilling to stand behind them when such employees were being sued for the lawful performance of their duties), the City Council adopts this resolution;

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

The City Council hereby finds and determines at an open public meeting that it is in the public interest to defend Officer Earthman against claims for damages in accordance with 24-10-110 C.R.S. and/or to pay or to settle any punitive damage claims in accordance with 24-10-118 C.R.S. arising out of case 00 S 5236.

PASSED and ADOPTED this 19th day of July 2000.

President of the Council

ATTEST:

City Clerk

