

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

WEDNESDAY, DECEMBER 6, 2000, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Steve Johnson
Living Hope Evangelical Free Church

PROCLAMATIONS / RECOGNITIONS

PROCLAMATION EXTENDING BIRTHDAY WISHES TO DICK WOODFIN ON HIS
100TH BIRTHDAY

THE 2000 INDIVIDUAL ACHIEVEMENT AWARD PRESENTED TO BARBARA
BOWMAN BY THE COLORADO TOURISM CONFERENCE

CITIZEN COMMENTS

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

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

Action: Approve the Minutes of the November 13, 2000 Joint City/County Persigo Boundary Meeting, the Minutes of the Regular Meeting November 15, 2000, the Minutes of the Special Meeting November 20, 2000 and the Summary of the November 27, 2000 Workshop

2. **Levying Property Taxes for Collection in the Year 2001** [Attach 2](#)

The resolutions set the mill levies of the City of Grand Junction, Ridges Metropolitan District #1 and #2, Grand Junction West Water and Sanitation District, and the Downtown Development Authority. The City and DDA mill levies are for operations, the others are for debt service only. The City is also establishing a temporary credit mill levy for the purpose of refunding revenue collected in 1999 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution. The temporary credit is pursuant to CRS 39-5-121 (SB 93-255). The City will levy a temporary credit of 1.570 mills for the purpose of refunding approximately \$600,000.

- a. Resolution No. 120–00 – A Resolution Levying Taxes for the Year 2000 in the City of Grand Junction, Colorado
- b. Resolution No. 121–00 – A Resolution Levying Temporary Credit Taxes for the Year 2000 in the City of Grand Junction, Colorado
- c. Resolution No. 122–00 – A Resolution Levying Taxes for the Year 2000 in the Ridges Metropolitan District, a Part of the City of Grand Junction, Colorado
- d. Resolution No. 123–00 – A Resolution Levying Taxes for the Year 2000 in the Grand Junction West Water and Sanitation District, a Part of the City of Grand Junction, Colorado
- e. Resolution No. 124–00 – A Resolution Levying Taxes for the Year 2000 in the City of Grand Junction, Colorado, Downtown Development Authority

**Action: Adopt Resolutions No. 120-00, 121-00, 122-00, 123-00 and 124-00*

Staff presentation: Lanny Paulson, Budget & Accounting Manager

3. **Lease of Warehouse Space Located at 2757 Highway 50 for Fire Equipment Storage** [Attach 3](#)

Existing apparatus/equipment inventory has exceeded the amount of available interior storage space. The Fire Department is requesting approval to lease a storage building at 2757 Highway 50 for the winter months to house this apparatus and equipment.

Resolution No. 125–00 – A Resolution Authorizing the Lease by the City of Certain Real Property Located at 2757 Highway 50 in the City of Grand Junction

**Action: Adopt Resolution No. 125–00 and Approve the Transfer of Funds from the CIP Fund to Cover the Lease and Associated Costs*

Staff presentation: Rick Beaty, Fire Chief

4. **2001 Rural Fire Protection District Services Contract** [Attach 4](#)

The Grand Junction Rural Fire Protection District Board has requested continued services from the City of Grand Junction Fire Department for the year 2001. A memorandum of agreement between the City and District calls for the provision of certain services by the Fire Department to citizens of the District. Pursuant to and defined in the agreement, the District pays the City an allocated portion of the annual budget for services. The projected cost of services for 2001 is \$1,165,291.

Action: Approve the 2001 Contract with Grand Junction Rural Fire Protection District in the Amount of \$1,165,291

Staff presentation: Rick Beaty, Fire Chief

5. **Revocable Permit to the Mesa State College Foundation for the Installation of Buried Electric Lines in Various Public Rights-of-Way** [Attach 5](#)

The Mesa State College Foundation is proposing to install buried electric lines in public rights-of-way to serve Mesa State's new fine arts and humanities facilities. The buried lines would be located in public rights-of-way for College Avenue, Mesa Avenue, Texas Avenue and Elm Avenue.

Resolution No. 126-00 – A Resolution Concerning the Issuance of a Revocable Permit to the Trustees of State Colleges in Colorado

**Action: Adopt Resolution No. 126-00*

Staff presentation: Tim Woodmansee, Real Estate Manager

6. **Utility Rate Changes, Effective January 1, 2001** [Attach 6](#)

Effective January 1, 2001 utility rates for wastewater, solid waste, water and irrigation services are proposed to change.

Resolution No. 127-00 – A Resolution Adopting Utility Rates for Water, Solid Waste, Irrigation Services and the City-County Joint Sewer Fund, Effective January 1, 2001

**Action: Adopt Resolution No. 127-00*

Staff presentation: Greg Trainor, Utility Manager

7. **Revocable Permit for Surplus City, Located at 200 West Grand Avenue** [Attach 7](#)
[File #SPR-2000-147]

The owner of Surplus City requests a revocable permit for landscaping and driveway improvements to be located in the right-of-way adjacent to the site. Staff recommends approval.

Resolution No. 128-00 – A Resolution Concerning the Issuance of a Revocable Permit to James A. Holmes

**Action: Adopt Resolution No. 128-00*

Staff presentation: Bill Nebeker, Senior Planner

8. **Setting a Hearing on Annexing Davidson/Wilcox Enclave, Located East of South Camp Road and North of the Ute Water Tanks on the Redlands**

[File #ANX-2000-208]

[Attach 8](#)

First reading of the annexation ordinance to annex the Davidson/Wilcox Enclave located east of South Camp Road and north of the Ute Water Tanks on the Redlands. The 5.11-acre enclave consists of one vacant parcel of land.

Proposed Ordinance Annexing the Territory to the City of Grand Junction, Colorado, Davidson/Wilcox Enclave Annexation, Located East of South Camp Road and North of Ute Water's Water Tanks on the Redlands, Consisting of Approximately 5.11 Acres

Action: Adopt Proposed Ordinance and Set a Hearing for December 20, 2000

Staff presentation: Dave Thornton, Principal Planner

9. **Setting a Hearing on Amending Chapter 4 of the Zoning and Development Code Regarding Group Living Facilities**

[Attach 9](#)

This ordinance makes major changes to Section 4.Q of the Zoning and Development Code, Group Living Facilities. The City has been requested to revisit this section of the Code as several issues were not addressed or considered in the original adoption. Various groups which met with City staff included representatives from Hilltop, Colorado West Mental Health, Mesa Developmental Services, Salvation Army, Community Corrections Board, and others.

Proposed Ordinance Amending Chapter 4 of the Zoning and Development Code of the City of Grand Junction, Colorado

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 20, 2000

Staff presentation: Stephanie Rubinstein, Staff City Attorney

10. **Cemetery Fee Adjustment for Disinterment**

[Attach 10](#)

It has been requested that the City waive the customary fee for disinterment and reinterment of three unmarked gravesites for the purposes of conducting DNA testing to determine if the remains might be those of the grandfather of Mr. Melvin G. Southam.

Action: Authorize Waiver of Customary Fees and Assess Only Time and Materials with the Balance of Revenue between the Established Charge and the Time and

Materials Charge to be Taken from Council Contingency and Credited to the Cemetery Fund

Staff presentation: Dan Wilson, City Attorney

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

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

11. **Public Hearing - Zoning the Davidson/Wilcox Enclave Annexation to RSF-E, Located East of South Camp Road and North of the Ute Water Tanks on the Redlands** [File #ANX-2000-208] CONTINUE TO DECEMBER 20, 2000

[Attach 11](#)

Second reading of the zone of annexation ordinance to Residential Single Family Estate with a maximum density of one unit per 2 acres (RSF-E) for the Davidson/Wilcox Enclave Annexation located east of South Camp Road and north of the Ute Water Tanks on the Redlands. The 5.11-acre enclave consists of one vacant parcel of land. Staff is requesting a continuance so the annexation can occur first.

Ordinance No. ___ – An Ordinance Zoning the Davidson/Wilcox Enclave Annexation to Residential Single Family Estate (RSF-E), Located East of South Camp Road and North of the Ute Water Tanks

Action: Continue to December 20, 2000 to Allow for Second Reading of the Annexation Ordinance

Staff presentation: Dave Thornton, Principal Planner

12. **Public Hearing - Redlands Parkway Bridge Annexation Located on Redlands Parkway Bridge across the Colorado River and Including Redlands Parkway Right-of-Way and Bridge** [File #ANX-2000-206] [Attach 12](#)

Resolution for acceptance of the annexation petition to annex and second reading of the annexation ordinance for the Redlands Parkway Bridge Annexation located on Redlands Parkway across the Colorado River and including Redlands Parkway right-of-way and bridge. The 2.15-acre Redlands Parkway Bridge Annexation consists of a portion of the Colorado River.

a. Resolution Accepting Petition

Resolution No. 129-00 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Redlands Parkway Bridge Annexation, Located on the Redlands Parkway across the Colorado River and

Including the Redlands Parkway Right-of-Way and Bridge, is Eligible for Annexation

**Action: Adopt Resolution No.129-00*

b. Annexation Ordinance

Ordinance No. 3313 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Redlands Parkway Bridge Annexation, Approximately 2.15 Acres, Located on the Redlands Parkway across the Colorado River and Including the Redlands Parkway Right-of-Way and Bridge

**Action: Adopt Ordinance No. 3313 on Second Reading*

Staff presentation: Dave Thornton, Principal Planner

13. **Public Hearing - CHC Cellular Annexations No. 1 and No. 2 Located at 2784 Winters Avenue** [File #ANX-2000-186] [Attach 13](#)

Public Hearing for the acceptance of the petition to annex and second reading of the annexation ordinances for the CHC Cellular Annexation, a serial annexation comprising CHC Cellular Annexation No. 1 and CHC Cellular Annexation No. 2, located at 2784 Winters Avenue and including portions of the Winters Avenue right-of-way. The entire annexation area consists of 10.85 acres.

a. Resolution Accepting Petitions

Resolution No. 130-00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as CHC Cellular Annexation, a Serial Annexation Comprising CHC Cellular Annexation No. 1 and CHC Cellular Annexation No. 2, Located at 2784 Winters Avenue and Including the Winters Avenue Right-of-Way, is Eligible for Annexation

**Action: Adopt Resolution No. 130-00*

b. Annexation Ordinances

- (1) Ordinance No. 3314 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, C.H.C. Cellular Annexation No. 1, Approximately 0.82 Acres Located at 2784 Winters Avenue and Including a Portion of the Winters Avenue Right-of-Way
- (2) Ordinance No. 3315 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, C.H.C. Cellular Annexation No. 2, Approximately 10.03 Acres Located at 2784 Winters Avenue and Including a Portion of the Winters Avenue Right-of-Way

**Action: Adopt Ordinances No. 3314 and No. 3315 on Second Reading*

Staff presentation: Patricia Parish, Associate Planner

14. **Public Hearing - Zoning the CHC Cellular Annexation I-2, Located at 2784 Winters Avenue** [File #ANX-2000-186] [Attach 14](#)

Second reading of the zoning ordinance for the CHC Cellular Annexation located at 2784 Winters Avenue and including portions of the Winters Avenue right-of-way. State law requires the City to zone property that is annexed into the City of Grand Junction. The proposed zoning of I-2 is similar to the existing Mesa County zoning of Industrial. The Planning Commission forwarded a positive recommendation.

Ordinance No. 3316 – An Ordinance Zoning the C.H.C. Cellular Annexation to General Industrial (I-2), Located at 2784 Winters Avenue

**Action: Adopt Ordinance No. 3316 on Second Reading*

Staff presentation: Patricia Parish, Associate Planner

15. **Public Hearing – Appeal of Planning Commission Denial of Outline Development Plan and Zoning the Etter-Epstein Property to PD, Located at the Southeast Corner of Horizon Drive and G Road** [File #ODP-2000-058] [Attach 15](#)

The 22.56-acre Etter-Epstein ODP property is located at the southeast corner of Horizon Drive and G Road and consists of three parcels of land. Approximately 1.4 acres of the property is public right-of-way due to the realignment of 27.5 Road and the Horizon Drive/G Road intersection. The parcels are presently zoned Planned Development (PD) but a plan has never been established for the property. The property owners are proposing this ODP to retain the PD zoning.

a. Appeal of Denial of Outline Development Plan

Action: Decision on Appeal

b. Zoning Ordinance

Ordinance No. 3317 – An Ordinance Zoning Three Parcels of Land Located on the Southeast Corner of the Horizon Drive and G Road Intersection to PD (Planned Development)

**Action: Adopt Ordinance No. 3317 on Second Reading*

Staff presentation: Kristen Ashbeck, Senior Planner

16. **Public Hearing – Adoption of 2000 International Building Codes and Related Fees** [Attach 16](#)

The proposed ordinance is for the adoption of the National Electric Code and the family of 2000 International Codes to include: International Building, Residential, Mechanical, Fuel Gas, Property Maintenance, and Energy Conservation Code. The ordinance also adopts the 2000 Uniform Plumbing Code. The City of Grand Junction is currently using the 1994 Editions of the Uniform Codes.

a. Ordinance Adopting Code

Ordinance No. 3318 – An Ordinance of the City of Grand Junction, Colorado, Adopting and Amending the Latest Edition of the International Building Code, the Uniform Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code, and the International Energy Conservation Code to be Applied Throughout the City of Grand Junction with Certain Amendments Regulating the Erection, Construction, Enlargement, Alteration, Repair, Moving, Removal, Demolition, Conversion, Occupancy, Equipment, Use, Height, Area and Maintenance of all Buildings or Structures in the City of Grand Junction; Providing for the Issuance of Permits and Collection of Fees Therefor; Authorizing Fees to be Set by Resolution and Providing for Penalties for the Violation Thereof and Repealing All Other Ordinances and Parts Of Ordinances in Conflict Herewith

**Action: Adopt Ordinance No. 3318 on Second Reading*

b. Resolution Setting Fees

Resolution No. 131–00 – A Resolution Setting Building Code Fees under the 2000 International Building Code

**Action: Adopt Resolution No. 131–00*

Staff presentation: Mark Relph, Public Works & Utilities Director

17. **Public Hearing - Adopting the 2000 International Fire Code and Related Fees** [Attach 17](#)

The 2000 edition of the International Fire Code is part of the 2000 International Code set, currently being adopted by the City. The 2000 Codes are written to be well-coordinated so that the provisions do not conflict. The compatible sections of the International Building Code and International Fire Code contain identical language. There is a minor new amendment included concerning looped water

lines. The amendment will provide the Fire Department with more flexibility in enforcement of looped water line requirements for new developments. All other Code amendments in this ordinance were previously adopted as part of the 1994 Uniform Fire Code, and are carried over to be part of the 2000 International Fire Code.

a. Ordinance Adopting Code

Ordinance No. 3319 – An Ordinance Adopting the 2000 Edition of the International Fire Code; Amending Certain Provisions in the Adopted Codes; Amending All Ordinances in Conflict or Inconsistent Herewith; and Providing a Penalty for Violation of Any Provision of Said Codes

**Action: Adopt Ordinance No. 3319 on Second Reading*

b. Resolution Setting Fees

This resolution sets forth fees which are required in the International Fire Code, 2000 Edition, for Operational and Construction permits.

Resolution No. 132–00 - A Resolution Setting Fees for Operational and Construction Permits for the International Fire Code in the City of Grand Junction, Colorado

**Action: Adopt Resolution No. 132–00*

Staff presentation: Dan Wilson, City Attorney
Hank Masterson, Fire Inspector

18. **Public Hearing - Adopting the 1995 Model Traffic Code for Municipalities**

[Attach 18](#)

This ordinance primarily adopts the 1995 Model Traffic Code for Municipalities, while repealing the 1977 version. The difference between the 1977 and 1995 versions of the Model Traffic Code are primarily that the 1995 version is more readable and contains less jargon. The parking sections of the 1977 version will remain in full force and effect.

Ordinance No. 3320 – An Ordinance Amending Chapter 36 of the Code of Ordinances of the City of Grand Junction, Colorado, Adopting the 1995 Model Traffic Code and Amending Certain Provisions in the Adopted Code; and Providing Penalties Therefor

**Action: Adopt Ordinance No. 3320 on Second Reading*

Staff presentation: Stephanie Rubinstein, Staff City Attorney

19. **Public Hearing – 2000 Supplemental Appropriation Ordinance** [Attach 19](#)

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

Ordinance No. 3321 – An Ordinance Making Supplemental Appropriations to the 2000 Budget of the City of Grand Junction

Action: Adopt Ordinance No. 3321 on Second Reading

Staff presentation: Lanny Paulson, Budget & Accounting Manager

20. **Public Hearing - Annual 2001 Appropriation Ordinance** [Attach 20](#)

The total appropriation for all thirty-five accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$88,376,959. Although not a planned expenditure, an additional \$2,000,000 is appropriated as a emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Ordinance No. 3322 – An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District, for the Year Beginning January 1, 2001, and Ending December 31, 2001

Action: Adopt Ordinance No. 3322 on Second Reading

Staff presentation: Lanny Paulson, Budget & Accounting Manager

21. **Sanitary Sewer Easement and Temporary Construction Easement by Condemnation Proceedings Pertaining to Sanitary Sewer Improvement District No. SS-44-00** [Attach 21](#)

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire certain easement interests from the Grand Valley Irrigation Company.

Resolution No. 133–00 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Easement Interests by Condemnation for Improvements Connected with Sanitary Sewer Improvement District No. SS-44-00

Action: Adopt Resolution No. 133–00

Staff presentation: Tim Woodmansee, Real Estate Manager

22. **NON-SCHEDULED CITIZENS & VISITORS**
23. **OTHER BUSINESS**
24. **ADJOURNMENT**

Attach 1

JOINT CITY/COUNTY MEETING REGARDING THE PERSIGO 201 BOUNDARY ADJUSTMENTS

November 13, 2000

Those present were Mayor Gene Kinsey, Councilmembers Cindy Enos-Martinez, Earl Payne and Jim Spehar. Mesa County Commission Chairwoman Doralyn Genova, Commissioner Kathy Hall and Commissioner Jim Baughman were present. Roberta Raley, Clerk of the Board and City Clerk Stephanie Nye were also present.

Mayor Kinsey announced discussion will take place on possible areas for inclusion and exclusions to the adjustments of the 201 Sewer Service Boundary.

Utilities Manager Greg Trainor provided a brief overview of several areas under consideration. This meeting has been established by the Board of County Commissioners for Mesa County and the Grand Junction City Council as a once a year event to consider additions and deletions to the 201 sewer service area.

One area to be considered is a carryover from discussions one year ago. It was discussed further in March, 2000, and the boards hope to resolve that area (a portion of Orchard Mesa in and around the Valle Vista area).

Mr. Trainor described the several areas for consideration and referred to a plat for locations.

1. Central Orchard Mesa in and around Valle Vista
2. 23 Road Park Plaza (a small parcel) and some adjacent properties near 23 Road and Interstate 70
3. Corner of Little Park Road and Rosevale Road
4. Central Orchard Mesa, South of B Road, and north of Highway 6 & 50, east of 30 Road and west of 32 Road

He pointed out the existing 201 boundary to orient the audience.

Last year there was much discussion on whether to include the Appleton area which is east of 23 Road, between H Road and the Interstate. When the Appleton School was remodeled, and because of failing septic systems in the area, sewer was extended to the school district. The question arose about how to keep people from connecting to that sewer line if they should have problems with their systems. Council and the Mesa County Commissioners tried to define the area around the Appleton School as tightly as

possible in order to try to limit the development in terms of what could go on sewer and what wouldn't be on sewer. The 23 Road Park Plaza is an area that was subdivided in Mesa County in 1981. There are dry sewer lines in that area. Sewer is not available to that piece of property, although the decision is whether it should be in or out of the 201 area. It is presently zoned commercial as well as properties to the east. The current sewer is located in the Interstate Commercial Park south of the interstate, but the City's engineers are concerned with the depth of the sewer and physical characteristics of the ground, etc. which would allow it to be extended from 23 Road Park Plaza, under the interstate, and over to the Interstate Park. The sewer would have to be extended to the west on the north side of the interstate, then over to where River Road crosses under the interstate, going beneath the railroad tracks and to the River Road Interceptor. This routing, based on depth of sewer and topography, is approximately 4400 feet, a little less than one mile, and \$75/foot which would be approximately \$300,000 to \$330,000 for property owners in this area to extend sewer. This route is not likely per the City's Utilities Engineer Trent Prall.

Mr. Trainor explained the areas marked on the plat with an "x" are properties that are currently on sewer and on sewer as a result of the sewer line crossing underneath the interstate, going along the freeway, then up to the Appleton School. The drainage basins are somewhat divided. Sewer to the east of 23 Road would require a pump station.

Mr. Trainor said 400 notices were mailed to property owners in this area as well as the Valle Vista area. Staff received a number of phone calls on different issues. Property owners Ramsetter said the 23 Road Park Plaza is just to the west and they were bordered on the south by commercial. If this area was included, it would make sense for the Ramsetters to also be included in the 201 boundary.

Councilmember Payne asked Mr. Trainor if Staff is considering a special district for the 4400-foot extension. Mr. Trainor said the sewer system's policy is with new development, the property owner pays the cost to extend sewer to their property. There is a trunkline extension policy where, under certain conditions, the sewer system has participated in the cost of extending sewer. Those conditions are fairly strict because in those cases a landowner of undeveloped land is asking the sewer system to become a partner in their development. In the past, the boards have examined the payback potential. The sewer fund pays to extend sewer, but it must be determined when the sewer fund will be reimbursed. Under the policy, the developer must provide 15% of the project in cash. It must then be reviewed by Council and the Commissioners, and there must be a strong possibility that the sewer fund will be reimbursed in a reasonable period of time. There have been several inquiries of the sewer fund extending sewer under this policy. Staff has determined that that area is not like South Camp Road. South Camp Road has a tremendous amount of development taking place, and the sewer fund received all of its money back within a five-year period. He felt it would be difficult for the sewer fund to get the funds back in this area if they were to participate. There are 30 lots in the 23 Road Park Plaza and would result in \$8,000 to \$10,000 per

lot for the extension. The cost of some of the sewer improvement districts that are being formed are comparable.

Councilmember Spehar said the only practical way is to extend sewer to the west, meaning in order to get a line to this parcel it will be necessary to go through other parcels with the line that are not currently in the 201 boundary. Mr. Trainor said that is correct.

Commissioner Baughman did not understand why the sewer could not be taken underneath the interstate and to the south, if the developer is willing to pay for the extension, since a lift station would likely be required in that situation. Mr. Trainor said if there was a lift station, it certainly could. Flowing gravity to the south would be a problem because of the grade that would have to be maintained for the sewage to flow by gravity and the depth of the sewer in Interstate Park south of the freeway. A lift station requires operation, maintenance and eventual replacement, and it requires the sewer system to operate and maintain a lift station. If the area to the west of 23 Road, along the interstate, was ever developed in commercial and the sewer boundary was ever extended to the area west of 23 Road, there would certainly have to be sewer in that area also. It would make sense to try to meet one objective, that is, not to have a pump station, and to sewer areas north of the interstate. The idea would be for the sewage to flow from 23 Road west underneath the old highway to Fruita, then across the railroad tracks to Persigo Wash. Commissioner Baughman noted there are many lift stations in the Persigo system. Mr. Trainor agreed there are approximately 25 lift stations in the system. In every instance the first objective is to try to find a way where service flows by gravity because lift stations are expensive to operate and maintain. The second objective is the elimination of certain lift stations. They prefer not to have a lift station serving this part.

Commissioner Genova asked what the cost would be for a lift station. Mr. Trainor said a lift station is currently being replaced at the DOE compound at a cost of \$80,000. With replacement and power, etc., the additional cost is approximately \$1,200/year.

Councilmember Payne asked for the approximate cost of drilling underneath the interstate. Mr. Trainor was unable to give an estimate. Councilmember Payne wanted to compare the \$330,000 taking the extension west to River Road, versus \$80,000 for a lift station plus \$150,000 to drill under the highway.

Commissioner Baughman said how this area would be sewerred is irrelevant. The decision is whether to include it in the 201 sewer boundary.

Mr. Trainor said inside the 201 sewer service area boundary there are undeveloped properties and Staff spends a lot of time working with the property owners looking at various options. He said the City and County's decision tonight is whether it's appropriate that this area be inside or outside the 201 boundary, and what it means to the surrounding properties and the land use, etc. The method of sewer is up to the property owner.

Councilmember Spehar asked for the current land use status of this parcel. Mr. Trainor said it's zoned commercial. The property directly to the east of this parcel is zoned estate.

Public comment was taken on the following:

23 Road Park Plaza

Jim Dyer, representing Karen Marquette, was trying to get a decision on the utilization of the sewer for her property. A submittal had gone through the City and County Planning Departments. He was requesting a way to connect to the sewer and utilize Ms. Marquett's property. He has put together a team consisting of himself, Karen Marquette, property owner, Gary Vanderwood, architect, and Mike Joyce, consultant. Ms. Marquette acquired the property (approximately 80 acres) in 1989 and has invested approximately \$500,000 worth of improvements on the property. The first filing has the utilities in and the 40 remaining acres to the north is also planned industrial. Mr. Dyer introduced Karen Marquette.

Councilmember Enos-Martinez asked if the second filing is being included in the request. Mike Joyce said Ms. Marquette is not requesting inclusion of the upper portion of the remaining 40 acres in the 201 boundary. It was a planned development to be accomplished in two different filings. Filing 2 was never consummated. Filing 1 was recorded and does have curb and gutter. They are only requesting inclusion of Filing 1 at this time.

Councilmember Enos-Martinez asked Mr. Joyce if he had been retained as a consultant for this project. Mr. Joyce said if this project does go forward, he would be a consultant. Currently, he is not being paid to do anything on this project.

Councilmember Enos-Martinez recused herself from discussion on this portion, left the dais and sat in the audience.

Mr. Joyce said the Growth Plan shows a land use of commercial/industrial for this property and it currently has a planned commercial zoning.

Councilmember Spehar asked if the improvements meet current requirements. Mr. Joyce said the roadway is not installed and the road base would have to be redone. There are fire hydrants, road widths, etc. which meet Mesa County standards and City standards back in 1981 when they were both identical for urban-type subdivisions. The property has dry sewer lines. In fact, the water lines were actually when County Jam was on that site the first few years. They actually charged the system out. Mr. Dyer said the right-of-way platted is 60 feet so either road standard could be built into that right-of-way.

Karen Marquette, 2125 Broadway, has contacted the Planning Department over the years and has been told she can do anything with her property even though it's going to take a significant amount of money. Over the years she has had various offers from citizens to purchase her property. She has been involved in development in other states and has seen how things are built up. She had a vision for this property when she purchased it. She has never sold the property because she loves the City of Grand Junction. Her project is 90% complete. Her property is a rare piece of property and needs to be developed properly. It is easy access with great visibility. The development has great infrastructure. She requested her property be added to the 201 sewer boundary.

Commissioner Baughman asked Ms. Marquette if her vision was for commercial use of her property. Ms. Marquette responded yes, it would be the best and highest use for the property.

One written comment from Dave Zollner, 2545 Canaan Way, Grand Junction, 81505, was read into the record: "Please do not allow further extension of the 201 sewer boundary north of I-70 near 23 and 26 Roads. The will of the people has spoken in the County-wide Land Use Plan, and the recent North Central Valley Plan to maintain low densities and rural attributes in that area. The City and County wrestled with the controversial issue of allowing the sewer to extend to the Appleton School, knowing it was a must for the school but also contradicting the Land Use Plans in the process. Please be vigilance to stem the tide requested by developers for sewer hookups in the area by declining the extension of the 201 sewer boundary."

Marie Ramsetter, 929 Main Street, was assured by Pete Baier that her property on the east half would be in the 201 sewer boundary, and the west half could not be included. She was unable to attend the meeting when her property was discussed. She talked with City Utilities Engineer Trent Prall and was told she would have to wait until tonight's meeting. She requested the east half of her property be added back into the boundary. Commissioner Genova asked Ms. Ramsetter if she would object to having the west half of her property included in the boundary. Ms. Ramsetter said no.

Sean Norris, owner of property to the north of Ramsetters, said discussion at the last meeting was the dividing line between the 201 which was originally down the middle of those properties. His comment at that time was either take it all out or leave it all in because of the difficulty of getting sewer on one half and septic on another half, and trying to get both the City and County Planning Commissions together to make everything work. He was informed there was an "invert" problem because of the location of the sewer line causing everything to the east to drain to the new sewer line. That was the reason for putting the line in there. Everything to the west was outside the drainage basin. He still has no preference but requested the location of the boundary line be determined.

There were no other public comments. Mayor Kinsey then asked for comments from the Board and City Council.

Commissioner Kathy Hall said the 23 Road Plaza property should be added in as commercial, along with the Ramsetter property.

Greg Trainor said natural drainage would go to the west and down to the River Road area. Sewage can be directed anywhere with a lift station. He did not feel the Board and Council wanted to discuss that tonight.

Commissioner Baughman felt since there is no representation tonight for the parcels to the west, they should not be included at the present time, although he felt the 23 Road Plaza and Ramsetter properties should be included within the 201 boundary. He asked Mr. Trainor if he knew whether those property owners wanted to be included. Greg Trainor had no specific information. He said the property is zoned either industrial or commercial, and is located right next to Lift Industries.

Councilmember Payne wanted to include Ramsetter property and the 23 Road Plaza.

Mayor Kinsey reminded the audience that three properties are being considered and one of the requests is a piece of property that was zoned for industrial and mandated by the County and put in infrastructure, including sewer. He felt because of the sense of history and fairness, it made sense to put that back into the 201 boundary. Installing sewer at the Ramsetter and Norris properties would force a higher density than 2-5 units/acre, thus conflicting with the recommended density by the Growth Plan. He felt only the 23 Road Plaza property should be included since that was the only property noticed.

Councilmember Spehar was reluctant to add parcels piecemeal. He felt the opportunity to install sewer should be created for the parcel already zoned industrial under those 30 lots. He was not sure that would solve the problem of allowing the development because of the financial considerations. He also wanted to limit this to the 23 Road Plaza property.

Commissioner Hall did not think it was specifically stated at the last meeting that the Ramsetter property would be taken out of the boundary. Some adjustments were made at that meeting when requested by Redlands property owners.

Mayor Kinsey felt the Board and Council have a commitment not to expand sewer and development in this area because of the 2-5 units/acre recommended density.

Commissioner Baughman preferred including the Ramsetter property, the western portion of the Lift property and the 23 Road Park Plaza in the 201 boundary, although consensus is to include only the 23 Road Park Plaza. He felt a strong case can be made to include the second portion of the Lift and Ramsetter properties.

Councilmember Spehar suggested asking legal counsel if there is indeed an issue with the notice. Commissioner Genova said she was comfortable with the notice and

moving forward to include the Ramsetter property, the rest of the Lift property and the 23 Road Plaza property. Councilmember Payne agreed.

City Motion

Upon motion by Mayor Kinsey, seconded by Councilmember Spehar and carried with Councilmember **PAYNE** voting **NO**, the 23 Road Plaza property only was to be included in the 201 boundary.

(Per City Attorney Dan Wilson the rule of necessity allows the Council to go forward with only three voting members.)

County Motion

Upon motion by Commissioner Hall, seconded by Commissioner Baughman and carried, the 201 sewer boundary be amended to encompass the 23 Road Park Plaza.

Mayor Kinsey said by joint agreement, 23 Road Park Plaza was included in the 201 sewer boundary.

County Motion

Upon motion by Commissioner Hall, seconded by Commissioner Baughman and carried, to include the entire Ramsetter property back in the 201 sewer boundary.

City Motion

It was moved by Councilmember Payne and seconded by Councilmember Spehar that the entire Ramsetter property be placed back in the 201 sewer boundary. Motion failed 2 to 1.

Since Councilmember Enos-Martinez had secluded herself from discussion on the 23 Road Park Plaza, Commissioner Hall requested Councilmember Enos-Martinez return to the meeting to vote on motions that do not include the 23 Road Park Plaza property.

It was moved by Councilmember Payne and seconded by Councilmember Spehar that the Ramsetter property be included in the 201 sewer boundary. The motion resulted in a tie vote 2 to 2. Motion failed.

It was suggested by Commissioner Hall that discussion move on to the next location since only one parcel has been agreed upon jointly.

Little Park Road

Greg Trainor said requests are from property owners on the southwest corner of the intersection of Little Park Road and Rosevale Road (6.2 acres) to be deleted from the 201 boundary.

Commissioner Baughman asked for an explanation of how it relates to Little Park Road. Mr. Trainor referred to the map for clarification. He said the property is a hillside. The small drainage cuts through the middle of it. Sewer presently comes up Rosevale Road to C½ Road, approximately 1200 to 1300 feet away. It could be served by sewer. The sewer that's in Rosevale Road was put in at a depth that would serve much of the drainage basin off of South Rosevale Road. Currently, it stops at the Redlands Canal.

Teresa Manthi, Cole & Company Realty, listed and sold this particular piece of property. The recent purchaser wants to split the property into two parcels. The property goes straight up the side of the hill. There will never be sewer to it. Everything surrounding the property is two-acre sites. No one on Little Park Road is included. All the rest of Little Park Road has been taken out of the boundary. She said the owner wants his 6-acre property deleted.

Councilmember Spehar asked if City regulations require split properties be sewerered. Ms. Manthi said there are only two places where a leach field can be located. She said the property begs to not ever have more than two parcels on it. Physically, the topography cannot allow more building on the property.

Assistant City Manager David Varley said this happened recently to a property just north of this area and installation of a dry line was required by the City.

Commissioner Baughman said the dry line requirement would assure it should have sewer at some point, otherwise there wouldn't be a dry line.

Ms. Manthi said even if the property is deleted from the 201 boundary, septic systems still have to be installed. Physically, no more than two houses can be built on the property.

Commissioner Hall asked to be shown where the sewer is laid. Mr. Trainor indicated the sewer comes down Rosevale Road to C½ Road to the bottom of the canal, approximately one-quarter mile away.

Commissioner Baughman asked if anything currently exists on the property. Ms. Manthi said no. Everything on Little Park Road is two-acre minimum parcels. Even if sewer got to this property, it would never be brought up Little Park Road because no one is interested in participating in the cost to bring it in. Mr. Trainor said the County shows this parcel zoned R-2. Pete Baier said whether it's R-2 or R-4, the zoning doesn't fit. The reason it was left was because of the zoning density. It is a matter of zoning to a density that perhaps is not buildable based on what the lot owner is saying, that being,

there will never be more than two homes on the property. He said there is zoning that would support sewer, yet the physical features of the lot are such that it cannot be built out. Therefore, the request is to remove it. Commissioner Baughman felt the zoning needs to be changed as well as the 201 boundary. Ms. Manthi agreed the property cannot support the zoning.

There were no other public comments.

Councilmember Spehar asked if this property were removed from the boundary as unbuildable for more than two sites, is a motion necessary saying so long as there are no more than two dwelling units built on this parcel. City Attorney Dan Wilson recommended the approval be made with the foregoing condition.

County Motion

Upon motion by Commissioner Hall, seconded by Commissioner Baughman and carried, the requested property on Little Park Road is to be deleted when the zoning on the property is changed so no more than two units can be built on it.

City Motion

Upon motion by Councilmember Spehar, seconded by Councilmember Enos-Martinez and carried, the subject property is to be removed from the 201 sewer boundary upon approval of a zoning change to the appropriate density.

Central Orchard Mesa (Valle Vista)

Pete Baier referred to the area on the map, stating B Road south remained in the boundary. Currently, a secured 400 feet on each side of the line running through Valle Vista and the Valle Vista Subdivision itself is inside the boundary. The area in question is the area south of B Road. A Planned Use plan was being prepared in the area, so it was decided to put this off until this point in time when information is available on the Land Use Plan. Planners Michael Warren and Kurt Larson, County Planning engineers, were present to give information on the current adopted Land Use Plan.

Michael Warren, County Long Range Planning Division, said the planning process was a Land Use process and was not intended to discuss sewer. The intent was to clarify future land use for the Valle Vista area. What came up through citizen participation forums and recommended future land use was that the area largely remains rural and that it reverts back to the AFT zone (recommended density 5 to 35 acres) and the overlay district extends south to Highway 50. Those densities would not require sewer.

Mr. Baier referred to the proposed Land Use Map that has been accepted by both the City and County Planning Commissions.

Commissioner Baughman said the map indicates Valle Vista and the adjacent properties is in conflict with the map that shows only Valle Vista and the 400 feet on either side of the sewer service line extension. Mr. Baier said the reason for the 400 feet is a State law that requires a property owner who has a failed sewer line to tie in to an existing sewer line within that distance. There is some conflict in the zoning of Valle Vista area immediately adjacent to it, that is, existing versus future land use.

Mr. Baier reviewed the Persigo Agreement and read a portion: “For properties south of the Colorado River and east of the Gunnison within the 201 (“Orchard Mesa”), there shall be no development nor uses approved in the area east of 30 Road, west of Highway 141, which are connected to the system, except for the already fully developed subdivision Valle Vista. Structures lawfully existing as of the date hereof which are within 400 feet of the existing sewer service line which connects to the Valle Vista, may be connected to the Valle Vista sewer line. Development of any property, any portion of which is west of 30 Road on Orchard Mesa, which meets the criteria of annexable development shall only occur within the City and contemporaneous with the annexation and City review and approval. The parties shall commit to a successful resolution with Orchard Mesa Sanitation District “

Commissioner Baughman said the Council and Commissioners have already made an exception. In addition to the 400 feet along the line, as well as Valle Vista, there is a trailer park on the south side of Highway 50 that was added to the boundary. It is east of 30 Road and over 400 feet from the existing sewer line. Pete Baier confirmed that area was added into the boundary.

Councilmember Spehar said the spirit of the Persigo Agreement says not to allow for development at a higher density.

Gretchen Sigafos, 131 31 Road, has lived in the neighborhood for over 21 years. She appreciates the rural nature of the area. When Valle Vista property came up, the County thought she was in the City, and the City thought she was out, which caused confusion. They would like to be out of the 201 sewer boundary.

Ken Wymer, 325½ B½ Road, was concerned with a statement that if his area was accepted into the Persigo Sewer System, there is a potential for annexing into the City of Grand Junction. Mayor Kinsey said any area that has sewer, it is understood that in order for it to be financially practical, that it must be developed at a fairly high density. Areas that are developed at high density belong in cities. If sewer is installed in there and neighborhoods are built, then it should be in the City. If it is to be left rural and not put a sewer in there, then it should remain outside of the City.

Mr. Wymer said the Central Orchard Mesa Fire Protection District goes to A½ Road, then one-quarter mile east of 30 Road, then to A½ Road, east to 31 Road and angles off and takes in Valle Vista. If the area were annexed into the City, the district would lose a large portion of property and part of their revenue. Chairwoman Genova said the only thing that would make this area a candidate for annexation would be development.

Councilmember Spehar explained that if the provision of sewer led to requests for development at a high density, then it would be a candidate for annexation. If sewer went in and there were no such requests, the property would not be a candidate. If the boundary is not expanded to include this area, it would not be a candidate.

Commissioner Baughman explained the Persigo Agreement actually exempted existing development from annexation. The provision of sewer was no longer the trigger for annexation; development became the trigger.

Councilmember Payne explained that if Mr. Wymer's neighbors want to develop their own parcels and hook up to sewer, their parcels will come into the City. Mr. Wymer's property will be left in the County. Mr. Wymer thought the entire area would be included in annexation. Councilmember Payne said no.

Paul Cavanaugh, owner of property at the corner of 30 Road and B $\frac{1}{2}$ Road, said the sewer line comes up B $\frac{1}{2}$ road and crosses the intersection of 30 and B $\frac{1}{2}$ Road. He referred to the 400-foot rule. Because he will probably dispose of this 7-acre parcel, there's an added incentive in selling the property if it could be connected to the sewer. He was taken out of the 201 boundary. He asked if a single sewer hookup would be possible. Councilmember Spehar said the portion of Mr. Wymer's property that is located within 400 feet of the line is included in the 201 and would be eligible for sewer. Pete Baier said it's a rule of a failed septic within 400 feet that requires the tie in, but the raw land is not eligible.

Mr. Cavanaugh said if he sold the property and decided to plug the septic system he could get on the sewer. Councilmember Spehar said no, there must be an existing structure with a failed septic system.

Mr. Cavanaugh asked if a structure was located more than 400 feet from the sewer line, although the property is bounded within the 400 feet, could they tie in to sewer. Mr. Trainor explained, under the Persigo Agreement, the existing structure on a property must be within 400 feet of the sewer line.

Jim Rooks, 155 31 Road, owner of approximately 200 acres, said he would like to be left in the 201 boundary area. His residence is located 403 feet from the sewer line; consequently, he cannot hook onto the sewer line.

Carrie Cook, 3097 A $\frac{1}{2}$ Road, would like to retain the rural atmosphere and stay out of the 201 boundary.

Darrel Martin, 128 30 $\frac{3}{4}$ Road, lives in a rural atmosphere and would like to stay out of the 201 boundary.

There were no other public comments.

Commissioner Baughman said there is high groundwater and septic problems in this area. An option could be that the sewer could be allowed to hook to existing residences and not available for future development. Councilmember Spehar felt that would be a modification of the Persigo Agreement and not a boundary issue.

City Attorney Dan Wilson said the Agreement says existing units as of October of 1998. If those fail later, those within the 201 boundary meet the Persigo Agreement.

Chairwoman Genova felt the City Council and the County Commissioners should be looking at things they will be facing in the next few years with the Clean Water Act and other things. She felt it needs to be done now or it will have to be done later.

Chairwoman Genova felt that if Mr. Rooks' residence is 401 feet from the existing sewer, he should be able to hook on to it. Any new development over the 400-foot limit would not be allowed hook up. The idea is to use the line that is presently in the ground to serve that drainage basin.

Councilmember Spehar asked Greg Trainor how that would work. As a practical matter, is it going to help someone 600 to 1200 feet away, are they going to be able to pay for that extension. Mr. Trainor said the minimum size service line is 4 inches. Practically speaking, an 8" line would probably be used because the biggest expense is digging the hole to cover the line. He would use an 8" line thinking that in the future the requirements could change. It would be quite expensive, but the line would be there. Someone right next to that builds a house and puts a septic system in, and it fails 5 or 10 years down the line, there's a sewer line. He felt this was one of the reasons for the discussion on the 201 Persigo Agreement, being that all the existing structures within 400 feet of the Valle Vista line would be allowed to hook on. Once the sewer line is extended, it's almost impossible to prevent someone from hooking on to it because of the necessity.

City Attorney Wilson said this entire situation was driven by the existence of Valle Vista. There are problems, and the State Health Department is saying the lagoons are bad. There were over 100 residents in Valle Vista so it was a huge investment. So the solution was the City and County must agree to serve Valle Vista to protect those investments. Although, once you put a line in, development will naturally follow. The solution agreed upon was the existing structures as of October 1998. Extending 1200 feet ten years from now, over the long term, adds more. That's the policy dilemma. Regarding the 400-foot rule, State law mandated that there be a rule, but that rule came out of the City/County agreement in 1979, a resolution when the entities were getting ready to bond, for the first go around of the construction of the Persigo system. That rule is not magic. The two bodies (City and County) could, with approval of past bond counsel, make changes to the rules. When the bonds are written off, the bodies can change that distance requirement.

Mr. Wilson advised that when making a land use decision, it extends the consideration beyond the 400 feet. If a land use decision is being made, he recommended relooking

at the entire development east of 30 Road. The time will come when there will be development pressure in that corridor.

Mayor Kinsey said another significant factor in the discussion is the Orchard Mesa Neighborhood Plan that included a considerable amount of work and effort. If the boards are going to develop land use plans and neighborhood plans, they should follow them.

Chairwoman Genova said she could see no change in the overlay plan by allowing people the opportunity to utilize the sewer line. There is no law against having a sewer line in agriculture ground.

Mayor Kinsey said people are allowed to utilize that line. However, the line has to be drawn somewhere. He said no one is in distress right now. If someone were to come to the next meeting with a situation, then that situation could be addressed.

Chairwoman Genova said the number can't be changed without changing the bond. She felt it would be easier to take that as a whole drainage basin which is why it was put in and that's why the line is drawn where it is. It's a natural basin.

Councilmember Spehar felt such a change would open up the area for higher density which is contrary to the recently updated Plan, and he could not agree to expanding the boundaries of the 201. Councilmember Payne concurred.

Councilmember Enos-Martinez said they were waiting on the Orchard Mesa Plan and felt this decision should be put on hold for the update of the Plan.

Commissioner Baughman asked Councilmember Enos-Martinez if she would object to existing development prior to October 13, 1998, that if there were a septic system failure, allowing an owner to tie onto that line at their own expense, even if they were further than 400 feet. Councilmember Enos-Martinez didn't feel that could be considered at tonight's meeting but rather would have to be considered at that time.

Commissioner Hall disagreed, citing that is the issue tonight. Changing the distance boundaries is not the issue tonight. The issue tonight is leaving the area in the 201, with the understanding that only existing can connect to the sewer. That basically is the issue tonight.

Councilmember Enos-Martinez said if leaving it in the 201 even existing, but not within the 400 feet, makes no difference.

Commissioners Hall and Genova felt leaving the properties in would do the property owners some good.

City Attorney Wilson displayed a copy of the Statute regarding the 400-foot rule.

Councilmember Spehar asked for clarification on whether this area is to be added to or deleted from the 201 boundary. The County said it was in and the City said it wasn't.

Commissioner Baughman referred to paragraph a, section 23 of the Persigo Agreement, regarding development. He read: "For properties south of the Colorado River and east of the Gunnison within the 201 "Orchard Mesa" there shall be no development nor uses approved in the area east of 30 Road, west of Highway 141 "32 Road" which are connected to the system, except the already fully developed subdivision Valle Vista. Structures lawfully existing as of the date hereof, which are within 400 feet of the existing sewer service line which connects to the Valle Vista, may be connected to that Valle Vista sewer line.

Councilmember Enos-Martinez said the last line of that paragraph "structures that are lawfully existing as of this date, which are within 400 feet" answers the question.

Commissioner Baughman said the first sentence says "nor uses" which would require amending the Persigo Agreement to include this area in the 201.

Chairwoman Genova said the Persigo Agreement should have been amended to include what was done with the trailer park that was included in March of this year. That action was not legal according to the definition in this paragraph. Commissioner Baughman agreed.

Councilmember Enos-Martinez did not recall a lot of input from the residents in the area saying they wanted this area to be in the 201 boundary.

Chairwoman Genova said, because this is a natural drainage down there, she thought it was a wise decision to include the Valle Vista trailer park because of the existing problems.

City Attorney Dan Wilson said that was an existing distressed area already developed. It was not something that was coming on line afterwards. That is the distinction and the concern was this one wouldn't be extended any further because it was right next to 30 Road.

Chairwoman Genova said it's the same point; it depends on how you spin it. She was talking about properties that are on the ground right now. Valle Vista is a development that is already on the ground right now. That's why that sewer line was put in to begin with. The trailer park is another example of it.

City Motion

It was moved Mayor Kinsey and seconded by Councilmember Spehar and carried that the area in question, Orchard Mesa, south of Valle Vista (both purple areas on the map), be deleted from the 201.

County Motion

It was moved by Commissioner Baughman and seconded by Commissioner Hall that this area remain in the Persigo 201 boundary, but with the understanding that only residents that existed prior to October 13, 1998 be allowed to hook onto that sewer line.

Mayor Kinsey said he understood the County Commissioners want to fix the potential problem of failing septic systems, but one of his concerns with leaving it in the 201 boundary, at some level, every property in that area is being promised that they are eligible for sewer service. Then to take it back saying under some conditions, he felt the City and County are setting both entities up for a lawsuit or challenge on it. He would rather take the area out, then go back and fix the few problems, rather than leave it all in and set it up for future development. Councilmember Payne agreed. Mayor Kinsey felt Council is agreeable with doing whatever modification necessary, whether it be the Persigo Agreement, the length of distance or the area. The whole goal of the Persigo Agreement was to target failing septic systems so it will not be ignored.

Commissioner Baughman didn't know how to take care of those if they're outside the 201 area. He recalled a similar situation on the Redlands which is in the 201, yet the City and County agreed the existing development on the Redlands would not be annexed, yet they were going to try to figure how to get sewer to those homes because they had failing septic systems.

Mayor Kinsey, said, given the Orchard Mesa Neighborhood Plan and the general comments this evening, he felt the boundary should be modified tonight, leaving Valle Vista area in the boundary, with the commitment that they will continue to deal with septic problems and make adjustments in boundaries as necessary.

Commissioner Baughman agreed they need to honor the Orchard Mesa Neighborhood Plan that was adopted and recently modified. Chairwoman Genova said she didn't see where the Orchard Mesa Plan and sewer go together. They are two separate things.

Mayor Kinsey hoped the City and County Public Works Departments could take a look at some of the houses in the area and make a recommendation for future solutions.

County Motion

It was moved by Commissioner Baughman, seconded by Commissioner Hall that this area be deleted from the 201 boundary but because of the high groundwater situation be revisited in 2001. Motion failed.

Commissioner Hall noted the two entities are in the same place as four years ago because the County majority said "leave it in" and the City's majority said "take it out."

Commissioner Genova said the property stays “as is.”

City Attorney Dan Wilson said nothing has changed. The issue is try to comply with the Orchard Mesa Neighborhood Plan, try to be consistent with the Persigo concerns, yet make sure no one is left high and dry with a septic failure. He suggested the City and County agree to remove it from the 201. If Staff is directed to draft an amendment to the Persigo Agreement, there are a couple of ways to do this.

Chairwoman Genova wanted to direct Staff and the attorneys, noting the discussion that has taken place tonight, noting the concerns that were brought forth by both the City Council and County Commissioners, to look at a way to resolve the problems, with the understanding that there are some problem areas out there, and figure out how this can be addressed, either with an amendment in the distance requirement in the Persigo Agreement (paragraph 23a), or a waiver through the management agency.

Mayor Kinsey asked if Ms. Genova wanted to take the area out of the 201 boundary tonight with the idea that they will be able to deal with existing homes. Commissioner Hall said that is what she would recommend. She would like to go ahead and make a motion to direct staff to recommend to them on how they will deal with failing septic systems in that area, whether it's an amendment to the Persigo Agreement or a waiver through the management agency. She was saying taking it out for now until there is Staff recommendation on solving the problem areas of failing septic systems of existing residences prior to October 18, 1998, either a waiver system of the management agency, or have an amendment to the Persigo Agreement.

Mayor Kinsey said hypothetically speaking, if a piece of property is inside the 201, then they are eligible for service. They can demand it if they can pay for it. If they're outside the 201, but they can't demand service. He asked if that is a correct statement. City Attorney said he thought Mayor Kinsey needed to be more particular. Mayor Kinsey said he was speaking in general because Ms. Genova said if taking them out, no service is available. However, service would still be available.

City Attorney Wilson suggested taking them out tonight, and Staff will be directed to come back and address this issue at which point both entities will try to do an amendment to the 201 agreement that allows for certain inclusions under certain conditions for existing structures pre-1998, and with high groundwater, and then come back.

Commissioner Genova said the 201 boundaries are continually amended to address those problems. City Attorney Wilson noted with a 400-foot rule, south of this road could still be modified.

Commissioner Genova thought it would be just as good to leave them in until the Staff recommendations come back. City Attorney Wilson though there will be people with expectations. Commissioner Genova's opinion was that there would be no more expectations than they've had for the past two years.

Commissioner Hall wanted it to be clear that if there are problem areas, they can work on them, whether they're outside the Persigo, or not, that they could be serviced if they have an amendment to the Persigo Agreement.

Commissioner Genova felt by leaving it as it is right now (a deadlock) will force both entities to move forward, getting their Staff to work on addressing the problems.

Commissioner Baughman recalled in the original Persigo Agreement, it was illegal to accept sewage outside the 201 boundary. That's why he was concerned about taking this out before it is resolved.

City Attorney Wilson said if taken out tonight, existing residences as of October, 1998 can be served that are within 400 feet of the sewer line. That's already in the Persigo Agreement. The real debate is the expansion of the 400-foot limit south. Commissioner Genova said staying as is and coming back with some points to address this problem later on, doesn't lose or gain anything. City Attorney Wilson countered there may still be confusion.

Councilmember Payne said it gets down to a very simple issue. Leave it the way it is because there is disagreement between the two bodies. He didn't think anything should be changed until Staff can provide information in a solution. Commissioner Genova agreed.

Mayor Kinsey said this dilemma has left the property owners in limbo for a long time. He felt it was an unfair situation. The Persigo Agreement is clear that it should come out. There is an unreasonable expectation given to people that there are development possibilities if it's inside the 201. When the Orchard Mesa Plan says this is a rural area of 5 to 35 acres, but it's inside a sewer district that's going to require development of 4 units/acre, is a definite conflict. He did not see how the two go together. The only disagreement is how some future failure will be served. It's future failure that is the concern. Right now it's clear the neighborhood wants it out, the people in the audience want it out, and the Persigo Agreement says it should be out.

Commissioner Hall said the County Commissioners had a struggle with that also. She said this has gone on for quite some time and didn't feel another six months would hurt. It's the same situation as what took place on the Redlands area. There was a serious issue with high groundwater. They don't want development there which is what the Orchard Mesa Plan says. There is definitely a groundwater problem in the area.

Councilmember Enos-Martinez warned against waiting six months when a new Council will be elected (April, 2001) that will not be familiar with the situation and will want to prolong a decision.

Commissioner Baughman suggested making a decision in February, 2001.

City Attorney Wilson said Staff will need a week to gather the information to give Council and the Board a couple of options.

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Stephanie Nye, CMC
City Clerk

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING**

November 15, 2000

The City Council of Grand Junction, Colorado convened into regular session the 15th day of November, 2000, at 7:30 p.m. at the City Hall Auditorium, 250 N. 5th Street. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobold, and President of the Council Gene Kinsey. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and Administrative Assistant Chris English.

Council President Kinsey called the meeting to order and Councilmember Reford Theobold led in the Pledge of Allegiance. The audience remained standing during the invocation by Joe Jones, Redlands Pentecostal Church of God.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

Vickie Boutilier was present to receive her Certificate of Appointment to the Grand Junction Planning Commission.

Gi Hamrick and Steve Heinaman were present to receive their Certificates of Appointment to the Grand Junction Housing Authority.

VISITING STUDENTS FROM DR. MICHAEL GIZZY'S MESA STATE COLLEGE CLASS

Councilmember Theobold introduced visiting students from Dr. Michael Gizzy's Mesa State College class.

CONSENT ITEMS

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, the following Consent Items #1-13 were approved:

1. **Minutes of Previous Meetings**

Action: Approve the Summary of October 30, 2000 Workshop and the Minutes of the Regular Meeting November 1, 2000

2. **Replacement of Furnace and Modifications to the HVAC System at the Orchard Mesa Community Center Pool**

The City of Grand Junction Parks Department requests that the current furnace be replaced and the HVAC System at the Orchard Mesa Community Center Pool be modified in order to provide a more consistent and efficient heating system in the pool area.

The following responsive bids were received for the project:

Bidder	From	Total Bid
Lane and Company	Grand Junction	\$68,310.00
Comfort Air	Fruita	\$73,394.00
Haining Refrigeration	Grand Junction	\$87,490.00

Action: Award Contract for the Replacement of Furnace and Modifications to the HVAC System at the Orchard Mesa Pool to Lane and Company Mechanical Contractors in the Amount of \$68,310

3. **Accepting Funds for CDOT Project CM555-014, Grand Junction Traffic Signal Synchronization**

The City of Grand Junction will manage the design of traffic signal communications with the Colorado Department of Transportation (CDOT) as partners. CDOT requires a resolution be executed by the City to commit CDOT's share of the project at \$20,000.

Resolution No. 108-00 – A Resolution Accepting Funds in the Amount of \$20,000 from the Colorado Department of Transportation for CDOT Project 555-014, Grand Junction Synchronization of Signals

Action: Adopt Resolution No. 108-00

4. **29 Road Improvements, Phase 1, from the I-70 Business Loop to Bunting Avenue**

The Regional Transportation Planning Organization has allocated \$359,051 in the Statewide Transportation Improvement Program for this project. The grant requires local matching funds in the amount of \$87,525.

Resolution No. 110-00 – A Resolution Accepting a Grant for Federal-Aid Funds from the Transportation Equity Act for the 21st Century of 1998 (TEA-21) for the Project Identified as STM M555-012, 13078, Minor Widening of 29 Road Improvement Project, Phase I

Action: Adopt Resolution No. 110-00

5. **Pre-Qualification of Contractors**

In cooperation with the Western Colorado Contractors Association, the Home Builders Association, Mesa County Association of Realtors, the Associated Builders and Contractors, and the Association of Landscape Contractors, Public Works staff is proposing adoption of Rules and Procedures for Pre-qualification of Contractors. It is anticipated this program will become effective on February 1, 2001.

Resolution No. 111-00 – A Resolution Adopting Rules and Procedures to Pre-Qualify Contractors to Bid on City Public Works and Utility Projects

Action: Adopt Resolution No. 111-00

6. **Intent to Create Sanitary Sewer Improvement District No. SS-44-00 for the Glen Caro and Northfield Estates Neighborhood, and Giving Notice of Hearing**

The majority of property owners in an area generally bounded by G Road on the north, the Grand Valley Canal on the south, 1st Street on the west and 7th Street on the east, have signed a petition requesting an improvement district to provide sanitary sewer service to their neighborhood. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

Resolution No. 112-00 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create within Said City Sanitary Sewer Improvement District No. SS-44-00, Authorizing the City Utility Engineer to Prepare Details and Specifications for the Same, and Giving Notice of Hearing

Action: Adopt Resolution No. 112-00 and Set a Hearing for December 20, 2000

7. **Revocable Permit to Mesa State College for Buried Communications Lines in Public Right-of-Way for College Place**

The Mesa State College Foundation has acquired several properties adjacent to College Place and Bunting Avenue for education purposes. The College is proposing to extend communications lines from the main campus to the subject properties by boring and trenching under public rights-of-way.

Resolution No. 113-00 – A Resolution Authorizing the Issuance of a Revocable Permit to Trustees of State Colleges in Colorado

Action: Adopt Resolution No. 113-00

8. **Setting a Hearing on Zoning the Etter-Epstein Property to PD, Located at the Southeast Corner of Horizon Drive and G Road** [File #ODP-2000-058]

The 22.56-acre Etter-Epstein ODP property is located at the southeast corner of Horizon Drive and G Road and consists of three parcels of land. Approximately 1.4 acres of the property are scheduled to become public right-of-way due to the realignment of 27.5 Road and the Horizon Drive/G Road intersection. The parcels are presently zoned Planned Development (PD) but a plan has never been established for the property. Thus, the property owners propose this ODP in order to do so. An appeal of the Planning Commission action to deny the ODP will be heard with second reading of the proposed zoning ordinance.

Proposed Ordinance Zoning Three Parcels of Land Located on the Southeast Corner of the Horizon Drive and G Road Intersection to PD (Planned Development)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 6, 2000

9. **Setting a Hearing on Zoning the CHC Cellular Annexation I-2, Located at 2784 Winters Avenue** [File #ANX-2000-186]

First reading of the zoning ordinance for the CHC Cellular Annexation located at 2784 Winters Avenue and including portions of the Winters Avenue right-of-way.

Proposed Ordinance Zoning the CHC Cellular Annexation I-2 (General Industrial), Located at 2784 Winters Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 6, 2000

10. **Setting a Hearing on Zoning the Davidson/Wilcox Enclave Annexation to RSF-E, Located East of South Camp Road and North of the Ute Water Tanks on the Redlands** [File #ANX-2000-208]

First reading of the zoning ordinance to Residential Single Family Estate with a maximum density of one unit per 2 acres (RSF-E). The 5.11-acre Davidson/Wilcox Enclave consists of one vacant parcel of land located east of South Camp Road and north of the Ute Water Tanks on the Redlands.

Proposed Ordinance Zoning Davidson/Wilcox Enclave Annexation to Residential Single Family Estate (RSF-E), Located East of South Camp Road and North of the Ute Water Tanks

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 6, 2000

11. **Continuation of the School Land Dedication Fee**

The school land dedication (SLD) fee was due to expire January 17, 2001. The adoption of the new Zoning and Development Code continues the collection at the current rate, and requires the reevaluation of the cost for suitable school lands every five years. No changes to the average cost per acre are proposed.

Resolution No. 119-00 – A Resolution Continuing the School Land Dedication Fee and Reevaluating the Cost of Suitable School Lands

Action: Adopt Resolution No. 119–00

12. **Setting a Hearing on Supplemental Appropriation Ordinance**

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

Proposed Ordinance Making Supplemental Appropriations to the 2000 Budget of the City of Grand Junction

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 6, 2000

13. **Setting a Hearing on Annual Appropriation Ordinance**

The total appropriation for all thirty-five accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$87,985,286. Although not a planned expenditure, an additional \$2,000,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District, for the Year Beginning January 1, 2001, and Ending December 31, 2001

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 6, 2000

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - ROUTE 30 PARTNERS ANNEXATION LOCATED AT 520 30 ROAD [FILE #ANX-2000-172] - CONTINUED FROM NOVEMBER 1, 2000 MEETING

The 20.92-acre Route 30 Partners Annexation consists of six parcels of land of approximately 17 acres and I-70 Business Loop right-of-way of approximately 3.92 acres.

A hearing was opened after proper notice.

Lisa Gerstenberger, Senior Planner, reviewed this item. The 20.92-acre Route 30 Partners Annexation consists of six parcels of land of approximately 17 acres and a portion of the I-70 Business Loop right-of-way of approximately 3.92 acres. Ms. Gerstenberger stated the petitioner meets all the eligibility requirements for annexation and Staff recommended the annexation into the City be granted.

A representative for the property owner, John Bielke, stated they are asking that the property be annexed into the City and eligibility requirements have been met per City Planning staff.

There were no other comments. The hearing was closed.

a. Resolution Accepting Petition

Resolution No. 114-00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Route 30 Partners Annexation is Eligible for Annexation, Located at 520 30 Road and Including a Portion of the I-70 Business Loop Road Right-of-Way

b. Annexation Ordinance

Ordinance No. 3301 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Route 30 Partners Annexation, Approximately 20.92 Acres Located at 520 30 Road and Including a Portion of the I-70 Business Loop Right-of-Way

Upon motion by Councilmember Terry, seconded by Councilmember Enos-Martinez and carried by roll call vote, Resolution No. 114-00 was adopted and Ordinance No. 3301 was adopted on second reading and ordered published.

PUBLIC HEARING - ZONING ROUTE 30 PARTNERS ANNEXATION TO C-1, LOCATED AT 520 30 ROAD [FILE #ANX-2000-172] - CONTINUED FROM NOVEMBER 1, 2000 MEETING

Second reading of the zoning ordinance to zone the Route 30 Partners Annexation Light Commercial, C-1, located at 520 30 Road.

The hearing was opened after proper notice.

John Bielke, representative of 30 Road Partnership, was present to answer questions.

Lisa Gerstenberger, Senior Planner, stated the second reading of the zoning ordinance is to consider rezoning the Route 30 Partners Annexation to Light Commercial, C-1, located at 520 30 Road. There is no site plan or development plan at this time.

There were no comments. The hearing was closed.

Ordinance No. 3302 - An Ordinance Zoning Route 30 Partners Annexation to Light Commercial, C-1 Zone District, Located at 520 30 Road

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3302 was adopted on second reading and ordered published.

PUBLIC HEARING - MESA MOVING ANNEXATION LOCATED AT 2225 RIVER ROAD AND 681 RAILROAD BOULEVARD [FILE #ANX-2000-177] - CONTINUED FROM NOVEMBER 1, 2000 MEETING

The 12.38-acre Mesa Moving Annexation area consists of two parcels of land. One currently houses Mesa Moving and United Van Lines and the other parcel consists of 2 acres of vacant land. Mesa Moving would like to construct a new truck service facility for their business on the vacant lot. The owner of the property has signed a petition for annexation.

A hearing was held after proper notice.

Kathy Portner, Planning Manager, City Community Development Department, presented to Council the request for annexation.

David Smuin, 4221 Purdy Mesa Road, property owner, was available to answer any questions. There were none.

There were no comments. The hearing was closed.

a. Resolution Accepting Petition

Resolution No. 115-00 – A Resolution Accepting the Petition for Annexation, Making Certain Findings, Determining that Property Known as Mesa Moving Annexation is Eligible for Annexation, Located at 2225 River Road and 681 Railroad Boulevard (Known as 637 Railroad Boulevard on the Assessor’s Records)

b. Annexation Ordinance

Ordinance No. 3306 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa Moving Annexation, Approximately 12.38 Acres Located at 2225 River Road and 681 Railroad Boulevard (Known as 637 Railroad Boulevard on the Assessor’s Records)

Upon motion by Councilmember Spehar, seconded by Councilmember Theobold and carried by roll call vote, Resolution No. 115-00 was adopted and Ordinance No. 3306 was adopted on second reading and ordered published.

PUBLIC HEARING - ZONING MESA MOVING ANNEXATION TO I-2, LOCATED AT 2225 RIVER ROAD AND 681 RAILROAD BLVD [FILE #ANX-2000-177] - CONTINUED FROM NOVEMBER 1, 2000 MEETING

The 12.38-acre Mesa Moving Annexation area consists of two parcels of land located at 2225 River Road and 681 Railroad Blvd (also known as 637 Railroad Blvd on the Assessor’s records). One currently houses Mesa Moving and United Van Lines and the other parcel consists of 2 acres of vacant land. Mesa Moving would like to construct a new truck service facility for their business on the vacant lot. The owner of the property has signed a petition for annexation. The proposed zoning designation is I-2 (Heavy Industrial).

A hearing was held after proper notice.

Kathy Portner, City Community Development Department, stated the proposal is consistent with the County’s zoning for the Railroad Subdivision and consistent with the annexation requirements for the parcel previously approved. Staff finds it meets City requirements.

Dave Smuin, 4221 Purdy Mesa, property owner, was available for questions.

There were no other comments. The hearing was closed.

Ordinance No. 3307 – An Ordinance Zoning the Mesa Moving Annexation to I-2 (Heavy Industrial), Located at 2225 River Road and 681 Railroad Blvd

Upon motion by Councilmember Scott, seconded by Councilmember Spehar and carried by roll call vote, Ordinance No. 3307 was adopted on second reading and ordered published.

PUBLIC HEARING - VACATING A TEMPORARY TURNAROUND AND UTILITY EASEMENT FOR THE RENAISSANCE IN THE REDLANDS SUBDIVISION, FILING 2, LOCATED AT SOUTH CAMP ROAD AND RENAISSANCE BOULEVARD [FILE #FP-2000-126] - CONTINUED FROM NOVEMBER 1, 2000 MEETING

Request to vacate a temporary turnaround and utility easement at the end of existing Athens Way.

A hearing was held after proper notice.

Kristen Ashbeck, Senior Planner, stated the temporary turnaround and utility easement at the end of existing Athens Way is no longer needed and requested that it be vacated. She stated the developer has guaranteed construction of the continuance of that street.

There were no comments from the property owner/representative.

There were no public comments. The hearing was closed.

Ordinance No. 3308 – An Ordinance Vacating a Temporary Turnaround Access and Utility Easement for Athens Way

Upon motion by Councilmember Theobald, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3308 was adopted on second reading and ordered published.

PUBLIC HEARING - VACATING A TEMPORARY TURNAROUND EASEMENT LOCATED ON LOT 1, BLOCK 8, THE KNOLLS SUBDIVISION, FILING 2, LOCATED AT THE SOUTHEAST CORNER OF CORTLAND AVENUE AND 27½ ROAD [FILE #FPP-2000-141] - CONTINUED FROM NOVEMBER 1, 2000 MEETING

The Knolls Subdivision is located south of the southeast corner of Cortland Avenue and 27½ Road in a PD zone. The developing portion of Filing 4 is now allowing for the continuation of Piazza Way. A temporary turnaround had been provided near Lot 5, Block 4, in Filing 2, and is to be vacated with this request.

A hearing was held after proper notice.

Kathy Portner, City Community Development Department, presented the request for approval of vacating the temporary turnaround easement. The Knolls Subdivision is located south of the southeast corner of Cortland Avenue and 27½ Road in a PD zone.

The developing portion of Filing 4 is now allowing for the continuation of Piazza Way. A temporary turnaround had been provided near Lot 5, Block 4, in Filing 2, and is to be vacated with this request.

David Chase, Banner Associates, had no comments but was available for questions.

There were no other comments. The hearing was closed.

Ordinance No. 3309 – An Ordinance Vacating the Temporary Turnaround Easement on Piazza Way, The Knolls Subdivision, Filing 2

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Theobold and carried by roll call vote, Ordinance No. 3309 was adopted on second reading and ordered published.

RECONSIDERATION OF ORDINANCE NO. 3303 CONCERNING THE RESIDENTIAL REQUIREMENT IN THE MIXED USE ZONING DISTRICT [FILE #PLN-2000-192]

At the November 1st hearing, the City Council adopted the 24 Road Corridor Subarea Plan, amended the Code to add the Mixed Use zone district and adopted a zoning map and design standards and guidelines for the 24 Road study area. Council agreed to reconsider the ordinance creating the Mixed Use zone district to discuss and possibly amend the 25% residential requirement. Also Council may want to discuss enforcement mechanisms for the residential requirement.

a. Reconsideration of Ordinance No. 3303

Upon motion by Councilmember Sphehar, seconded by Councilmember Terry and carried, Ordinance No. 3303 was reopened for reconsideration for the limited purpose of discussing the residential requirement percentage amount and possible enforcement mechanisms for this requirement.

Residential Percentage Requirement – Mixed Use

Kathy Portner, City Community Development Department, presented information on the 25% residential requirement for the Mixed Use areas. This would apply to parcels greater than 5 acres. The staff did complete a comparison study using 15%, 20% and 25%. This report illustrates the Mixed Use area only to simplify matters. The 25% actually corresponds with the requirements under the original Growth Plan. Based on the 25% there would be 12-24 units/acre, which is required under the approved Mixed Use plan. This would result in 1320 to 2640 residential units.

Councilmember Spehar clarified that with the percentages there may be some reduction or improvements in number of units. It would be up to the property owner to make a

value judgement or financial judgement as to the range they wanted to develop. Ms. Portner concurred.

Councilmember Terry asked Ms. Portner to comment on this type of zone district relative to creating a real Mixed Use and how the concept of using a percentage for determining residential was arrived at. Ms. Portner responded that the Steering Committee developed and recommended the land use, zoning and the Mixed Use concept. Their recommendation did not include a residential requirement as part of the mix. The developer would have a range of options. This was considered a good opportunity to create residential/urban density near employment and shopping areas in the 24 Road Corridor. It was felt the 25% would accomplish this goal.

Ms. Portner distributed a handout to the Council regarding residential mixed use concerns provided by Ed Hokason.

Councilmember Theobald stated the 20% range seems to come closer to the original plan. This area, as in Ms. Portner's assessment, would tend to develop in the highest end and feels the 20% to 25% range would be appropriate.

Councilmember Terry asked Ms. Portner if there was any basis for the number of residential units in the original Master Plan. Ms. Portner responded she was not sure if the exact number was looked at that closely. There are varying ranges of densities they were trying to accommodate to create a good mix of densities. This area was the easiest in which to accomplish this.

Councilmember Theobald stated as much as is focused on the 24 Road Corridor, it is important to keep in mind the values as a whole. Development is market driven and the overall market in the valley should be looked at rather than trying to squeeze whatever the market might dictate into this area. It makes sense to designate a high-density component somewhere in the valley for the long term without having to expand growth boundaries. By designating high growth in an area that is currently undeveloped and where there are no neighbors, the City can make everything compatible with each other and still honor the need for high density in either the short or long term. He stated he is willing to make this area a Mixed Use area and honor the residential component.

Ordinance No. 3303 – An Ordinance Amending Tables 3.2 and 3.5, and Section 3.2.H.4, and Adding Section 3.4.J to the Grand Junction Zoning and Development Code to Create a Mixed-Use Zone District

Upon motion by Councilmember Spehar, seconded by Councilmember Theobald and carried by roll call vote, Ordinance No. 3303 was amended to reflect the percentage of residential requirement for Mixed Use zone requirement was adjusted from 25% to 20%.

Enforcement Issues

Ms. Portner recapped the provisions that were discussed at the November 1, 2000 meeting. These included: final plans for the required residential component must be submitted and approved with the overall project and the required residential component must be built in a determined period of time. Other options include: residential component shall receive final plan approval prior to any structure being built on the overall project; all infrastructure necessary for the residential development shall be included in a development improvement agreement with a guarantee for the first phase of the development plan. This would assure the developer has invested substantial finances in the infrastructure which would more likely indicate the residential component would be constructed in a certain period of time; at least 10% of the residential component must be built with the first phase of the project, the remaining in relation with the remainder of the project; the infrastructure would be tied to the title of the property.

Councilmember Terry asked if the first requirement was a change of procedure from how business is currently done. Ms. Portner responded now the infrastructure requirement is part of the first phase. Under the new requirement the developer would be required to put the money up front for all improvements for any of the residential requirement. Residential infrastructure must be in place before they are able to proceed with any commercial construction. Councilmember Terry asked about the feasibility of requiring the infrastructure for all residential up front. Ms. Portner said it depends on how the project is designed.

The general discussion of Council was that they do not favor #1 as it may not be logical, or reasonable, from a business standpoint.

Councilmember Spehar recommended a substitute for "b" stating that the residential component must be completed when the development of any other combination of Mixed Use exceeds 50% of the approved square footage in the development plan.

Councilmember Payne felt it was more appropriate to use acreage than square footage.

Dan Wilson, City Attorney, clarified the language, using the word "shall" rather than "must." He also stated that it would be more consistent with the Plan to use square footage instead of acreage. Mr. Wilson also recommend considering Item #3.

Councilmember Terry added that this whole area would not involve large retail.

Councilmember Theobald stated that there would be large commercial with some retail.

Councilmember Terry asked Mr. Wilson if having the residential component tied to the title, would this ensure the development will be completed as approved. Current practice

is to make notations on the plat. Mr. Wilson responded that including the requirement on the title would have the same result.

Councilmember Theobold asked Ms. Portner to clarify item “b” in relation to the current plan. Ms. Portner responded that her interpretation is that the City would expect the development and purchase agreement to include everything needed for both the commercial and residential components.

Mr. Wilson stated some trigger mechanism is important for City staff to have some idea of the time line required for a developer to complete the residential component.

Councilmember Theobold and Councilmember Spehar expressed their concerns on having a trigger mechanism. One concern stated was that any type of trigger mechanism would be artificial. Councilmember Spehar stated his concern was that if the residential was left until the final phase of development, there was the chance the residential component would be not be fulfilled.

Mayor Kinsey stated the goal was to have a true Mixed Use development planned together so it will fit together.

Ms. Portner confirmed that this applies to parcels over 5 acres, most of which were 40-acre parcels. At the time of subdividing the Mixed Use plan would need to be in place.

Mr. Wilson clarified the definition of property in the existing development code as being all of the holdings of a developer. This would indicate the overall project would be looked at as a whole.

Mayor Kinsey asked if there were any comments or questions from the audience regarding the enforcement of the 20% requirement.

Mary Ann Jacobson, 702 Golfmore Drive, strongly opposes the zoning requirements for 24 Road. Her objections focused on the requirement planning for the entire acreage. Ms. Jacobson stated the plan, as stated, would require a party to purchase all the property, even if they did not want all of the property, expect them to pay for all the infrastructure and fulfill all the requirements of this plan. They own 42 acres, which was originally zoned as commercial and now is zoned as Mixed Use. Mayor Kinsey reminded Ms. Jacobson that the discussion was to focus on the enforcement issue. She stated she felt that the Council should also consider the perspective of potential buyers along with their decision-making.

Councilmember Theobold again reiterated the issue at hand is to ensure that 20% of the property would be developed residential. Ms. Jacobson commented that Council was not understanding her point and asked to finish her comments. Councilmember Theobold

stated her concerns were discussed at great length two weeks ago and that the enforcement of the residential aspect is the issue at hand.

Ms. Jacobson stated it would be impossible for a buyer to purchase property and then be required to build the residential portion up front. This is market driven and the Plan cannot be so restrictive.

Councilmember Spehar asked if Ms. Jacobson had any suggestions as to how to regulate and ensure that the 20% residential component would be built and not left to chance or to the end. Ms. Jacobson responded it would be more practical to have the residential component built later on, instead of up front. It would be difficult to have all planning completed up front.

Councilmember Spehar commented on an e-mail Council received regarding transferring obligations between parcels. Ms. Portner stated the ordinance approved allows for residential requirements to be transferred between parcels that are being planned at the same time. She cautioned on allowing the splits stating this area has large parcels that will better accommodate the compatible planning.

Ms. Jacobson asked that the Council delay their decision on the zoning so that market factors may be further evaluated.

Terry Fleming, 691 Country Meadows, was a member of the Steering Committee. The Committee wanted to keep this plan as flexible as possible. They were confident they could move forward with more restrictive requirements, standards and guidelines to meet their vision of the area. He cautioned Council about establishing a triggering mechanism. Mr. Fleming suggested in some situations the residential requirement possibly may be traded for open space.

Mr. Fleming was asked by Councilmember Terry if he felt the 50% was realistic. He stated that when considering non-local developers, the 50% trigger might not have any affect. They will do what they want within the City's parameters. However, when addressing local developers, the 50% trigger would be too stringent for them to move further.

Councilmember Scott asked if the Committee discussed open space and percentages. Mr. Fleming stated the Committee did not specifically address any percentages of residential. They were wanting to keep the Plan as flexible as possible to keep with the market.

Councilmember Spehar stated he was willing to make some compromises with this Plan but not willing in the context of can it be open space instead of housing. This area has high density housing opportunities and this is a logical area for it.

Mayor Kinsey stated zoning is restricted by its nature. With the Mixed Use zone it allows more flexibility with the property than if the property was zoned all commercial or all residential.

Mr. Fleming stated the Committee wanted to present a plan that would be flexible but as each item is reviewed, it seems to be becoming more rigid. Speaking for the Chamber, he stated that they do not endorse pushing a developer to develop any property, either commercially or residentially, where there is no market. That is the reason for the Mixed Use concept.

Councilmember Theobald asked Mr. Fleming if he had suggestions for enforcing the development of the residential component should there be no residential market. Mr. Fleming stated the developer would present the plan showing the various components and that no rezoning could take place. There would not be a time limit.

Kelly Arnold, City Manager, stated the staff recommended #3. It allows the developer to present a development schedule that is attached to a plat, which, if approved by Council, would be filed and a time line established. This still allows the developer to come back if the market changes and request modifications if necessary.

Ed Hokason, 2277 Rio Linda Lane, realtor, commented that the simplicity of the process the Council is discussing is critical for the development of the 24 Road Corridor. He asked that Council have the 20% requirement be as flexible as possible. He feels the standards and guidelines are adequate to provide for market changes.

Councilmember Spehar is concerned that if the 20% residential is left to the end of the development it may not be the attractive high density housing meeting Council's and the Steering Committee's expectations. Mr. Hokason responded that by following the standards and guidelines the area will attract people who want to live in that area.

Councilmember Theobald stated his concern is that if the 20% is left to the end, what means can be used to ensure an attractive and compatible development would occur.

Mr. Hokason again reiterated the use of the standards and guidelines which were finely written. He also suggested Council consider the market and who will be purchasing homes in that area.

Councilmember Terry asked City Manager Arnold if the development schedules are required to have a specific time line or just to have the phases in order.

Mr. Wilson, City Attorney, responded that the current code has a default of 12-18 months. If the plan is set up in phases, that would be part of the approval. The plan does have an end date that is negotiated with Council per Mr. Arnold, City Manager.

Councilmember Terry asked that should Council approve item #3, the wording be clarified.

Mayor Kinsey stated his understanding of the vision was coherent planning. There must be a trigger mechanism for the residential component to prevent a great disparity in the age of the buildings.

Councilmember Enos-Martinez questioned forcing a developer to build residential when there is no market. Councilmember Spehar indicated that this being a true Mixed Use, the planning would be developed with both in mind and if a developer wanted only commercial there are other opportunities in the area for that specific use.

Councilmember Theobald is inclined to go with Item #3 alone.

Councilmember Terry feels there should be more flexibility and the 20% requirement would satisfy the Mixed Use concerns. She recommended the Council stay with the original “a”, “b” and “c” as it stands and require Item #3 with the following language change as suggested by Mr. Wilson, City Attorney, “The condition of approval and development schedule be recorded...”

Councilmember Payne did not agree with having the property owner forced to build residential units when the market does not support it.

b. Amending Ordinance No. 3303

It was moved by Councilmember Terry and seconded by Councilmember Theobald, regarding the language in Ordinance No. 3033: to leave in existence as it is worded in sections “a”, “b”, and “c” and include “d” with the following language: “Conditions of approval and a development schedule shall be recorded. The City will enforce the development schedule against the owners of any portion of the overall project jointly and separately.”

It was moved by Councilmember Spehar and seconded by Councilmember Payne to amend the motion to add the rest of the language listed in #3 to condition D which is: “Conditions of approval and development schedule shall be recorded against the title to all portions of the property including each non-residential component requiring that the required residential component be built within the approval development schedule. The City may enforce conditions of approval and the development schedule against the owners of any portion of the overall project jointly and separately.”

The amended motion passed.

PUBLIC HEARING – CREATING ALLEY IMPROVEMENT DISTRICT NO. ST-01, PHASE A

Petitions have been submitted requesting a Local Improvement District be created to reconstruct the following five alleys:

East/West Alley from 8th to 9th, between Chipeta Avenue and Ouray Avenue
East/West Alley from 9th to 10th, between Colorado Avenue and Ute Avenue
East/West Alley from 10th to 11th, between Main Street and Colorado Avenue
East/West Alley from 10th to 11th, between Hill Avenue and Teller Avenue
“T” shaped Alley from 18th to 19th, between Elm Avenue and Bunting Avenue

A hearing was held after proper notice.

Tim Woodmansee, Real Estate Manager, presented to the Council the citizen request to reconstruct five alleys. Funds are available in the budget to complete these projects.

There were no comments. The hearing was closed.

Resolution No. 116-00 – A Resolution Creating and Establishing Alley Improvement District No. ST-01, Phase A, within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 116-00 was adopted.

PUBLIC HEARING - VACATING THE REMAINDER OF THE EAST/WEST ALLEY RIGHT-OF-WAY BETWEEN OURAY AVENUE AND GRAND AVENUE (MESA COUNTY LIBRARY, 520 GRAND AVENUE) AND THE NORTH/SOUTH PORTION OF THE ALLEY [FILE #VR-2000-149]

The Mesa County Public Library, represented by John Potter of Blythe Design, is requesting approval of the ordinance to vacate the remainder of the east/west alleyway, located between Ouray Avenue and Grand Avenue, to North Fifth Street, and retain the 20-foot wide utility easement in this alley right-of-way; and also vacate the north/south portion of the alley. The remainder of the alley was previously vacated and recorded.

A hearing was held after proper notice.

Kathy Portner, Planning Manager, presented the request to vacate the above alley right-of-way. Staff finds this meets Code and recommends its approval.

There were no public comments. The hearing was closed.

Ordinance No. 3310 – An Ordinance Vacating the Remaining East/West Alley Right-of-Way between Grand Avenue and Ouray Avenue, Retaining a 20-Foot Wide Utility Easement, and Vacating the North/South Alley Right-of-Way from Grand Avenue to a Portion of the Alley

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote Ordinance No. 3310 was passed on second reading and ordered published.

RECESS TO EXECUTIVE SESSION to Discuss Ongoing Negotiations

It was moved, seconded and carried to go into executive session.

The City Council reconvened into regular session at 9:55 p.m. All members of Council were present.

PUBLIC HEARING - VACATING AN INGRESS/EGRESS EASEMENT AND UTILITY EASEMENT IN OMEGA BUSINESS PARK II, LOCATED AT THE NORTHEAST CORNER OF 28 ROAD AND BUNTING AVENUE [FILE #VE-2000-161]

The petitioner, Conquest Development, LLC, is requesting the vacation of a 25' ingress-egress and utility easement as shown on the plat of Omega Business Park. At the October 10, 2000 public hearing, the Planning Commission forwarded a recommendation of approval to the City Council.

A hearing was held after proper notice.

Joe Carter, Associate Planner, presented the request to vacate a 25' ingress-egress and utility easement as shown on the plat of Omega Business Park by Conquest Development, LLC.

There were no comments. The hearing was closed.

Ordinance No. 3311 – An Ordinance Vacating the Ingress-Egress Easement and Utility Easement as Shown on the Plat of Omega Business Park II

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3311 was adopted on second reading and ordered published.

PUBLIC HEARING – AMENDING CHAPTER 24, CITY CODE OF ORDINANCES, REGARDING INDECENT EXPOSURE

The words “intimate parts” were inadvertently left out of the “Indecent Exposure” ordinance passed last year. While the intent of Council was clear at the time, and through context the ordinance is clear, for absolute clarity these words were included into the ordinance.

A hearing was held after proper notice.

Mayor Kinsey asked City Attorney Dan Wilson if the words “intimate parts” were vague. Mr. Wilson responded that actually they were not. The words “intimate parts” were inadvertently left out of the “Indecent Exposure” ordinance passed last year.

There were no other comments. The hearing was closed.

Ordinance No. 3312 – An Ordinance Amending Chapter 24, Section 18, of the Code of Ordinances of the City of Grand Junction, Colorado, Regarding Indecent Exposure

Upon motion by Councilmember Terry, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3312 was adopted on second reading.

**VACATING A UTILITY AND DRAINAGE EASEMENT IN TROLLEY PARK
SUBDIVISION, LOCATED AT 552 25 ROAD** [FILE #VE-2000-160] - CONTINUED
FROM NOVEMBER 1, 2000 MEETING

The petitioner is requesting vacation of a utility and drainage easement (varies between 15’ and 20’) along the south side of Trolley Park Subdivision located at 552 25 Road. At the October 10, 2000 hearing, the Planning Commission forwarded a positive recommendation to City Council.

A hearing was held after proper notice.

Patricia Parish, Associate Planner, presented the petitioner’s request to vacate the drainage easement. Grand Junction Drainage District has no objections to this and Staff recommends Council accept the resolution to vacate this easement.

Mayor Kinsey asked the petitioner if he had any comments. David Smuin, representing Steve McCallum, developer of the subdivision, was available for questions.

There were no other comments. The hearing was closed.

Resolution No. 117–00 – A Resolution Vacating a Utility and Drainage Easement in Trolley Park Subdivision

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 117-00 was adopted.

PURCHASE OF A PORTION OF RIVER ROAD TRAIL PROPERTY – CONTINUED
FROM NOVEMBER 1, 2000 MEETING

The City currently co-owns a portion of the River Road Trail along with Stephen and Bobette McCallum. This contract will provide for the purchase of the property by the City so that the City owns that portion of the property solely.

Resolution No. 118–00 – A Resolution Accepting, Adopting and Affirming the Contract to Buy and Sell Real and Personal Property between the City of Grand Junction and Stephen D. McCallum and Bobette D. McCallum and Authorizing the City Manager to Sign the Contract as an Official Act of the City of Grand Junction.

Upon motion by Councilmember Spehar, seconded by Councilmember Enos-Martinez and carried by roll call vote with Councilmember **PAYNE** voting **NO**, Resolution No. 118-00 was adopted.

ADJOURNMENT

The meeting was adjourned at 10:37 p.m.

Christine English
Sr. Administrative Assistant

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE SPECIAL MEETING**

November 20, 2000

The City Council of the City of Grand Junction, Colorado, convened into special session the 20th day of November, 2000, at 7:00 p.m. at City Hall Administration Conference Room, 250 N. 5th Street. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Gene Kinsey.

President Kinsey called the meeting to order.

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

The executive session adjourned at 8:00 p.m.

The special meeting adjourned at 8:01 p.m.

Sue Mueller
Executive Assistant

**GRAND JUNCTION
CITY COUNCIL SPECIAL WORKSHOP**

November 27, 2000

The City Council of the City of Grand Junction, Colorado, met on Monday, November 27, 2000 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, Cindy Enos-Martinez, and President of the Council Gene Kinsey.

Summaries and action on the following topics:

1. Two Rivers Convention Center -

City Manager Kelly Arnold addressed Council asking for feedback and direction concerning the Two Rivers Convention Center remodel and the need for an additional \$75,000. Parks and Recreation Director Joe Stevens presented Council with a letter received from Bob Brooks, Executive Director, State of Colorado Department of Local Affairs whereby an additional \$300,000 grant from federal Mineral Lease funds would be provided for the Convention Center remodel making the total grant award \$600,000. He then outlined the areas affected in the remodel. Tillie Bishop addressed Council on what would not be included in this phase of the remodel. Bruce Hill recapped the areas targeted for the remodel. Clark Atkinson, Shaw Construction, answered questions on the actual construction. Public Works Director Mark Relph addressed the issue of parking.

Action Summary – City Council approved the \$4,475,000 budget for the remodel. A letter of appreciation was to be drafted from Council to Mr. Brooks for the additional funding. The additional items for project consideration would be revisited at a later date.

2. Rural Fire District Contract –

Fire Chief Rick Beaty updated Council on the status of the 2001 Rural Fire District Contract.

Action Summary – Further Council discussion on this issue will take place at a meeting scheduled for December 13, 2000 with the Rural Fire Protection District.

Attach 2

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Resolutions Levying Annual Property Taxes	
Meeting Date:	December 6, 2000	
Date Prepared:	November 30, 2000	
Author:	Lanny Paulson	Budget & Accounting Manager
Presenter Name:	Lanny Paulson	Budget & Accounting Manager
	Workshop	Formal Agenda

Subject: Resolution levying taxes for the year 2000 to be collected in and to pay expenses of the year 2001.

Summary: The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District #1 and #2 (Ridges), Grand Junction West Water and Sanitation District (GJWWSD), and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations, the others are for debt service only. The City is also establishing a temporary credit mill levy for the purpose of refunding revenue collected in 1999 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution. The temporary credit is pursuant to CRS 39-5-121 (SB 93-255). The City will levy a temporary credit of 1.570 mills for the purpose of refunding approximately \$600,000.

Background Information:

Article X, Section 20 of the Colorado Constitution prohibits the increase in mill levies of property tax without a vote of the people. Excluding the temporary credit, the mill levies for the City and DDA are the same as last year.

The Ridges mill levies set by the City Council last year were 10.404 and 156.196 mills respectively for Districts #1 and #2. The proposed levies are 10.000 and 150.000 mills, a reduction of 4%. Last year the mill levy for the GJWWSD was 10.000. It is proposed that the levy be lowered to 9.500 mills, a 5% reduction. Both the Ridges and GJWWSD funds have balances which will be used gradually over the life of the bonds to reduce the levies required. Further development in both areas is expected and the levies would then be further reduced.

RESOLUTION

**LEVYING TAXES FOR THE YEAR 2000 IN THE CITY OF
GRAND JUNCTION, COLORADO**

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

That there shall be and hereby is levied upon all taxable property within the limits of the City of Grand Junction, Colorado, for the year 2000 according to the assessed valuation of said property, a tax of eight (**8.000**) mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado for the purpose of paying the expenses of the municipal government of said City for the fiscal year ending December 31, 2001.

ADOPTED AND APPROVED THIS 6th day of December, 2000.

APPROVED:

President of the Council

ATTEST:

City Clerk

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO)
COUNTY OF MESA) SS
CITY OF GRAND JUNCTION)

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the limits of the City of Grand Junction for the year 2000, as determined and fixed by the City Council by Resolution duly passed on the 6th day of December, 2000, is eight **(8.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the municipal government, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this 6th day of December, 2000.

City Clerk

cc: County Assessor

RESOLUTION NO.

**LEVYING TAXES FOR THE YEAR 2000 IN THE RIDGES METROPOLITAN DISTRICT
A PART OF THE CITY OF GRAND JUNCTION, COLORADO**

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

That there shall be and hereby is levied upon all taxable property within the limits of the Ridges Metropolitan District Number 1 and Number 2, City of Grand Junction, Colorado, for the year 2000 according to the assessed valuation of said property, a tax of ten **(10.000)** mills on the dollar (\$1.00) for District Number 1 and one hundred fifty **(150.000)** mills on the dollar (\$1.00) for District Number 2 upon the total assessment of taxable property within the Ridges Metropolitan District, City of Grand Junction, Colorado, for the purpose of paying certain indebtedness of the District, for the fiscal year ending December 31, 2001.

ADOPTED AND APPROVED THIS 6th day of December, 2000.

APPROVED:

President of the Council

ATTEST:

City Clerk

CERTIFICATION OF TAX LEVIES

TO: County Commissioners of Mesa County, Colorado. For the year 2000, the Board of Directors of the Ridges Metropolitan District #1 hereby certifies the following mill levy to be extended upon the total assessed valuation of \$ 9,614,430 :

PURPOSE	LEVY	REVENUE
4. General Obligation Bonds and Interest - 1992 *	<u>10.000</u> mills	\$ <u>96,144</u>
9. Temporary Property tax Credit/ Temporary Mill Levy Rate Reduction CRS 39-5-121 (SB 93-255)	<u>n/a</u> mills	\$ <u>0.00</u>
TOTAL	<u>10.000</u> MILLS	\$ <u>96,144</u>

Contact person: Stephanie Nye Daytime Phone: (970) 244-1511

Signed _____ Title City Clerk

* CRS 32-1-1603 (SB 92-143) requires Special Districts to "certify separate mill levies to the Board of County Commissioners, one each for funding requirements of each debt."

NOTE: Certification **must** be to three decimal places **only**. If your boundaries extend into more than one county, please list all counties here:

Send a copy to Division of Local Government, Room 521, 1313 Sherman Street, Denver, Colorado 80203.

Original form (FORM DLG 70 (Rev. 6/92))

CERTIFICATION OF TAX LEVIES

TO: County Commissioners of Mesa County, Colorado. For the year 2000, the Board of Directors of the Ridges Metropolitan District #2 hereby certifies the following mill levy to be extended upon the total assessed valuation of \$ 143,060 :

PURPOSE	LEVY	REVENUE
4. General Obligation Bonds and Interest - 1992 *	<u>150.000</u> mills	\$ <u>21,459</u>
9. Temporary Property tax Credit/ Temporary Mill Levy Rate Reduction CRS 39-5-121 (SB 93-255)	<u>n/a</u> mills	\$ <u>0.00</u>
TOTAL	<u>150.000</u> MILLS	\$ <u>21,459</u>

Contact person: Stephanie Nye Daytime Phone: (970) 244-1511

Signed _____ Title City Clerk

* CRS 32-1-1603 (SB 92-143) requires Special Districts to "certify separate mill levies to the Board of County Commissioners, one each for funding requirements of each debt."

NOTE: Certification **must** be to three decimal places **only**. If your boundaries extend into more than one county, please list all counties here:

Send a copy to Division of Local Government, Room 521, 1313 Sherman Street, Denver, Colorado 80203.

Original form (FORM DLG 70 (Rev. 6/92))

RESOLUTION NO.

LEVYING TAXES FOR THE YEAR 2000 IN THE GRAND JUNCTION WEST WATER AND SANITATION DISTRICT A PART OF THE CITY OF GRAND JUNCTION, COLORADO

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

That there shall be and hereby is levied upon all taxable property within the limits of the Grand Junction West Water and Sanitation District, City of Grand Junction, Colorado, for the year 2000 according to the assessed valuation of said property, a tax of nine and five hundred thousandths **(9.500)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the Grand Junction West Water and Sanitation District, City of Grand Junction, Colorado, for the purpose of paying certain indebtedness of the District, for the fiscal year ending December 31, 2001.

ADOPTED AND APPROVED THIS 6th day of December, 2000.

APPROVED:

President of the Council

ATTEST:

City Clerk

CERTIFICATION OF TAX LEVIES

TO: County Commissioners of Mesa County, Colorado. For the year 2000, the Board of Directors of the Grand Junction West Water & Sanitation District hereby certifies the following mill levy to be extended upon the total assessed valuation of \$ 6,138,190:

PURPOSE	LEVY	REVENUE
4. General Obligation Bonds and Interest - 1987 *	<u>9.500</u> mills	\$ <u>58,313</u>
9. Temporary Property tax Credit/ Temporary Mill Levy Rate Reduction CRS 39-5-121 (SB 93-255)	<u>n/a</u> mills	\$ <u>0.00</u>
TOTAL	<u>9.500</u> MILLS	\$ <u>58,313</u>

Contact person: Stephanie Nye Daytime Phone: (970) 244-1511

Signed _____ Title City Clerk

* CRS 32-1-1603 (SB 92-143) requires Special Districts to "certify separate mill levies to the Board of County Commissioners, one each for funding requirements of each debt."

NOTE: Certification **must** be to three decimal places **only**. If your boundaries extend into more than one county, please list all counties here:

Send a copy to Division of Local Government, Room 521, 1313 Sherman Street, Denver, Colorado 80203.

Original form (FORM DLG 70 (Rev. 6/92))

RESOLUTION NO.

**LEVYING TAXES FOR THE YEAR 2000 IN THE CITY OF GRAND JUNCTION,
COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY**

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

That there shall be and hereby is levied upon all taxable property within the Grand Junction, Colorado, Downtown Development Authority limits, for the year 2000 according to the assessed valuation of said property, a tax of five **(5.000)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado, Downtown Development Authority, for the purpose of paying the expenses of said Authority for the fiscal year ending December 31, 2001.

ADOPTED AND APPROVED THIS 6th day of December, 2000.

APPROVED:

President of the Council

ATTEST:

City Clerk

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO)
COUNTY OF MESA) SS
CITY OF GRAND JUNCTION)

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the Grand Junction, Colorado, Downtown Development Authority limits, for the year 2000, as determined and fixed by the City Council by Resolution duly passed on the 6th day of December, 2000, is five **(5.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the Grand Junction, Colorado, Downtown Development Authority, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this 6th day of December, 2000.

City Clerk

cc: County Assessor

RESOLUTION

**LEVYING TEMPORARY CREDIT TAXES FOR THE YEAR 2000 IN THE CITY OF
GRAND JUNCTION, COLORADO**

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

That there shall be and hereby is levied upon all taxable property within the limits of the City of Grand Junction, Colorado, for the year 2000 according to the assessed valuation of said property, a **temporary credit** tax of one and five hundred seventy thousandths (**1.570**) mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado for the purpose of refunding revenue collected in 1999 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution et.seq.crs. This temporary credit is pursuant to CRS 39-5-121 (SB 93-255). The Assessor may include this temporary credit in the notice of estimated taxes, if any.

ADOPTED AND APPROVED THIS 6th day of December, 2000.

APPROVED:

President of the Council

ATTEST:

City Clerk

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO)
COUNTY OF MESA) SS
CITY OF GRAND JUNCTION)

To the Commissioners of Mesa County, Colorado:

This is to certify that the temporary credit tax levy to be assessed by you upon all property within the limits of the City of Grand Junction for the year 2000, as determined and fixed by the City Council by Resolution duly passed on the 6th day of December, 2000, a copy of which is attached, is one and five hundred seventy thousandths (**1.570**) mills, the property tax credit of said levy to be used for the purpose of refunding revenue collected in 1999 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution et.seq.crs. This temporary credit is pursuant to CRS 39-5-121 (SB 93-255).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this 6th day of December, 2000.

City Clerk

cc: County Assessor

Attach 3

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Building Lease – Fire Department Storage	
Meeting Date:	December 6, 2000	
Date Prepared:	November 27, 2000	
Author:	Jim Bright	Title FD Operations Officer
Presenter Name:	Rick Beaty	Title Fire Chief
	Workshop	Formal Agenda

Subject: Building lease at 2757 Highway 50 for Fire Department Equipment Storage.

Summary: Existing apparatus/equipment inventory has exceeded the amount of available interior storage space. The Department is requesting approval to lease a storage building for the winter months to house this apparatus and equipment.

Background Information: City Council approved \$130,000 for construction of a fire apparatus storage building in the 2000 budget. CC directed staff to consider space needs in addition to an appropriate location designed for long-term use. Two locations were considered for construction of the storage building including the corner of 7th Street and Pitkin Avenue and at City Shops north of the fleet maintenance facility. Based on research and long-term utilization, Staff recommended that the building be constructed at City Shops. Several issues were raised based on long-term space needs, future utilization and exterior appearance of the building. Staff determined that the building should be constructed with the intent of future fleet maintenance use and expansion. As a result Staff recommended an increase in the size of the building, addition of full utilities, and upgrades to the exterior finish. The resulting estimated construction cost increased to \$300,000. This amount far exceeded the current amount budgeted and the decision was made to put the project on hold pending the outcome of the facilities master plan budgeted and scheduled for 2001.

Due to the delay in construction of a storage building and the non-availability of other City owned interior storage, the Fire Department began searching for a heated building to store equipment in during the winter months. The Department has seven (7) pieces of equipment, which are currently being stored outside. The storage of this equipment in an unprotected environment presents many issues and concerns including freezing of water systems, increased maintenance, inoperability, and damage to dry goods/supplies.

The Department located and looked at six (6) private properties as potential storage space. Of the six only one property has become available which meets space needs and applicable codes. This building is located at 2757 Hwy. 50 on Orchard Mesa and owned jointly by Robert A. Fulcher, Diana S. Fulcher, Allan E. Beavers and Neva Beavers.

Budget: The owners require a 6-month minimum lease of \$2700 per month plus costs for actual usage for natural gas & electricity. Staff recommends a transfer of funds from 2011-52121-80360-E02200 to cover the lease and associated costs.

Action Requested/Recommendation: Staff requests Council approval for a 6-month lease of a building located at 2757 Hwy. 50 along with a transfer of funds from 2011-52121-80360-E02200 to cover the lease and associated costs.

Attachments: Proposed Resolution and Lease Agreement.

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

Report results back to Council:	<input type="checkbox"/>	No	<input type="checkbox"/>	Yes	When:	<input type="checkbox"/>
--	--------------------------	-----------	--------------------------	------------	--------------	--------------------------

Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
-----------------------------	-------------------------------------	----------------	--------------------------	-----------------------------	--------------------------	-----------------

RESOLUTION NO. _____

**AUTHORIZING THE LEASE BY THE CITY OF CERTAIN REAL PROPERTY
LOCATED AT 2757 HIGHWAY 50 IN THE
CITY OF GRAND JUNCTION**

WHEREAS, the Fire Department of the City of Grand Junction demonstrated the need to lease interior heated space, together with an appropriate amount of land area for ingress and egress purposes, to protect fire apparatus and other equipment from the elements of weather; and

WHEREAS, the City Council has determined that leasing that certain land and improvements located at 2757 Highway 50 is desirable and prudent to protect the investments of the City.

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

1. That the City Manager is hereby authorized and directed to execute the attached Lease Agreement for the lease of the above referenced property from Robert A. Fulcher, Diana S. Fulcher, Allan E. Beavers and Neva Beavers.
2. As provided in said Lease Agreement, the essential terms are as follows:
 - (a) The basic term of said Lease shall be for a period of six (6) months, commencing on December 7, 2000, and expiring on June 7, 2001, with an option to extend said Lease for an additional six (6) month term upon the same terms and conditions of the basic term;
 - (b) Rent shall be \$16,200.00 for the entirety of the basic term and, if extended, \$16,200.00 for the extended term.
 - (c) It is the express intent of the parties to said Lease Agreement that the Premises, so long as the same are used and occupied by the City, be exempt from ad valorem taxation pursuant to C.R. S. 31-15-802.

PASSED and ADOPTED this 6th day of December, 2000.

Attest:

President of the Council

City Clerk

LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into as of the _____ day of _____, 2000, by and between Robert A. Fulcher, Diana S. Fulcher, Allan E. Beavers and Neva Beavers, hereinafter collectively referred to as "Lessors", and the City of Grand Junction, a Colorado home rule municipality, hereinafter referred to as "the City".

Recitals.

A. Lessor represent that they are the owners of that certain real property situate at 2757 South Highway 50 in the County of Mesa, State of Colorado, as identified by Mesa County Tax Schedule Number 2945-254-00-003 and hereinafter referred to as "the Property".

B. The City is desirous of leasing 59,116 square feet of land and 7,360 square feet of building space situate upon the Property as more particularly identified on **Exhibit "A"** attached hereto and incorporated herein by reference and 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. Lessors hereby lease the Premises to the City, and the City hereby leases the Premises from Lessors, 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 six (6) months, commencing on December 7, 2000, and continuing through June 7, 2001 ("basic term"), at which time this Lease shall expire; provided, however, that in the event the City performs as required pursuant to this Lease Agreement and as part of the consideration for the payment of all rentals provided for herein, Lessors hereby give and grant to the City an option to extend the term of this Lease for one (1) additional six (6) month term, commencing on June 7, 2001, and expiring on December 7, 2001 ("extended term"), upon the same terms and conditions of this Lease Agreement. In order to exercise the option to extend the term of this Lease, the City shall give written notice to Lessors of the City's intention to exercise the option to extend no later than May 7, 2001.

3. Rent. Contemporaneous with the execution of this Agreement by both parties, the sum of \$16,200.00 shall be paid by the City to Lessor as full and complete payment for rents due and payable for the basic 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 Lessors, which approval will not be unreasonably withheld.

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 Lessors, 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 Lessors.

4.7 The City agrees to pay for all services and utilities charges which are attributable to the City's lease and occupancy of the Premises on or before the date the same become due and payable.

4.8 The City shall provide all required fire extinguishing systems which may be necessary to protect the City's personal property from damage or destruction in the event of a fire.

5. Duties and Representations of Lessors.

5.1 Lessors warrant that Lessors have 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 Lessors, 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, sewer connections, domestic water connections, roofing, plumbing, heating systems, ventilation systems, wiring and glass.

6. Default, Remedies, Security Interest.

6.1 Lessors, 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 Lessors 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 Lessors, Lessors 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 Lessors in any respect fail to perform any covenant required to be performed by Lessors under the terms of this Lease for more than thirty (30) days after notice is given by the City to Lessors, the City may cure such default or terminate this Lease. In the event the City cures any such default, Lessors agree to reimburse the City for actual costs paid by the City required to cure such default.

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, Lessors 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 \$2,700.00 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 Lessors determine to not repair the improvements or otherwise make the Premises usable or occupiable, the City may terminate this Lease by giving notice to Lessors 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 Lessors: Robert A. Fulcher
 2996 Teller Court
 Grand Junction, CO 81504-8691

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. Ad Valorem Taxation. It is the express intent of the parties that the Premises, so long as the same are used and occupied by the City, be exempt from ad valorem taxation pursuant to C.R.S. 31-15-802.

11. 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.

12. 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.

Lessors:

Diana S. Fulcher, Property Manager

The City of Grand Junction,
a Colorado home rule municipality

Attest:

City Clerk

City Manager

Exhibit "A"
Depiction of Leased Premises



Attach 4

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	2001 Rural Fire District Services Agreement	
Meeting Date:	December 6, 2000	
Date Prepared:	November 27, 2000	
Author:	Rick Beaty	Title Fire Chief
Presenter Name:	Rick Beaty	Title Fire Chief
	Workshop	Formal Agenda

Subject: 2001 Rural Fire District Services Agreement

Summary: The Grand Junction Rural Fire Protection District Board has requested continued services from the City of Grand Junction Fire Department for the year 2001. A memorandum of agreement between the City and District calls for the provision of certain services by the Fire Department to citizens of the District. Pursuant to and defined in the agreement, the District pays the City an allocated portion of the annual budget for services. The projected cost of services for 2001 is \$1,165,291.

Background Information: The District has contracted for certain emergency services from the City since the mid '40s. Methods for the delivery of services as well as the application of cost allocation formulas have varied over the years. A formula which uses percentage of calls applied to an adjusted total base budget to determine the District's agreement cost has been used for the past 14 years.

In May 1999, City Council and District Board members met to settle the amount of the 1999 emergency service agreement. As a result of the meeting, City Council directed the Fire Chief to make a minor change to the cost allocation formula for Fire Prevention/Code enforcement services. The change involved application of the percentage of fire prevention (code enforcement) activity in the District instead of applying the percentage of calls to prevention associated costs. This change more accurately reflects the District's use of fire prevention services. The percentage of fire prevention activity in 1999-2000 was 4% and is utilized in cost allocation projections for 2001.

The District's percentage of calls for service used in the projected cost of services for 2001 is 20.37%.

The District has the capacity to fund the 2001 services agreement in full. The District Board has expressed their concern that while they have the capacity to fund the 2001 agreement by utilizing fund balance, the cost of services has exceeded their revenue base and that the trend is negative over the long-term. In addition, the ability for the District to fund expanded services

and or new services is in question. City Council and the Board have discussed and continue to discuss this issue. The Board is considering many options to correct the trend however there are not specific measures being taken at this time.

Budget: General fund revenue source in the amount of \$1,165,291

Action Requested/Recommendation:

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

Report results back to Council:	<input type="checkbox"/>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	When:	
--	--------------------------	-----------------------------	------------------------------	--------------	--

Placement on Agenda:	<input checked="" type="checkbox"/>	<input type="checkbox"/> Consent	<input type="checkbox"/> Indiv. Consideration	<input type="checkbox"/> Workshop
-----------------------------	-------------------------------------	----------------------------------	---	-----------------------------------

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement made and entered into this _____ day of _____, 2000, by and between the **Grand Junction Fire Department** (hereinafter "City") and the **Grand Junction Rural Fire Protection District** (hereinafter "District");

WHEREAS, for a considerable period of years the City and the District have cooperated to provide fire protection and related services within the District; and

WHEREAS, the parties desire to set out the general basis for providing fire response, fire prevention, fire inspection, rescue and emergency medical response by the City within the District for the period January 1, 2001 through December 31, 2001;

NOW THEREFORE, in consideration of the premises and the mutual covenants to be observed by the parties, IT IS AGREED:

1. The City shall provide fire response, prevention, inspection, rescue and emergency medical response and service within the District.
2. The projected 2001 allocation of costs for the District is \$ 1,165,291. Payment shall be made by the District to the City. On or before June 1, 2001 the District will pay the City \$582,646 and a final payment of \$582,645 on or before December 1, 2001.

The parties stipulate and agree that this payment arrangement requires that adjustments, if any, to the payments due to, or due from either party, shall be determined by an audit performed by the City, at the close of the City's 2000 fiscal year. Reimbursement due to the District or compensation due to the City, as detailed by the result said audit, shall be paid in 2001 and payment obligation shall be independent of a renewed service agreement, if any.

3. The parties agree that utilization data kept and generated by the City shall be used to establish a percentage of services rendered within the District and within the City. Such data, in conjunction with application of an apportionment formula, shall provide the basis for the determination of the costs and expenses payable by the District under this service agreement. (See exhibit "Grand Junction Rural Fire Protection District 2001 Emergency Services Contract Worksheet" attached hereto and incorporated by this reference as if fully set forth).

4. Should the District and/or the City desire to discontinue the City providing service under this agreement, either party may terminate the agreement by providing notice of such termination to the other party. Notice shall be in writing and sent certified mail to the address provided herein and shall be given at least six months prior to termination.
5. District owned equipment shall be routinely maintained by the City. The District and the City shall agree prior to any rebuilding, re-manufacturing or non-routine maintenance work being performed on District-owned equipment.
6. The City agrees to provide the District with monthly activity reports in a form determined by the City. These reports shall detail the number and type of calls responded to by the City in the District. In addition, monthly equipment maintenance statements shall be provided to the District.
7. The parties agree that the equipment dispatched by the City to any call for service in the District, shall be within the operational control and be deployed by the sole discretion of the Grand Junction Fire Chief or his designee. The first-response units for City and District incidents will be the same unless specialized or specific apparatus has been previously dispatched.
8. The parties agree that the City will administer and enforce in the District the most recent version of the Uniform Fire Code adopted by the District.
9. The City shall, for the term of this agreement, be authorized to act on behalf of the District in any and all land use applications, hearings, decisions and building and/or construction projects on which the District would be asked or required to review and/or comment.
10. The City shall provide liability insurance coverage in amounts and with limits as determined solely by the City. The City shall name the District as an additional named insured under its policy(ies) affording coverage from any and all claims and demands arising out of the operation of and discharge of the activities stated herein. The City shall provide equipment and property damage insurance coverage for all City and District-owned equipment utilized in the District to discharge the obligations of this agreement. The City does not and shall not provide errors and omissions coverage for the District Board.

11. The City agrees to indemnify and hold harmless the District for claims, demands or causes of action for compensation for any loss, damage, personal injury, or death arising or occurring in consequence of the performance of this agreement that are not an action or actions of, or the result of an action or actions of, the District, its Board of Directors or the employees of the District and/or the Board..
12. The District agrees to indemnify and hold harmless the City for any and all claims, demands or causes of action for compensation for any loss, damage, personal injury, or death arising or occurring in consequence of the performance of this agreement. The District's obligation to indemnify and hold harmless the City, its officers, agents, and employees, shall not apply to liability or damages resulting from the negligence of the City's officers, agents, and employees nor to injuries covered by any workers' compensation plan. This paragraph shall survive the termination of this agreement.
13. All previous agreements are terminated and this agreement represents the full and complete understanding of the parties.
14. Enforcement of the terms and conditions of this agreement and all rights of action relating to such enforcement, shall be strictly reserved to the City and the District and nothing contained in this agreement shall give or allow any claim or right of action by any other or third person to enforcement of this agreement. It is the expressed intention of the City and the District that any person, organization or entity receiving any benefits from this agreement shall be deemed to be incidental beneficiaries only.
15. Venue for any action arising out of the performance or non-performance of this agreement or occurring out of or under this agreement shall be Mesa County, Colorado.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on
the day and year first written above

CITY OF GRAND JUNCTION

by: _____

Kelly Arnold

City Manager

250 North 5th Street

Grand Junction, CO 81501

Attest:

Stephanie Nye
City Clerk

GRAND JUNCTION RURAL FIRE
PROTECTION DISTRICT

by: _____

Stephen C. Ward

President, GJRFPD

Attest:

865 Gambel's Way

Katherine M. Wear
Secretary of the Board

Grand Junction, CO 81505

Attachment: Cost Allocation Worksheet for 2001

Time Frame	Rural	City	Total Calls	Annual % Rural	Annual % City
94-95	1096	4364	5460	20.07%	79.93%
95-96	1215	4592	5807	20.92%	79.08%
96-97	1313	4616	5929	22.15%	77.85%
97-98	1432	4994	6426	22.28%	77.72%
98-99	1344	5072	6416	20.95%	79.05%
99-00	1388	5425	6813	20.37%	79.63%
Five Year Total / Average	3624	13572	17196	21.07%	78.93%
Cost Center	1997 Actual	1998 Actual	1999 Actual	2000 Current	2001 Current
Administration	393,348	285,419	359,994	425,143	556,214
(Operating Capital)	(4,004)	-	-	(8,489)	-
(Major Capital)	(119,694)	(1,929)	(19,899)	(55,272)	(228,938)
Emergency Medical Services	162,256	209,352	190,908	213,742	229,969
(Operating Capital)	-	-	-	-	-
(Major Capital)	(12,278)	(32,558)	(7,980)	-	-
Fire Suppression	3,659,482	4,072,723	4,280,916	4,487,446	4,772,392
(Hose and Supplies)	-	-	-	-	-
(City Equip. Accrual)	(139,179)	(182,889)	(185,151)	(207,699)	-
(City Vehicle Fuel)	(5,141)	(4,128)	(4,385)	(7,536)	-
(Operating Capital)	(12,319)	(17,906)	(30,551)	(24,424)	(19,000)
(Major Capital)	-	(133,825)	(43,353)	(51,500)	(84,000)
Fire Prevention	315,109	386,105	407,405	399,691	346,156
(Operating Capital)	(4,386)	(5,736)	-	-	(1,082)
(Major Capital)	-	(15,144)	-	-	-
(Juvenile Fire Setter Prg.)	(1,603)	(2,748)	(2,681)	(5,360)	(5,517)
Training Division	133,952	73,367	106,758	144,048	174,039
(Operating Capital)	-	(4,278)	-	(3,050)	(4,853)
Plant (Buildings)	140,709	108,448	90,954	154,203	103,358
(Operating Capital)	(37,452)	(8,600)	-	-	-
(Major Capital)	(15,996)	(9,369)	-	(57,000)	-
Health and Safety	4,104	13,397	20,809	46,087	28,749
(Operating Capital)	-	(8,522)	(9,100)	(9,639)	(3,112)
Communications Center	84,828	94,000	95,965	121,781	128,344
Total	\$ 4,541,737	\$ 4,815,179	\$ 5,250,609	\$ 5,562,172	\$5,992,719
Adjusted Budget (- Prevention)			\$4,845,885	\$5,167,841	\$5,653,162
Adjusted Prevention Budget			404,724	394,331	339,557
Projected 2001 Services Cost					
Emergency Operations		\$1,151,708			
Fire Prevention		\$13,582			
2001 Services Cost Total		\$1,165,291			

Attach 5

CITY COUNCIL AGENDACITY OF GRAND JUNCTION

<i>CITY COUNCIL</i>		
Subject:	Resolution authorizing the issuance of a Revocable Permit to Mesa State College	
Meeting Date:	December 6, 2000	
Date Prepared:	November 28, 2000	
Author:	Tim Woodmansee	Real Estate Manager
Presenter Name:	Tim Woodmansee	Real Estate Manager
	Workshop	Formal Agenda

Subject: Resolution authorizing the issuance of a Revocable Permit to Mesa State College for the installation of buried electric lines in various public rights-of-way.

Summary: The Mesa State College Foundation is proposing to install buried electric lines in public rights-of-way to serve Mesa State’s new fine arts and humanities facilities. The buried lines would be located in public rights-of-way for College Avenue, Mesa Avenue, Texas Avenue and Elm Avenue.

Background Information: Mesa State College is implementing its plan to construct new educational facilities, including humanities, fine arts and social sciences buildings, to the west of the main college campus. Providing electric lines to the new facilities will require underground electric installations across various public rights-of-way.

The proposed Revocable Permit will require Mesa State College to maintain the condition of the public rights-of-way impacted by the proposed facilities. Mesa State College will be responsible for and obligated to repair damage to any public facility caused as a result of the various installations, and will be obligated to remove the authorized facilities within 30 days of revocation of the permit.

Action Requested/Recommendation: Pass and adopt proposed resolution authorizing the issuance of a Revocable Permit to the Mesa State College Foundation.

Citizen Presentation:	X	No		Yes	If Yes,
------------------------------	----------	-----------	--	------------	----------------

Name:						
Purpose:						
Report results back to Council:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When:	
Placement on Agenda:	<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop

RESOLUTION NO. _____

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
THE TRUSTEES OF STATE COLLEGES IN COLORADO

Recitals.

1. The Trustees of State Colleges in Colorado, hereinafter referred to as the Petitioner, has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain, repair and replace buried electric lines within the limits of the following described public rights-of-way, to wit:

Permit Area No. 1 Beginning at a point on the north right-of-way line for Mesa Avenue which is common with the Southeast Corner of Lot 11, Block 3 of Garfield Park Subdivision, According to the Refiling Plat Thereof, situate in the Southeast ¼ of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, as recorded in Plat Book 7 at Page 9 in the office of the Mesa County Clerk and Recorder; thence East along the north right-of-way line of Mesa Avenue a distance of 6.0 feet to the Point of beginning; thence South a distance of 329.70 feet to a point from whence the Southeast Corner of Lot 11, Block 6 of said Garfield Park Subdivision bears West a distance of 6.0 feet; thence Southwesterly to a point on the south right-of-way line for Texas Avenue from whence the Northeast Corner of Lot 10 of South Garfield Park Subdivision bears West a distance of 20.0 feet to the Point of Terminus; and also

Permit Area No. 2 Beginning at a point on the north right-of-way line for Elm Avenue from whence the Southwest Corner of Lot 32 of South Garfield Park Subdivision, situate in the Southeast ¼ of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, bears West a distance of 32.5 feet; thence Southwesterly to a point on the south right-of-way line for Elm Avenue from whence the Northeast Corner of Lot 48 of McMullin & Gormley Subdivision bears West a distance of 3.0 feet; thence South to a point from whence the Northeast Corner of Lot 38 of said McMullin & Gormley Subdivision bears West a distance of 3.0 feet; thence Southwesterly a distance of 10.0 feet to a point on the East boundary line of said Lot 38 and the Point of Terminus.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purposes aforescribed and within the limits of the public rights-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 6th day of December, 2000.

Attest:

City Clerk

President of the Council

REVOCABLE PERMIT

Recitals

1. The Trustees of State Colleges in Colorado, hereinafter referred to as the Petitioner, has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain, repair and replace buried electric lines within the limits of the following described public rights-of-way, to wit:

Permit Area No. 1 Beginning at a point on the north right-of-way line for Mesa Avenue which is common with the Southeast Corner of Lot 11, Block 3 of Garfield Park Subdivision, According to the Refiling Plat Thereof, situate in the Southeast $\frac{1}{4}$ of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, as recorded in Plat Book 7 at Page 9 in the office of the Mesa County Clerk and Recorder; thence East along the north right-of-way line of Mesa Avenue a distance of 6.0 feet to the Point of beginning; thence South a distance of 329.70 feet to a point from whence the Southeast Corner of Lot 11, Block 6 of said Garfield Park Subdivision bears West a distance of 6.0 feet; thence Southwesterly to a point on the south right-of-way line for Texas Avenue from whence the Northeast Corner of Lot 10 of South Garfield Park Subdivision bears West a distance of 20.0 feet to the Point of Terminus; and also

Permit Area No. 2 Beginning at a point on the north right-of-way line for Elm Avenue from whence the Southwest Corner of Lot 32 of South Garfield Park Subdivision, situate in the Southeast $\frac{1}{4}$ of Section 11, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, bears West a distance of 32.5 feet; thence Southwesterly to a point on the south right-of-way line for Elm Avenue from whence the Northeast Corner of Lot 48 of McMullin & Gormley Subdivision bears West a distance of 3.0 feet; thence South to a point from whence the Northeast Corner of Lot 38 of said McMullin & Gormley Subdivision bears West a distance of 3.0 feet; thence Southwesterly a distance of 10.0 feet to a point on the East boundary line of said Lot 38 and the Point of Terminus.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purposes aforescribed and within the limits of the public rights-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The installation of buried electric lines within the public right-of-way as authorized pursuant to this Permit shall be performed using commonly accepted directional boring or open trenching techniques, exercising due care or any other higher standard of care as may be required to avoid damaging utilities or any other facilities presently existing in said rights-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the
aforedescribed public rights-of-way for any purpose whatsoever. The City further reserves and
retains the right to revoke this Permit at any time and for any reason.

3. The Petitioner, for itself and for its successors and assigns, agrees that it shall not hold,
nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for
damages caused to the facilities to be installed by the Petitioner within the limits of said public
rights-of-way (including the removal thereof), or any other property of the Petitioner or any other
party, as a result of the Petitioner's occupancy, possession or use of said public rights-of-way or
as a result of any City activity or use thereof or as a result of the installation, operation,
maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that it shall at all times keep the above described public rights-of-
way and the facilities authorized pursuant to this Permit in good condition and repair.

5. This Revocable Permit shall be issued only upon concurrent execution by the Petitioner
of an agreement that the Petitioner and the Petitioner's successors and assigns, shall save and
hold the City of Grand Junction, its officers, employees and agents harmless from, and
indemnify the City, its officers, employees and agents, with respect to any claim or cause of
action however stated arising out of, or in any way related to, the encroachment or use
permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole
expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may
occur by mailing a first class letter to the last known address), peaceably surrender said public
rights-of-way and, at its own expense, remove any encroachment so as to make the
aforedescribed public rights-of-way available for use by the City or the general public. The
provisions concerning holding harmless and indemnity shall survive the expiration, revocation,
termination or other ending of this Permit .

6. The Petitioner, for itself and for its successors and assigns, agrees that it shall be solely
responsible for maintaining and repairing the condition of facilities authorized pursuant to this
Permit.

7. This Revocable Permit, the foregoing Resolution and the following Agreement shall be
recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk
and Recorder.

Dated this _____ day of _____, 2000.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance on behalf of The Trustees of
State Colleges in Colorado:

By: _____

Name: _____

Title: _____

AGREEMENT

The Trustees of State Colleges in Colorado, for itself and for its successors and assigns, does hereby agree to: Abide by each and every term and condition contained in the foregoing Revocable Permit; As set forth, indemnify the City of Grand Junction, its officers, employees and agents and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit; Within thirty (30) days of revocation of said Permit, peaceably surrender said public rights-of-way to the City of Grand Junction and, at its expense, remove any encroachment so as to make said public rights-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2000.

The Trustees of State Colleges in Colorado:

By: _____

Name: _____

Title: _____

State of Colorado)
)ss.
County of)

The foregoing Agreement was acknowledged before me this _____ day of _____, 2000, by _____ of the _____ as _____ of the Trustees of State Colleges in Colorado.

My Commission expires: _____

Witness my hand and official seal.

Notary Public

Attach 6

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Utility Rate Changes, Effective January 1, 2001	
Meeting Date:	December 6, 2000	
Date Prepared:	November 27, 2000	
Author:	Greg Trainor	Utility Manager
Presenter Name:	Greg Trainor	Utility Manager
	Workshop	Formal Agenda

Subject: Utility Rate Changes See Attached Resolution

Summary:

Effective January 1,2001 utility rates for Wastewater, Solid Waste, Water and Irrigation Services are proposed to change.

Here are the highlights:

- 90% of City water customers will see a decrease in their water rates
- Irrigation charges for the Ridges are decreasing 29%
- Sewer rates are increasing 2.5%
- Trash rates are increasing 4.0%
- Larger water users and multiple family residential and commercial users will see an increase in water rates

Background Information:

The rate changes are the first in five years. Sewer increases are due to higher costs to upgrade and maintain the sewer system. Trash increases are due to the increased costs of landfill, equipment and fuel. Irrigation decreases in the Ridges are due to new development. Water decreases are due to decreased costs of operation and adjusting rates between multi-family and single family users.

Budget:

Sewer

29 cent monthly increase for a single family home from \$11.42 to \$11.71 per month.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**A RESOLUTION ADOPTING UTILITY RATES FOR WATER, SOLID WASTE,
IRRIGATION SERVICES AND THE CITY-COUNTY JOINT SEWER FUND
,EFFECTIVE JANUARY 1, 2001**

Recital:

The City of Grand Junction establishes rates for utility services on a periodic basis. Rates for water, solid waste, irrigation services and for the City-County Joint Sewer System were adjusted last in 1995.

Whereas, rates for utility services are being adjusted to reflect changes in costs over the past five years, equalizing rates among different classes of customers, and reducing rates for some classes of customers,

Whereas, the City of Grand Junction has the authority to establish rates by resolution, and

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

Effective January 1, 2001, rates for utility services will change according to the attached schedule, titled *Utility Rates*. Similar utility services, not described in the attached schedule but based off of the rates in the attached schedule, will be calculated and applied on a *pro rata* basis. Appropriate schedules will be developed showing charges for all utility services rendered.

PASSED and ADOPTED this 6th day of December, 2000.

President of the City Council

Attest:

City Clerk

Attach 7

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Surplus City Revocable Permit	
Meeting Date:	December 6, 2000	
Date Prepared:	November 28, 2000	
Author:	Bill Nebeker	Senior Planner
Presenter Name:	Bill Nebeker	Senior Planner
	Workshop	Formal Agenda

Subject: Revocable Permit – Surplus City at 200 West Grand Avenue; file #SPR-2000-147.

Summary: The owner of Surplus City requests a revocable permit for landscaping and driveway improvements to be located in the right-of-way adjacent to the site. Staff recommends approval.

Background Information: Surplus City is in the process of being remodeled into a new retail shopping center. Much of the site is non-conforming but no building expansion is proposed. Under the former Zoning and Development Code if no expansion was proposed, no additional site improvements were required. However the owner/developer is cooperating to bring the site up to compliance with parking and frontage landscaping as much as possible. To allow maximum parking on the site a majority of the frontage landscaping will be located in the adjacent right-of-way, which requires a revocable permit. Approval of the revocable permit, as well as the plan review associated with the upgrade of the site, does not change the status of the shopping center as a non-conforming site. The outdoor storage and display currently located in the right-of-way surrounding the site will be removed when the center is upgraded.

Budget: N/A

Action Requested/Recommendation: Adopt resolution

Citizen Presentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name:					
Purpose:					

Report results back to Council:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When:	
--	-------------------------------------	--------------------------	--------------------------	--------------------------	--------------	--

Placement on Agenda:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-----------------------------	-------------------------------------	--------------------------	--------------------------	--------------------------	--------------------------

Attachments:

1. Exhibit "A" - Right-of-way Description Map

RESOLUTION NO. _____

**CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
JAMES A. HOLMES**

Recitals.

1. James A. Holmes, Jr., hereinafter referred to as the Petitioner, represents that he is the owner of that certain real property located at 200 West Grand Avenue in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Tax Schedule Number 2945-151-00-092, and has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain, repair and replace landscaping and driveway improvements within the limits of the following described public right-of-way, to wit:

Commencing at the East $\frac{1}{4}$ Corner of Section 15, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, and considering the south line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 15 to bear S $89^{\circ}47'53''$ W with all bearings contained herein being relative thereto; thence S $89^{\circ}47'53''$ W along the south line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 644.97 feet to a point; thence leaving said south line, N $00^{\circ}12'07''$ W a distance of 103.87 feet to the True Point of Beginning; thence N $00^{\circ}12'07''$ W a distance of 3.53 feet to a point on the north right-of-way line for West Grand Avenue as described by instrument recorded in Book 2772 at Page 123 in the office of the Mesa County Clerk and Recorder; thence along said right-of-way line, S $75^{\circ}58'42''$ E a distance of 40.68 feet to a point on the north right-of-way line for West Grand Avenue as described by instrument recorded in Book 375 at Page 486 in the office of the Mesa County Clerk and Recorder; thence N $89^{\circ}47'53''$ E along said right-of-way line a distance of 151.05 feet to a point on the northwesterly right-of-way line for West Grand Avenue as described by instrument recorded in Book 2772 at Page 123 as aforesaid; thence along said right-of-way line, N $53^{\circ}49'37''$ E a distance of 54.95 feet to a point on the westerly right-of-way line for U.S. Highway 6 & 50 as described by instrument recorded in Book 686 at Page 427 in the office of the Mesa County Clerk and Recorder; thence along said right-of-way line the following three (3) courses:

1. N $00^{\circ}12'07''$ W a distance of 72.71 feet;
2. N $27^{\circ}21'53''$ E a distance of 173.30 feet;
3. N $33^{\circ}33'07''$ W a distance of 45.50 feet;

thence leaving said right-of-way line, N $89^{\circ}48'23''$ E a distance of 70.65 feet;
thence S $39^{\circ}27'55''$ E a distance of 22.98 feet;
thence 89.36 feet along the arc of a curve to the right, having a radius of 55.29 feet, a central angle of $92^{\circ}36'01''$, and a long chord bearing S $10^{\circ}35'59''$ W a distance of 79.95 feet;
thence S $56^{\circ}49'49''$ W a distance of 78.23 feet;
thence 119.41 feet along the arc of a curve to the left, having a radius of 131.23 feet, a central angle of $52^{\circ}08'06''$, and a long chord bearing S $26^{\circ}42'25''$ W a distance of 115.33 feet;

thence 12.24 feet along the arc of a curve to the right, having a radius of 54.59 feet, a central angle of 12°50'31", and a long chord bearing S 02°14'52" W a distance of 12.21 feet;
thence 79.42 feet along the arc of a curve to the right, having a radius of 74.99 feet, a central angle of 60°41'01", and a long chord bearing S 52°35'08" W a distance of 75.76 feet;
thence S 89°47'53" W a distance of 66.49 feet;
thence S 89°57'04" W a distance of 68.64 feet;
thence 25.59 feet along the arc of a curve to the right, having a radius of 57.43 feet; a central angle of 25°31'56", and a long chord bearing N 79°34'27" W a distance of 25.38 feet;
thence 22.12 feet along the arc of a curve to the left, having a radius of 123.60 feet, a central angle of 10°15'21", and a long chord bearing N 77°46'33" W a distance of 22.09 feet to the Point of Beginning.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purposes aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this 6th day of December, 2000.

Attest:

City Clerk

President of the Council

REVOCABLE PERMIT

Recitals

1. James A. Holmes, Jr., hereinafter referred to as the Petitioner, represents that he is the owner of that certain real property located at 200 West Grand Avenue in the City of Grand Junction, County of Mesa, State of Colorado, as identified by Mesa County Tax Schedule Number 2945-151-00-092, and has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, operate, maintain, repair and replace landscaping and driveway improvements within the limits of the following described public right-of-way, to wit:

Commencing at the East $\frac{1}{4}$ Corner of Section 15, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, and considering the south line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 15 to bear S $89^{\circ}47'53''$ W with all bearings contained herein being relative thereto; thence S $89^{\circ}47'53''$ W along the south line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 644.97 feet to a point; thence leaving said south line, N $00^{\circ}12'07''$ W a distance of 103.87 feet to the True Point of Beginning; thence N $00^{\circ}12'07''$ W a distance of 3.53 feet to a point on the north right-of-way line for West Grand Avenue as described by instrument recorded in Book 2772 at Page 123 in the office of the Mesa County Clerk and Recorder; thence along said right-of-way line, S $75^{\circ}58'42''$ E a distance of 40.68 feet to a point on the north right-of-way line for West Grand Avenue as described by instrument recorded in Book 375 at Page 486 in the office of the Mesa County Clerk and Recorder; thence N $89^{\circ}47'53''$ E along said right-of-way line a distance of 151.05 feet to a point on the northwesterly right-of-way line for West Grand Avenue as described by instrument recorded in Book 2772 at Page 123 as aforesaid; thence along said right-of-way line, N $53^{\circ}49'37''$ E a distance of 54.95 feet to a point on the westerly right-of-way line for U.S. Highway 6 & 50 as described by instrument recorded in Book 686 at Page 427 in the office of the Mesa County Clerk and Recorder; thence along said right-of-way line the following three (3) courses:

4. N $00^{\circ}12'07''$ W a distance of 72.71 feet;
5. N $27^{\circ}21'53''$ E a distance of 173.30 feet;
6. N $33^{\circ}33'07''$ W a distance of 45.50 feet;

thence leaving said right-of-way line, N $89^{\circ}48'23''$ E a distance of 70.65 feet;
thence S $39^{\circ}27'55''$ E a distance of 22.98 feet;
thence 89.36 feet along the arc of a curve to the right, having a radius of 55.29 feet, a central angle of $92^{\circ}36'01''$, and a long chord bearing S $10^{\circ}35'59''$ W a distance of 79.95 feet;
thence S $56^{\circ}49'49''$ W a distance of 78.23 feet;
thence 119.41 feet along the arc of a curve to the left, having a radius of 131.23 feet, a central angle of $52^{\circ}08'06''$, and a long chord bearing S $26^{\circ}42'25''$ W a distance of 115.33 feet;
thence 12.24 feet along the arc of a curve to the right, having a radius of 54.59 feet, a central angle of $12^{\circ}50'31''$, and a long chord bearing S $02^{\circ}14'52''$ W a distance of 12.21 feet;
thence 79.42 feet along the arc of a curve to the right, having a radius of 74.99 feet, a central angle of $60^{\circ}41'01''$, and a long chord bearing S $52^{\circ}35'08''$ W a distance of 75.76 feet;

thence S 89°47'53" W a distance of 66.49 feet;
thence S 89°57'04" W a distance of 68.64 feet;
thence 25.59 feet along the arc of a curve to the right, having a radius of 57.43 feet; a central angle of 25°31'56", and a long chord bearing N 79°34'27" W a distance of 25.38 feet;
thence 22.12 feet along the arc of a curve to the left, having a radius of 123.60 feet, a central angle of 10°15'21", and a long chord bearing N 77°46'33" W a distance of 22.09 feet to the Point of Beginning.

2. Based on the foregoing, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purposes aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The installation, operation, maintenance, repair and replacement of landscape and driveway improvements by the Petitioner within the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public roadways, sidewalks, utilities, or any other facilities presently existing or which may in the future exist in said right-of-way.

2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.

3. The Petitioner, for himself and for his heirs, successors and assigns, agrees that he shall not hold, nor attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to the facilities to be installed by the Petitioner within the limits of said public right-of-way (including the removal thereof), or any other property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.

4. The Petitioner agrees that he shall at all times keep the above described public right-of-way and the facilities authorized pursuant to this Permit in good condition and repair.

5. This Revocable Permit shall be issued only upon concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's heirs, successors and assigns, shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole expense and cost of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at his own expense, remove any encroachment so as to make the

aforedescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit .

6. The Petitioner, for himself and for his heirs, successors and assigns, agrees that he shall be solely responsible for maintaining and repairing the condition of facilities authorized pursuant to this Permit.

7. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this _____ day of _____, 2000.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

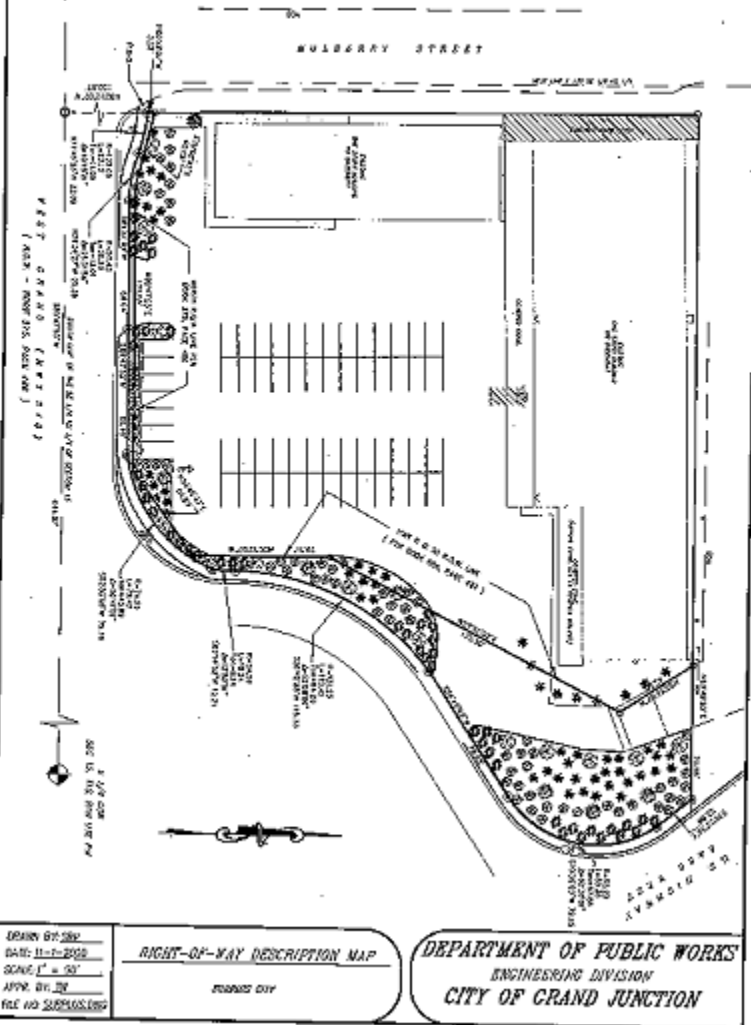
City Clerk

City Manager

Acceptance by the Petitioner

James A. Holmes, Jr.

EXHIBIT "A"



DRAWN BY: JBY
 DATE: 11-1-1952
 SCALE: 1" = 50'
 APPR. BY: JBY
 FILE NO: 222222.000

RIGHT-OF-WAY DESCRIPTION MAP
 PLANNING DIV.

DEPARTMENT OF PUBLIC WORKS
 ENGINEERING DIVISION
 CITY OF GRAND JUNCTION

BACKGROUND INFORMATION				
Location:		East of South Camp Road and north of the Ute Water Tanks on the Redlands		
Applicants:		City of Grand Junction Staff Rep: Dave Thornton		
Existing Land Use:		Vacant		
Proposed Land Use:		No Change		
Surrounding Land Use:	North	Vacant		
	South	Vacant		
	East	Vacant		
	West	Vacant		
Existing Zoning:		RSF-E in County		
Proposed Zoning:		RSF-E zone district		
Surrounding Zoning:	North	RSF-4		
	South	Planned Development – 4 units per acre		
	East	Planned Development – 4 units per acre		
	West	RSF-4		
Growth Plan Designation:		Residential with 2 – 4 units per acre		
Zoning within density range?			Yes	X No

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 5.11 acres of vacant land. Under the 1998 Persigo Agreement with Mesa County the City is to annex all Enclave areas within 5 years. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three years. The Davidson/Wilcox Enclave has been enclaved since October 22, 1995.

Staff has been in contact with Mr. Davidson concerning the proposed annexation. A letter was also sent to Mr. Davidson and Mr. Wilcox, property owners, stating the City and County's position of annexing enclaves and informing them of the annexation schedule. In a telephone conversation, Mr. Davidson stated he had neither objection to the annexation of this property nor the proposed zoning to RSF-E.

DAVIDSON/WILCOX ANNEXATION SUMMARY

File Number:		ANX-2000-208
Location:		East of South Camp Road and north of the Ute Water Tanks on the Redlands
Tax ID Number:		2945-183-00-009
Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		5.11 acres
Developable Acres Remaining:		5.11 acres
Right-of-way in Annexation:		None
Previous County Zoning:		RSF-E
Proposed City Zoning:		RSF-E
Current Land Use:		Vacant
Future Land Use:		Residential
Values:	Assessed:	= \$ 870
	Actual:	= \$ 3,000
Census Tract:		14.01
Address Ranges:		None
Special Districts:	Water:	Ute Water
	Sewer:	
	Fire:	Grand Junction Rural Fire
	Drainage:	
	School:	District 51
	Pest:	

The following revised annexation and zoning schedule is being proposed.

<i>ANNEXATION and ZONING SCHEDULE</i>	
Nov 1, 2000	Notice of Intent to Annex (30 Day Notice to hearing), Exercising Land Use Immediately
Nov 14, 2000	Planning Commission considers Zone of Annexation – Public Hearing
Nov 15, 2000 Dec 6, 2000	1st Reading on Annexation and Zoning by City Council
Dec 20, 2000	Public hearing on Annexation and Zoning by City Council – 2nd Reading
Jan 21, 2001	Effective date of Annexation and Zoning

Action Requested/Recommendation: It is recommended that City Council approve the Davidson/Wilcox Enclave Annexation.

Attachments:

1. Annexation Ordinance
2. Letter to property owners
3. Annexation Map

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

DAVIDSON/WILCOX ENCLAVE ANNEXATION

**LOCATED EAST OF SOUTH CAMP ROAD
AND NORTH OF UTE WATER'S WATER TANKS ON THE REDLANDS**

CONSISTING OF APPROXIMATELY 5.11 ACRES

WHEREAS, on the 1ST day of November, 2000 the City Council of the City of Grand Junction gave notice that they will consider for annexation to the City of Grand Junction, a tract of land in the County of Mesa, State of Colorado, commonly known as the Davidson/Wilcox Enclave, and more particularly described as follows:

W ½ SW ¼ SE ¼ SW ¼ Section 18, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado

The area proposed to be annexed is entirely contained within the boundaries of the City of Grand Junction and said area has been so surrounded for a period of not less than 3 years, pursuant to 31-12-106(1). C. R S.

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

That the property situate in Mesa County, Colorado, and commonly known as the Davidson/Wilcox Enclave, is hereby annexed to the City of Grand Junction, Colorado.

That the effective date of this annexation shall be the effective date of Ordinance No.

INTRODUCED on first reading on the 6th day December, 2000.

ADOPTED and ordered published this ___ day of _____, 2000.

Attest:

City Clerk

President of the Council

October 10, 2000

Mr. Darren Davidson
Mr. James V. Wilcox
P.O. Box 9233
Grand Junction, CO 81502

Tax Parcel Number 2945-183-00-009
Property Address generally located east of South Camp Road and north of the Ute Water Tanks

Dear Mr. Davidson and Mr. Wilcox,

The Mesa County Board of Commissioners and Grand Junction City Council has forged a new relationship to improve service delivery to all county residents and to properly manage growth and development in the central Grand Valley. The foundation of this new relationship is the Persigo Agreement, a comprehensive document that covers a variety of service and growth issues, which was adopted by the Commission and Council October 1998. Included in the agreement is a provision to close all existing enclaves by bringing them into the City in a timely fashion in accordance with state annexation laws. Enclaves are small areas of unincorporated Mesa County that are entirely surrounded by the limits of the City of Grand Junction. Your property (listed above) is located within one of these enclaves.

Benefits of being part of the City of Grand Junction are detailed in the enclosed brochure, *What it means to live in the City of Grand Junction*. In order to provide for as smooth a transition as possible for those owning property in the enclaves, we would like to hear from you. Please review the enclosed map showing the area that is included within the Davidson/Wilcox Enclave.

The following annexation and zoning schedule for the Davidson/Wilcox Enclave is being proposed.

<u>ANNEXATION and ZONING SCHEDULE</u>	
Nov 1, 2000	Notice of Intent to Annex (30 Day Notice to hearing), Exercising Land Use Immediately
Nov 14, 2000	Planning Commission considers Zone of Annexation – Public Hearing
Nov 15, 2000	1st Reading on Annexation and Zoning by City Council
Dec 6, 2000	Public hearing on Annexation and Zoning by City Council – 2nd Reading
Jan 7, 2001	Effective date of Annexation and Zoning

The proposed zoning will be Residential Single Family Estate (RSF-E), one unit per two acres which conforms with current Mesa County zoning of RSF-E, one residential unit per two acres. We encourage you to attend both public hearings currently scheduled for November 14, 2000 with Grand Junction Planning Commission to consider zoning and December 6, 2000 with Grand Junction City Council to consider annexation and zoning.

The Board of Commissioners and the City Council are proud of the recent level of trust and respect built between each entity; an accomplishment they hope is shared by all of their constituents. They truly believe they have an agreement and plan of action that is in the best interests of everyone in the county, and working with you to close the enclaves is an important part of that plan. During the past year ten enclave areas have been incorporated into the City.

If you have questions or comments, or are no longer the owner and/or resident of this property, please give me a call at 244-1450.

Thank you.

Respectfully,

David Thornton, Principal Planner
Grand Junction Community Development Department

CC: City Council
Mesa County Board of Commissioners
Kelly Arnold, City Manager
Bob Jasper, County Administrator
David Varley, Assistant City Manager

Enclosures

Attach 9

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Group Living Facilities	
Meeting Date:	December 6, 2000	
Date Prepared:	November 27, 2000	
Author:	Stephanie Rubinstein	Staff City Attorney
Presenter Name:	Stephanie Rubinstein	Staff City Attorney
	Workshop	Formal Agenda

Subject: Group Living Facilities

Summary: The major changes to section 4.Q of the Zoning and Development Code are:

1. The definition of “small group living facility” was changed from any group living facility with less than eight residents to a group living facility with 4 to 8 residents.
2. Definitions of “facility” and “use” were added.
3. The definition of a “homeless shelter” was changed from a facility which provides temporary accommodations for one or more days to a facility which provides accommodations for more than six months of a single year to any person.
4. A provision was added to provide that a group living facility is a commercial zone is not subject to provisions of this section which are specific to incompatibility with residential neighborhoods.
5. A provision was added to allow existing group living facilities to continue to exist as legal non-conforming uses, so long as no changes are made to expand the facility. Registration will still be required.
6. The provision requiring all group living facilities be at least 1000 feet from every other group living facility was changed to 750 feet.
7. The current Code does not allow any administrative activities to occur on the property which are not directly related to the facility. This provision has been changed to allow administrative activities which are “sponsored, conducted or related” to the facility.
8. A definition of “adverse impact” has been added.
9. The current Code does not allow on-going medical or psychiatric treatment for persons who do not currently reside in the group living facility. This section has been changed to allow up to 12 persons (which is the number of persons

allowed in an Adult Day Care Facility in residential zones) who do not reside at the facility to use the facility's services.

- 10. The distance for which notice is required for a neighborhood meeting for a new group living facility is changed from one-half mile to 1000 feet.
- 11. The Review Board which was established by the current Code has been changed to provide that the current Adult and Juvenile Community Correction Boards review facilities which house persons who are sentenced to that facility.
- 12. A sunset provision has been added.

Background Information: On April 22, 2000, the City of Grand Junction Zoning and Development Code became effective. Section 4.Q refers to Group Living Facilities. Several groups who manage and own group living facilities, as well as members of the Community Corrections Board, contacted the City and requested that the City revisit this issue, as they felt there were several issues which were not addressed or considered in the Code. These groups met with City staff a total of six times to discuss these concerns. The groups which met with City staff included representatives from Hilltop, Colorado West Mental Health, Mesa Developmental Services, Salvation Army, Community Corrections Board, and others. The attached amended ordinance is the result.

Budget: None

Action Requested/Recommendation: Approval of Ordinance on First Reading and set public hearing date for December 21, 2000.

Citizen Presentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	If Yes,
Name:						
Purpose:						

Report results back to Council:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When:	
--	-------------------------------------	--------------------------	--------------------------	--------------------------	------------	--------------	--

Placement on Agenda:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	<input type="checkbox"/>	Workshop
-----------------------------	-------------------------------------	--------------------------	--------------------------	--------------------------	--------------------------	-----------------------------	--------------------------	--------------------------	-----------------

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 4 OF THE ZONING AND DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION, COLORADO

RECITALS: On April 22, 2000, the City of Grand Junction Zoning and Development Code became effective. After the effective date, City staff met with representatives who own and manage group living facilities in our community to re-work the provisions specifically related to group living facilities. The goal of this collaboration was to write an ordinance which would be workable for the group living facilities, while still providing information to the City regarding the location and services of the group living facilities, as well as allowing the group living facilities to be integrated into neighborhoods. Group living facilities are an important service in our community. The City's policy is to promote the existence of such facilities. Group living facilities provide needed services and a home environment for those who may not be able to live on their own. Additionally, it is the City's policy to integrate these homes into neighborhoods to protect the health, safety and welfare of the residents of the neighborhood, as well as the residents of the group living facilities.

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

Chapter 4 of the Zoning and Development Code of the City of Grand Junction, be amended as follows:

That Section 4.Q be repealed and a new Section 4.Q be added to read:

Q. Group Living Facility.

1. Group Living Facility ("facility" or "group living facility").
 - a. A Group Living Facility is a residential facility or use as defined by this Code that functions as a housekeeping unit comprised of unrelated persons receiving public or private supervision, care or treatment. Registration and compliance with other terms and conditions, as defined and described by this Code are required. A separate City license is not required.
 - (1) An **unlimited group living facility** is a group living facility shared by or the residence of 12 or more unrelated persons, exclusive of staff.
 - (2) A **large group living facility** is a group living facility shared by or the residence of more than eight (8) but fewer than twelve (12) unrelated persons, exclusive of staff.
 - (3) A **small group living facility** is a group living facility shared by or the residence of more than four (4) but fewer than eight (8) unrelated persons, exclusive of staff.
 - b. For the purpose of this section only, the following definitions shall apply:
 - (1) **Facility**. A single facility is a lot, parcel or tract of land, together with the structures located thereon.

- (2) **Use.** The purpose, mission or activity for which land or buildings are designed, arranged or buildings are occupied or maintained.
 - (3) **Structure/Building** shall be defined in Chapter 9.
 - (4) **Related** means a person's: child, stepchild, foster child that is being adopted by a foster family, or other descendant, spouse, aunt, uncle, niece, nephew, parent, grandparent, great grandparent, or stepparent. (See, Chapter 9, Group Living Facility, Family and Household)
- c. Group living facilities as defined by this Code may or may not be licensed by the State. A facility, which is licensed by the state, regardless of category or size is a group living facility and is required to register with the City.
 - d. A use which does not fit within the definition of a group living facility, is not allowed within a residential district. It is a violation of this Code for four (4) or more unrelated persons to reside together in a structure if a use or service the same as or similar to those described below occurs therein unless permitted by the City as a group living facility.

Accessory uses authorized with a group living facility are indoor and on-site recreational facilities and parking of vehicles for occupants and staff. The Director may approve other accessory uses that will have substantially the same impacts; if disapproved the Director or the applicant may refer such matters to the Planning Commission.

Examples of uses that are appropriate as group living facilities, if properly permitted, are listed below. See Table 3.5 Use/Zone Matrix. If the Director determines that a use is not appropriate or compatible with the neighborhood, even if it is described below, he may refer the question to the Planning Commission. A Community Corrections Facility, as defined by this Code is not a group living facility, and thus, shall not exist in a residential zone.

- a. "Adult Day Treatment Facility" is a facility for the care of adults who require nursing or physician assistance and/or supervision during the day by licensed caregivers and staff, where the resident resides at the facility.
- b. "Adult Foster Home" or "Family Foster Home" is a residence for the care of persons who are unable to live alone in safety.
- c. "Alternate Care Facility" is defined in C.R.S. § 26-4-603 (3).
- d. "Assisted Living Facility" is a: a) structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or b) a supervised living environment that provides support, training or assistance with individual activities of daily living.
- e. "Community Residential Home" is defined in C.R.S. § 27-10.5-102 (4).
 - f. "Family Care Home" is defined in C.R.S. § 26-6-102(4).

- g. "Foster Care Home" is defined as a facility that is certified by the county department of human services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four hour family care for more than four (4) children under the age of eighteen years who is not related to the head of such home.
- h. "Group Home for Persons with Mental Illness" is defined in C.R.S. § 30-28-115(2)(b.5).
- i. "Group Home for the Developmentally Disabled" is defined in C.R.S. § 30-28-115(2)(a).
- j. "Halfway Home" or "Halfway House" is a facility licensed by the State in which residents are provided supervision, counseling, training, or treatment of residents to facilitate their transition from a correctional institution to independent living.
- k. "Homeless Shelter" is a structure or portion thereof in which sleeping accommodations are provided for the homeless. A homeless shelter that provides accommodations for more than six months in one year for any one person shall comply with the group living facility regulations of this Code and any and all other applicable regulations. A shelter which provides accommodations for less than six months shall be considered "lodging" and shall be zoned as such.
- l. "Institutions providing life care" as "life care" is defined in C.R.S. § 12-13-101(5).
- m. "Non-profit group home for the developmentally disabled" is defined in C.R.S. § 30-28-115(2)(b)(I)(A).
- n. "Nursing Facility" is defined in C.R.S. § 26-4-103(11).
- o. "Nursing Home" is a health care facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty-four (24) hour staff availability and a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health-related or paraprofessional personal care services.
- p. "Owner Operated Group Home" is defined in C.R.S. § 30-28-115 (2)(b)(I)(B).
- q. "Personal Care Boarding Home" is defined in C.R.S. § 25-27-102(8).
- r. "Resident Health Care Facility" means a facility licensed by the State which provides protected living arrangements for four (4) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided

by another category of licensed health facility. The resident health care facility shall be considered the resident's principle place of residence.

- s. "Residential Child Care Facility" is defined in C.R.S. § 26-6-102(8).
- t. "Residential Substance Abuse Treatment Home" means a residential facility which provides twenty-four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation, or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.
- u. "Secure Residential Treatment Center" is defined in C.R.S. § 26-6-102(9).
- v. "Staff Secure Facility" is defined in C.R.S. § 19-1-103 (101.5).
- w. "Transitional Treatment Home" means a residential facility which provides twenty-four (24) hour staff supervision and a peer support structure to help residents acquire and strengthen the social and behavioral skills necessary to live independently in the community. Such programs provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments. A transitional treatment home shall not include any persons referred by the State Department of Corrections.
- x. "Transitional Victim Home" means a residential facility which provides twenty-four (24) hour care and peer support to help victims of abuse or crime. A transitional victim home arranges for or provides the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services; however, care may be provided.

Unlimited Group Living Facility may be established, subject to a Conditional Use Permit in RMF-12, RMF-16, RMF-24, RO, B-1, B-2, C-1, C-2.

- 5. A Small Group Living Facility may be established in the RSF-R, RSF-E, RSF-1, RSF-2, RSF-4, RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, RO (residential office) and B-1 districts, if licensed by the State for each program and service offered. A Small Group Living Facility is subject to a Conditional Use Permit in a B-2, C-1, C-2 and CRS districts.

6. A Large Group Living Facility is subject to a Conditional Use Permit in the RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, RO, B-1, B-2, C-1 and C-2 districts.
7. A Group Living Facility located in a commercial zone district (C-1 or C-2) is not subject to the following requirements: compatibility with architecture, use of the facility by other groups, use of the facility by non-residents, and/or any other requirements which are specific to incompatibility with residential neighborhoods.
8. No person shall own, operate or manage any group living facility unless the facility (ies) is/are registered with the City. Registration shall expire on the anniversary date twelve (12) months after issuance.
 - a. Transitional Victim Homes are subject to registration but the address of such group living facilities shall not be required to be disclosed.
 - b. A group living facility that is not registered may be abated, prosecuted or otherwise subject to enforcement action under this Code.
9.
 - a. All group living facilities which were in existence as such prior to the effective date of this ordinance may continue without regard to the provisions of this section, with the exception of all registration requirements. Such use may continue until the occurrence of any of the following:
 - (1) Any expansion of the facility which results in an increase of the number of residents;
 - (2) Any expansion which results in a change of use, as defined by this section;
 - (3) Any expansion of common areas which does not result in more than 300 square feet per structure;
 - (4) Any expansion which results in further nonconformity under this Code;
 - (5) Any expansion due to damage or destruction of the facility, as provided in Sections 3.8.c and e of this Code; or
 - (6) Abandonment of the group living facility use for a period of more than 12 months.
 - b. Any remodel which is an interior remodel and does not effect the size or the use of the facility is not an expansion which will require the facility to come into conformity under this Code.
 - c. If any expansion occurs as described in section (a) above, the facility shall conform to all requirements of this Code and the expansion shall be subject to approval by the Planning Commission after public hearing.
10. The Director shall approve the annual registration if the applicant, when registering or renewing a registration, provides proof that:

- a. The group living facility has a valid Colorado license, if any is required;
- b. The group living facility is at least seven hundred and fifty (750) feet from every other group living facility (See 9c.);
- c. The group living facility has complied with the applicable City, state and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is to be located;
- d. The architectural design of the group living facility is residential in character and generally consistent with the RO zone district;
- e. Only administrative activities of the private or public organization sponsored, conducted or related to group living facilities shall be conducted at the facility;
- f. The group living facility complies with the parking requirements of this Code; and
- g. The maximum number of residents allowed is not exceeded.
 - 11. A facility shall only be located or operated on a lot or parcel that contains:
 - a. At least five hundred (500) square feet for each person residing in the group living facility, and;
 - b. The Director determines that public facilities and the neighborhood will not be adversely affected by the number of residents proposed and/or any uses offered or by the aggregate number of group living facilities in the Neighborhood.
 - 12. A facility is considered to have an adverse affect on a neighborhood if one or more of the following standards are shown:
 - a. Public and private services such as streets, sewers, water and or utility systems are burdened by the group living facility, to the extent that usage exceeds that normally associated with such a use or in the particular neighborhood;
 - b. The group living facility interferes with the peace, quiet and dignity of the neighborhood;
 - c. The group living facility creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions; or
 - d. The group living facility is found to be dangerous or unsafe due to an increased number of police visits, instigated by neighbors or for non-mandated purposes; or the existence of a single criminal act by a resident involving serious bodily injury or extensive property damage; or an increased number of incidences of criminal acts by residents involving bodily injury or property damage.
 - e. When considering whether an adverse impact exists, the Director shall consider the following:

- (1) Whether the impact is real or perceived, based upon stereotypes of the population served by the group living facility;
 - (2) The existence of alarms and/or fences, in and of itself shall not constitute a safety issue which would be an adverse impact; or
 - (3) Whether complaints and/or police calls regarding the group living facility have been founded or unfounded.
13. Services provided within the group living facility shall be restricted to the residents of the facility. Any use which provides services for those other than current residents, which facility is located in a residential zone may allow additional persons up to the total number of residents permitted in that particular group living facility or the number of persons permitted in an Adult Day Care Center (twelve) to use the services of the use. For example, if there are currently eight (8) residents at the facility, no more than four (4) non-residents may use the services the facility provides;
14. If the group living facility proposes to use or convert existing multi-family residences, adequate lot area shall be provided according to the requirements of the district, the requirements of the district shall be met and the intensity of the programs or services offered shall be compatible with the neighborhood.
15. Within thirty (30) days prior to making an application for registration of a new (including conversion of an existing building or buildings) group living facility, each applicant shall give mailed notice to and meet with, at a location convenient to the neighborhood: property owners within five hundred (500) feet from the proposed group living facility and those neighborhood groups which are registered with the City and which represent residents within one thousand (1000) feet of the group living facility.
 - a. At the meeting, the applicant shall describe the facility and its proposed uses.
 - b. If a neighborhood meeting is required because of development application then only one neighborhood meeting, conducted in accordance with the more restrictive standard of this Code, shall be necessary.
 - c. Transitional victim homes, where confidentiality of the location is an integral part of the facility, shall not be required to hold a neighborhood meeting.
 - d. The Director may rely on any comments received by the residents of the neighborhood, or other interested persons when he makes his decision to register, deny, refer or register with conditions. The Director shall not be required to research the comment or otherwise investigate the motive of the commenting party or parties.
16. Group living uses occurring in each structure, if more than one structure exists on a single group living facility property, may be limited in size and number if the Director determines that the neighborhood is adversely impacted by multiple uses occurring in one structure.

17. At least twenty (20) days in advance of any change of use, as defined by this section, the owner and/or operator shall report in writing to the Director such proposed change in the site, use, scope, type, number of persons or intensity of the group living facility. A change of residents or staff of the group living facility shall not, in and of itself, require a report to the Director.
 - a. The Director may disallow any change, refer the change to the Planning Commission or he may approve the change.
 - b. If the Director fails to act within twenty (20) business days, the proposed change is deemed approved; however, the owner or operator shall not implement any such change until the earlier of:
 - (1) The twenty day period has elapsed; or
 - (2) The Director's decision to disallow, allow or refer.
18. At least once each twelve- (12) months, the owner or operator of each group living facility shall file a renewal application with the Director. Each such application shall describe each service or use of the facility including any changes from the prior application, including type of facility, licensure, structural changes, change of use and improvements.
 - a. A group living facility that is not registered may be abated, prosecuted or otherwise subject to enforcement action under this Code.
 - b. Within twenty (20) days after the group living facility has applied for registration or a renewal, the Director may refer the matter to the Planning Commission. The Director may make such a referral based on founded complaints, which show an adverse impact to the neighborhood, as defined by this section; failure to register or renew registration; unsatisfactory completion of the registration requirements; lapse of any State licensing or any change to the site, service or use or any suspected or actual noncompliance with a provision or provisions of this Code.
 - c. Within ten (10) days of the Director's decision, the owner or operator of a group living facility may appeal the Director's denial of an application or a condition imposed by the Director to the Zoning Board of Appeals. Appeals shall be in writing and perfected in accordance with Chapter Two of this Code. A denial or condition imposed by the Board of Appeals shall be final, pursuant to the Code.
19. Each group living facility for accused, convicted or adjudicated juveniles or adults is designed and located to assure the security of the facility itself, adjoining properties and the neighborhood. As a basis for his decision for renewal or denial of registration, the Director may rely on the number, type and frequency of police and/or other emergency responses at the Facility in the preceding twelve (12) month period;

20. Every group living facility or use for adult or juvenile offenders or Community Corrections facility, defined as persons that are sent or taken to the facility because they have committed a crime or are accused of having committed a crime and the same is the reason for placement, shall be reviewed annually when the facility applies for annual registration.
 - a. The Mesa County Juvenile Community Corrections Board shall conduct the review, if the facility houses juvenile offenders or the Adult Community Corrections Board if the facility houses adult offenders. If the facility houses a combination of adult and juvenile offenders, the facility shall be reviewed by the juvenile board if there is a greater number of juveniles residing in the facility or by the adult board if there is a greater number of adults residing in the facility.
 - b. The review shall include but not necessarily be limited to criteria established by the Board and adopted by the City. Criteria shall be established and maintained by the Board and shall be based upon researched factors that have been demonstrated to be correlative to risk to the community, community expectations, prudent land use practices and legal standards. Before any criteria being used by the Board, the City shall review and adopt such criteria.
 - c. It is the responsibility of the group living facility that is being reviewed to provide to the Board with complete and accurate information regarding the types of offenders, the number of offenders, the average length of placements and responses to the other Board-established criteria.
 - d. The Board shall make a recommendation to the Director to register the facility, deny registration, or register with conditions. The Board shall take into consideration the interests of the community in light of the criteria established by the Board.
21. Group living facilities shall comply with all requirements of this Code, as well as the State licensing requirements, unless the City requirements are incompatible with State licensing requirements. In case of a conflict, the more stringent regulation shall apply.
22. The Director shall not approve an application, notwithstanding a recommendation from the Board to register or register with conditions, for a group living facility that houses one or more sex offenders, as defined by state law. The Planning Commission shall determine any such application. In addition to the other criteria, the Planning Commission shall consider whether the proposed owner/operator has established by clear and convincing evidence that any sex offender shall not directly impact the neighborhood and/or its residents. An appeal from a Planning Commission decision made under this paragraph 18 shall be in accordance with Colorado Rule of Civil Procedure 106(a)(4).
23. After one year of the effective date of this ordinance, the City Council shall examine the ordinance's effectiveness. If the Council

determines at that time that the provisions have been effective, the review shall occur every three years thereafter.

Introduced this 6th day of December, 2000.

Passed and adopted this _____ day of _____, 2000.

President of the Council

Attest:

City Clerk

Attach 10

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Cemetery Fee Adjustment	
Meeting Date:	December 6, 2000	
Date Prepared:	November 20, 2000	
Author:	Don Hobbs	Assistant Parks & Rec Director
Presenter Name:	Dan Wilson	City Attorney
	Workshop	Formal Agenda

Subject: City Council authorization to waive the established fee for cemetery disinterment and reinterment and in its place charge, Melvin G. Southam time and materials.

Summary: It has been requested that the City waive the customary fee for disinterment and reinterment of three unmarked grave sites for the purposes of conducting DNA testing to determine if the remains might be those of the grandfather to Mr. Melvin G. Southam.

Background Information: Mr. Southam contacted cemetery supervisor Mike Vendegna in September requesting information on the cost to disinter a portion of the remains in three graves in 'A' Block of the Orchard Mesa section of the cemetery. Mr. Southam would like to conduct DNA tests to determine if the remains might be that of his grandfather who was reported to have spent some time in Grand Junction in the 1920's. Newspaper reports indicate that three unidentified bodies were discovered in a lake that was drained about the same time his grandfather was last heard from and Mr. Southam and his family feel one of the bodies might be that of the grandfather.

In addition to the need for a court order and completion of the necessary permits, Mr. Vendegna quoted the cemetery fee for each disinterment and reinterment at \$970 and \$485 respectively or \$4,365 for all three. At that time Mr. Southam inquired as to any discount that might be available since he was wanting to do three, to which Mr. Vendegna responded it was not within his authority to waive or lower fees and that fee waivers were only within the authority of the City Council. Subsequently, Mr. Southam contacted City Attorney Dan Wilson who has proposed reducing the fees to time and materials estimated at \$1,075.

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Davidson/Wilcox Enclave Annexation Zoning	
Meeting Date:	December 6, 2000	
Date Prepared:	November 29, 2000	
Author:	David Thornton	Principal Planner
Presenter Name:	David Thornton	Principal Planner
	Workshop	Formal Agenda

Subject: Zone of Annexation for the Davidson/Wilcox Enclave, #ANX-2000-208

Summary: Second Reading of the Zone of Annexation Ordinance to Residential Single Family Estate with a maximum density of one unit per 2 acres (RSF-E) for the Davidson/Wilcox Enclave Annexation located east of South Camp Road and north of the Ute Water Tanks on the Redlands (#ANX-2000-208). The 5.11 acre Enclave consists of one vacant parcel of land.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: PLEASE CONTINUE THIS ITEM UNTIL DECEMBER 20, 2000 TO ALLOW FOR SECOND READING OF THE ANNEXATION ORDINANCE. (The Annexation ordinance is scheduled for first reading on this agenda.)

Citizen Presentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name:					
Purpose:					

Report results back to Council:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When:	
--	-------------------------------------	--------------------------	--------------------------	--------------------------	--------------	--

Placement on Agenda:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-----------------------------	--------------------------	--------------------------	-------------------------------------	--------------------------	--------------------------	--------------------------

BACKGROUND INFORMATION			
Location:		East of South Camp Road and north of the Ute Water Tanks on the Redlands	
Applicants:		City of Grand Junction Staff Rep: Dave Thornton	
Existing Land Use:		Vacant	
Proposed Land Use:		No Change	
Surrounding Land Use:	North	Vacant	
	South	Vacant	
	East	Vacant	
	West	Vacant	
Existing Zoning:		RSF-E in County	
Proposed Zoning:		RSF-E zone district	
Surrounding Zoning:	North	RSF-4	
	South	Planned Development – 4 units per acre	
	East	Planned Development – 4 units per acre	
	West	RSF-4	
Growth Plan Designation:		Residential with 2 – 4 units per acre	
Zoning within density range?		<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes
		<input checked="" type="checkbox"/>	<input type="checkbox"/> No

Staff Analysis:

ZONE OF ANNEXATION:

Under the 1998 Persigo Agreement with Mesa County, the City is allowed to zone newly annexed areas the same as existing County zoning. City Council has directed staff to propose city zoning identical to and/or compatible with Mesa County zoning for enclave areas. The proposed zoning of RSF-E is identical to or nearly identical to corresponding Mesa County zoning for this property. Please note that this proposed zoning does not meet the Growth Plan's Future Land Use Map recommended densities. Future development on this property may include rezoning to a higher density supported by the Growth Plan Future Land Use map.

RSF-E ZONE DISTRICT

- This property is currently zoned RSF-E in Mesa County and is proposed as RSF-E in the City.
- The proposed RSF-E does not conform to the recommended densities found on the Growth Plans Future Land Use map currently designated as Residential Medium Low: 2 to 4 units/acre.
- Rezone requests for future development to a higher density within the Future Land Use map's recommended densities may occur for this property.

Zoning and Development Code criteria:

Section 2.14.F: “Land 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 consistent with existing 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;
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.
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;
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;
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and
7. The community or neighborhood will benefit from the proposed zone.

<i>ANNEXATION and ZONING SCHEDULE</i>	
Nov 1, 2000	Notice of Intent to Annex (30 Day Notice to hearing), Exercising Land Use Immediately
Nov 14, 2000	Planning Commission considers Zone of Annexation – Public Hearing
Nov 15, 2000 Dec 6, 2000	1st Reading on Annexation and Zoning by City Council
Dec 20, 2000	Public hearing on Annexation and Zoning by City Council – 2nd Reading
Jan 21, 2001	Effective date of Annexation and Zoning

Action Requested/Recommendation: It is recommended that City Council approve the Davidson/Wilcox Enclave Annexation of Annexation.

Attachments:

1. **Annexation Summary**
2. Zone of Annexation Ordinance
3. Annexation Map

DAVIDSON/WILCOX ENCLAVE ANNEXATION SUMMARY

File Number:		ANX-2000-208
Location:		East of South Camp Road and north of the Ute Water Tanks on the Redlands
Tax ID Number:		2945-183-00-009
Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		5.11 acres
Developable Acres Remaining:		5.11 acres
Right-of-way in Annexation:		None
Previous County Zoning:		RSF-E
Proposed City Zoning:		RSF-E
Current Land Use:		Vacant
Future Land Use:		Residential
Values:	Assessed:	= \$ 870
	Actual:	= \$ 3,000
Census Tract:		14.01
Zip Code:		81503
Address Ranges:		None
Special Districts:	Water:	Ute Water
	Sewer:	
	Fire:	Grand Junction Rural Fire
	Drainage:	
	School:	District 51
	Pest:	

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

**Zoning the Davidson/Wilcox Enclave Annexation
to Residential Single Family Estate (RSF-E)**

Located East of South Camp Road and North of the Ute Water Tanks

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-E zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RSF-E 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 or nearly identical to the former Mesa County zoning.
- 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 the Residential Single Family Estate (RSF-E) zone district

Includes the following tax parcel 2945-183-00-009

More particularly described as follows:

W ½ SW ¼ SE ¼ SW ¼ Section 18, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado

Introduced on first reading this 15th day of November, 2000.

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

Attest:

City Clerk

President of the Council

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Redlands Parkway Bridge Annexation	
Meeting Date:	December 6, 2000	
Date Prepared:	November 29, 2000	
Author:	David Thornton	Principal Planner
Presenter Name:	David Thornton	Principal Planner
	Workshop	Formal Agenda

Subject: Annexation of the Redlands Parkway Bridge, #ANX-2000-206

Summary: Resolution for Acceptance of the Annexation Petition to Annex and Second reading of the annexation ordinance for the Redlands Parkway Bridge Annexation located on Redlands Parkway across the Colorado River and including Redlands Parkway right-of-way and bridge (#ANX-2000-206). The 2.15-acre Redlands Parkway Bridge Annexation consists of a portion of the Colorado River.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve the resolution for the acceptance of petition to annex and second reading of the annexation ordinance for the Redlands Parkway Bridge Annexation.

Citizen Presentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
Name:						
Purpose:						

Report results back to Council:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When:	
--	-------------------------------------	--------------------------	--------------------------	--------------------------	--------------	--

Placement on Agenda:		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
-----------------------------	--	--------------------------	-------------------------------------	--------------------------	--	--------------------------

BACKGROUND INFORMATION			
Location:		Redlands Parkway Bridge on Colorado River	
Applicants:		Mesa County & City of Grand Junction Staff Rep: Dave Thornton	
Existing Land Use:		Bridge and River	
Proposed Land Use:		No Change	
Surrounding Land Use:	North	Vacant	
	South	Vacant / riverfront trail	
	East	Vacant / riverfront trail	
	West	Residential	
Existing Zoning:		Not zoned in County (Colorado River)	
Proposed Zoning:		No zone proposed (Colorado River)	
Surrounding Zoning:	North	CSR	
	South	RSF-4	
	East	CSR	
	West	PD (residential)	
Growth Plan Designation:		Conservation	
Zoning within density range?		<input type="checkbox"/>	Yes
		<input type="checkbox"/>	No

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 2.15 acres of land including portions of the Redlands Parkway road right-of-way and the Colorado River. As per an agreement with Mesa County, the City is to annex the Redlands Parkway River Bridge into the City limits. On September 225, 2000, the Mesa County Board of Commissioners passed a resolution consenting to the annexation of the Redlands Parkway Bridge.

It is staff's professional opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Redlands Parkway Bridge Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be

- expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

REDLANDS PARKWAY BRIDGE ANNEXATION SUMMARY		
File Number:	ANX-2000-206	
Location:	Redlands Parkway at the Colorado River	
Tax ID Number:		
Parcels:	1	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	2.15 acres for annexation area	
Developable Acres Remaining:	0 acres	
Right-of-way in Annexation:	Entire Annexation Area, See Map	
Previous County Zoning:	Not zoned in County (Colorado River)	
Proposed City Zoning:	No zone proposed (Colorado River)	
Current Land Use:	Right-of-way and bridge, River	
Future Land Use:	Same	
Values:	Assessed:	= \$ 0
	Actual:	= \$ 0
Census Tract:	9	
Address Ranges:	None	
Special Districts:	Water:	Ute Water
	Sewer:	
	Fire:	Grand Junction Rural Fire
		Grand Junction Drainage District
	Drainage:	
	School:	District 51
Pest:		

The following annexation and zoning schedule is being proposed.

<i>ANNEXATION SCHEDULE</i>	
Oct. 18th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
	No Zoning Proposed with Planning Commission – Annexation consists of ROW and Colorado River
	No Zoning Proposed with City Council
Dec 6th	Acceptance of Petition and Public hearing on Annexation by City Council
Jan 7th	Effective date of Annexation

Action Requested/Recommendation: It is recommended that City Council approve the Redlands Parkway Bridge Annexation.

Attachments:

4. Mesa County's Resolution consenting to annexation
5. Resolution of Acceptance of Petition
6. Annexation Ordinance
7. Annexation Map

RESOLUTION NO. __-00

**A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION,
MAKING CERTAIN FINDINGS,
DETERMINING THAT PROPERTY KNOWN AS
REDLANDS PARKWAY BRIDGE ANNEXATION
IS ELIGIBLE FOR ANNEXATION**

**LOCATED on the Redlands Parkway across the Colorado River
and including the Redlands Parkway Road Right-of-way and Bridge**

WHEREAS, on the 18th day of October 2000, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

That the property situate in Mesa County, Colorado, and described to wit:

A parcel of land situate in the NW 1/4 of Section 8, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the W 1/4 corner of Section 8; thence N 00°00'00" W along the west line of the NW 1/4 of said Section 8 a distance of 641.53 feet to a point on the easterly right of way line for the Redlands Parkway; thence along the easterly right of way line for said Redlands Parkway the following 10 courses:

- 1) N 33°29'16" E a distance of 96.33 feet to a point;
- 2) N 73°13'39" E a distance of 36.83 feet to a point;
- 3) N 42°59'31" E a distance of 52.07 feet to a point;
- 4) N 51°21'45" E a distance of 54.73 feet to a point;
- 5) N 38°51'19" E a distance of 85.14 feet to a point;
- 6) N 40°08'25" E a distance of 92.46 feet to a point;
- 7) N 12°11'02" E a distance of 38.50 feet to a point;
- 8) N 10°19'42" W a distance of 47.96 feet to a point;
- 9) N 15°11'49" W a distance of 39.18 feet to a point;
- 10) N 20°12'31" W a distance of 42.29 feet to a point on the southwesterly bank of the

Colorado River and True Point of Beginning for the parcel described herein;

thence along the southwesterly bank of said Colorado River the following 3 courses:

- 1) N 44°49'50" W a distance of 114.37 feet to a point;
- 2) N 30°12'07" W a distance of 8.62 feet to a point;
- 3) N 39°08'01" W a distance of 40.41 feet to a point;

thence crossing said Colorado River N 46°16'07" E a distance of 317.16 to a point on the northeasterly bank of said Colorado River (said northeasterly bank also being the edge of accreted land as per Action No. 19066 recorded in Book 959 at Page 269-271

of the records of the Mesa County Clerk and Recorder); thence along the northeasterly bank of said Colorado River the following 3 courses:

- 1) S 37°23'17" E a distance of 15.69 feet to a point;
- 2) S 43°02'50" E a distance of 256.14 feet to a point;
- 3) S 49°35'45" E a distance of 28.43 feet to a point;

thence crossing said Colorado River S 46°16'07" W a distance of 294.14 feet to a point on the southwesterly bank of said Colorado River; thence N 53°45'00" W along the southwesterly bank of said Colorado River a distance of 139.11 feet to the point of beginning.

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of December, 2000; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this 6th day of December, 2000.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

REDLANDS PARKWAY BRIDGE ANNEXATION

APPROXIMATELY 2.15 ACRES

LOCATED

**On the Redlands Parkway across the Colorado River and
Including the Redlands Parkway Right-of-way and Bridge**

WHEREAS, on the 18th day of October, 2000 the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of December, 2000; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed.;

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

That the property situate in Mesa County, Colorado, and described to wit:

A parcel of land situate in the NW 1/4 of Section 8, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the W 1/4 corner of Section 8; thence N 00°00'00" W along the west line of the NW 1/4 of said Section 8 a distance of 641.53 feet to a point on the easterly right of way line for the Redlands Parkway; thence along the easterly right of way line for said Redlands Parkway the following 10 courses:

- 11)N 33°29'16" E a distance of 96.33 feet to a point;
- 12)N 73°13'39" E a distance of 36.83 feet to a point;
- 13)N 42°59'31" E a distance of 52.07 feet to a point;
- 14)N 51°21'45" E a distance of 54.73 feet to a point;

- 15)N 38°51'19" E a distance of 85.14 feet to a point;
- 16)N 40°08'25" E a distance of 92.46 feet to a point;
- 17)N 12°11'02" E a distance of 38.50 feet to a point;
- 18)N 10°19'42" W a distance of 47.96 feet to a point;
- 19)N 15°11'49" W a distance of 39.18 feet to a point;
- 20)N 20°12'31" W a distance of 42.29 feet to a point on the southwesterly bank of the

Colorado River and True Point of Beginning for the parcel described herein;
 thence along the southwesterly bank of said Colorado River the following 3 courses:

- 4) N 44°49'50" W a distance of 114.37 feet to a point;
- 5) N 30°12'07" W a distance of 8.62 feet to a point;
- 6) N 39°08'01" W a distance of 40.41 feet to a point;

thence crossing said Colorado River N 46°16'07" E a distance of 317.16 to a point on the northeasterly bank of said Colorado River (said northeasterly bank also being the edge of accreted land as per Action No. 19066 recorded in Book 959 at Page 269-271 of the records of the Mesa County Clerk and Recorder); thence along the northeasterly bank of said Colorado River the following 3 courses:

- 4) S 37°23'17" E a distance of 15.69 feet to a point;
- 5) S 43°02'50" E a distance of 256.14 feet to a point;
- 6) S 49°35'45" E a distance of 28.43 feet to a point;

thence crossing said Colorado River S 46°16'07" W a distance of 294.14 feet to a point on the southwesterly bank of said Colorado River; thence N 53°45'00" W along the southwesterly bank of said Colorado River a distance of 139.11 feet to the point of beginning.

be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 18th day October, 2000.

ADOPTED and ordered published this ___ day of _____, 2000.

Attest:

 President of the Council

 City Clerk

Attach 13

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	CHC Cellular Annexation	
Meeting Date:	December 6, 2000	
Date Prepared:	November 16, 2000	
Author:	Patricia Parish	Associate Planner
Presenter Name:	Patricia Parish	Associate Planner
	Workshop	Formal Agenda

Subject: Public Hearing for the Acceptance of the Petition and the Annexation Ordinances for the CHC Cellular property, #ANX-2000-186.

Summary: Public Hearing for Acceptance of the Petition to Annex and Second Reading of the Annexation Ordinances for the CHC Cellular Annexation, a serial annexation comprising CHC Cellular Annexation No. 1 and CHC Cellular Annexation No. 2, located at 2784 Winters Avenue and including portions of the Winters Avenue right-of-way. The entire annexation area consists of 10.85 acres. (#ANX-2000-186)

Background Information: See attached.

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council accepts the Annexation Petition and approves the Annexation Ordinances on Second Reading for the CHC Cellular Annexation.

Citizen Presentation:	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	If Yes,
Name:	Jill Cleveland, Voice Stream Wireless		
Purpose:	Representative		

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
-----------------------------	----------------------------------	--	-----------------------------------

BACKGROUND INFORMATION			
Location:		2784 Winters Avenue	
Applicants:		Jaqueline Frischknecht, Owner Jill Cleveland, Voice Stream, Representative	
Existing Land Use:		480' Tower	
Proposed Land Use:		480' Tower with additional antenna/facilities	
Surrounding Land Use:	North	Industrial	
	South	Commercial Industrial	
	East	Commercial Industrial / Industrial	
	West	Industrial	
Existing Zoning:		I-2 (Industrial-County)	
Proposed Zoning:		I-2 (General Industrial) Effective Annexation Date: 1/7/01	
Surrounding Zoning:	North	I-2 (Industrial-County)	
	South	I-2 (Industrial-County)	
	East	I-2 (Industrial- County)	
	West	I-2 (Industrial- County)	
Growth Plan Designation:		Industrial	
Zoning within density range?	X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 10.85 acres of land. The property owner would like to build equipment shelters and add an antenna to an existing tower, which, under the 1998 Persigo Intergovernmental Agreement, requires development in this area to be annexed. The property is now being annexed into the City of Grand Junction.

It is Staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the CHC Cellular Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be

- expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
 - e) The area is capable of being integrated with the City;
 - f) No land held in identical ownership is being divided by the proposed annexation;
 - g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

<i>ANNEXATION SCHEDULE</i>	
Oct. 18, 2000	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Nov. 14, 2000	Planning Commission considers Zone of Annexation
Nov. 15, 2000	First Reading on Zoning by City Council
Dec. 6, 2000	Acceptance of Petitions and Public hearing on Annexation and Zoning by City Council
Jan. 7, 2001	Effective date of Annexation and Zoning

RECOMMENDATION:

Approval

Attachments:

1. Resolution Accepting Petitions for Annexation
2. Ordinances of Annexation (2)
3. Summary Sheet
4. Annexation Boundary Map (2)

(CHC5.doc)

RESOLUTION NO. __-00

**A RESOLUTION ACCEPTING PETITIONS FOR ANNEXATION,
MAKING CERTAIN FINDINGS,
DETERMINING THAT PROPERTY KNOWN AS**

C.H.C. CELLULAR ANNEXATION

**A Serial Annexation comprising
C.H.C. Cellular Annexation No 1. and C.H.C. Cellular Annexation No. 2**

**LOCATED at 2784 Winters Avenue and
Including the Winters Avenue Right-of-way**

IS ELIGIBLE FOR ANNEXATION

WHEREAS, on the 18th day of October 2000, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

C.H.C. CELLULAR ANNEXATION NO.1

A parcel of land situate in the SE 1/4 NE 1/4 of Section 24, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the NE 1/16 corner of Section 24; thence S 89°53'01" E along the north line of the NW 1/4 SE 1/4 NE 1/4 of said Section 24 a distance of 657.69 feet to the northeast corner of said NW 1/4 SE 1/4 NE 1/4 (said northeast corner also being the northwest corner of Lot 3 of 28 Road Industrial Park Subdivision); thence S 00°08'53" E along the east line of said NW 1/4 SE 1/4 NE 1/4 (said east line also being the west line of Lot 3 of said 28 Road Industrial Park Subdivision) a distance of 165.00 feet to the True Point of Beginning of the parcel described herein; thence S 00°08'53" E along said east line a distance of 135.89 feet to the southwest corner of said Lot 3; thence S 89°50'01" E along the north right of way line for Winters Avenue a distance of 598.15 feet to the southeast corner of Lot 1 of said 28 Road Industrial Park Subdivision; thence S 89°50'01" E a distance of 20.00 feet to a point on the west right of way line for 28 Road; thence S 00°14'23" E along the west right of way line for said 28 Road a distance of 80.00 feet to a point; thence 31.56 feet along the south right of way line for said Winters Avenue and arc of a curve concave to the southwest, having a radius of 20.00 feet, a delta angle of 90°24'32" and a long chord bearing N 45°02'12" W a distance of 28.39 feet to a point; thence leaving the south right of way line for said Winters Avenue N 00°09'59" E a distance of 30.00 feet to a point on the centerline for said Winters Avenue; thence N 89°50'01" W along the centerline for said Winters Avenue a distance

of 598.42 feet to a point on the west end of said Winters Avenue; thence N 89°50'01" W a distance of 100.00 feet to a point; thence N 00°08'53" W a distance of 165.81 feet to a point; thence S 89°53'01" E a distance of 100.00 feet to the point of beginning.

C.H.C. CELLULAR ANNEXATION NO.2

A parcel of land situate in the SE 1/4 NE 1/4 of Section 24, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the NE 1/16 corner of Section 24; thence S 89°53'01" E along the north line of the NW 1/4 SE 1/4 NE 1/4 of said Section 24 a distance of 657.69 feet to the northeast corner of said NW 1/4 SE 1/4 NE 1/4 (said northeast corner also being the northwest corner of Lot 3 of 28 Road Industrial Park Subdivision); thence S 00°08'53" E along the east line of said NW 1/4 SE 1/4 NE 1/4 (said east line also being the west line of Lot 3 of said 28 Road Industrial Park Subdivision) a distance of 165.00 feet to a point; thence leaving said east line N 89°53'01" W a distance of 100.00 feet to a point; thence S 00°08'53" E a distance of 165.81 feet to a point; thence S 89°50'01" E a distance of 100.00 feet to a point on the east line of the NW 1/4 SE 1/4 NE 1/4 of said Section 24; thence S 89°50'01" E along the centerline for Winters Avenue a distance of 598.42 feet to a point; thence leaving the centerline for said Winters Avenue S 00°09'59" W a distance of 30.00 feet to a point on the south right of way line for said Winters Avenue; thence N 89°50'01" W along said south right of way line a distance of 598.23 feet to the northwest corner of Lot 4 of said 28 Road Industrial Park Subdivision; thence S 00°08'53" E along the west line of said Lot 4 a distance of 300.89 feet to the southwest corner of said Lot 4 (said southwest corner also being the southeast corner of the NW 1/4 SE 1/4 NE 1/4 of said Section 24); thence N 89°50'02" W along the south line of said NW 1/4 SE 1/4 NE 1/4 a distance of 658.74 feet to the southwest corner of said NW 1/4 SE 1/4 NE 1/4; thence N 00°03'26" W along the west line of said NW 1/4 SE 1/4 NE 1/4 a distance of 661.21 feet to the point of beginning.

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of December, 2000; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

ADOPTED this 6th day of December, 2000.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

C. H. C. CELLULAR ANNEXATION No. 1

APPROXIMATELY 0.82 ACRES

**LOCATED at 2784 Winters Avenue
And including a portion of the Winters Avenue Right-of-way**

WHEREAS, on the 18th day of October, 2000, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of December, 2000; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed.

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

That the property situate in Mesa County, Colorado, and described to wit:

C.H.C. CELLULAR ANNEXATION NO.1

A parcel of land situate in the SE 1/4 NE 1/4 of Section 24, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the NE 1/16 corner of Section 24; thence S 89°53'01" E along the north line of the NW 1/4 SE 1/4 NE 1/4 of said Section 24 a distance of 657.69 feet to the northeast corner of said NW 1/4 SE 1/4 NE 1/4 (said northeast corner also being the northwest corner of Lot 3 of 28 Road Industrial Park Subdivision); thence S 00°08'53" E along the east line of said NW 1/4 SE 1/4 NE 1/4 (said east line also being the west line

of Lot 3 of said 28 Road Industrial Park Subdivision) a distance of 165.00 feet to the True Point of Beginning of the parcel described herein; thence S 00°08'53" E along said east line a distance of 135.89 feet to the southwest corner of said Lot 3; thence S 89°50'01" E along the north right of way line for Winters Avenue a distance of 598.15 feet to the southeast corner of Lot 1 of said 28 Road Industrial Park Subdivision; thence S 89°50'01" E a distance of 20.00 feet to a point on the west right of way line for 28 Road; thence S 00°14'23" E along the west right of way line for said 28 Road a distance of 80.00 feet to a point; thence 31.56 feet along the south right of way line for said Winters Avenue and arc of a curve concave to the southwest, having a radius of 20.00 feet, a delta angle of 90°24'32" and a long chord bearing N 45°02'12" W a distance of 28.39 feet to a point; thence leaving the south right of way line for said Winters Avenue N 00°09'59" E a distance of 30.00 feet to a point on the centerline for said Winters Avenue; thence N 89°50'01" W along the centerline for said Winters Avenue a distance of 598.42 feet to a point on the west end of said Winters Avenue; thence N 89°50'01" W a distance of 100.00 feet to a point; thence N 00°08'53" W a distance of 165.81 feet to a point; thence S 89°53'01" E a distance of 100.00 feet to the point of beginning.

be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 18th day of October, 2000.

ADOPTED and ordered published this ___ day of _____, 2000.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF GRAND JUNCTION, COLORADO**

C. H. C. CELLULAR ANNEXATION No. 2

APPROXIMATELY 10.03 ACRES

**LOCATED at 2784 Winters Avenue
and including a portion of the Winters Avenue Right-of-way**

WHEREAS, on the 18th day of October, 2000, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 6th day of December, 2000; and

WHEREAS, the City Council determined that said territory was eligible for annexation and that no election was necessary to determine whether such territory should be annexed.

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

That the property situate in Mesa County, Colorado, and described to wit:

C.H.C. CELLULAR ANNEXATION NO.2

A parcel of land situate in the SE 1/4 NE 1/4 of Section 24, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the NE 1/16 corner of Section 24; thence S 89°53'01" E along the north line of the NW 1/4 SE 1/4 NE 1/4 of said Section 24 a distance of 657.69 feet to the

northeast corner of said NW 1/4 SE 1/4 NE 1/4 (said northeast corner also being the northwest corner of Lot 3 of 28 Road Industrial Park Subdivision); thence S 00°08'53" E along the east line of said NW 1/4 SE 1/4 NE 1/4 (said east line also being the west line of Lot 3 of said 28 Road Industrial Park Subdivision) a distance of 165.00 feet to a point; thence leaving said east line N 89°53'01" W a distance of 100.00 feet to a point; thence S 00°08'53" E a distance of 165.81 feet to a point; thence S 89°50'01" E a distance of 100.00 feet to a point on the east line of the NW 1/4 SE 1/4 NE 1/4 of said Section 24; thence S 89°50'01" E along the centerline for Winters Avenue a distance of 598.42 feet to a point; thence leaving the centerline for said Winters Avenue S 00°09'59" W a distance of 30.00 feet to a point on the south right of way line for said Winters Avenue; thence N 89°50'01" W along said south right of way line a distance of 598.23 feet to the northwest corner of Lot 4 of said 28 Road Industrial Park Subdivision; thence S 00°08'53" E along the west line of said Lot 4 a distance of 300.89 feet to the southwest corner of said Lot 4 (said southwest corner also being the southeast corner of the NW 1/4 SE 1/4 NE 1/4 of said Section 24); thence N 89°50'02" W along the south line of said NW 1/4 SE 1/4 NE 1/4 a distance of 658.74 feet to the southwest corner of said NW 1/4 SE 1/4 NE 1/4; thence N 00°03'26" W along the west line of said NW 1/4 SE 1/4 NE 1/4 a distance of 661.21 feet to the point of beginning.

be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 18th day of October, 2000.

ADOPTED and ordered published this ___ day of _____, 2000.

Attest:

President of the Council

City Clerk

CHC CELLULAR ANNEXATION SUMMARY

File Number: ANX-2000-186

Location: 2784 WINTERS AVENUE

Tax ID Number: 2945-241-00-238

Parcels: 1

Estimated Population: 0

of Parcels (owner occupied): 0

of Dwelling Units: 0

Acres: 10.85 acres in annexation area

Developable Acres Remaining: 0

Right-of-way in Annexation: ♦ Winters Avenue – entire width for a distance of 598' of right-of-way.

Previous County Zoning: I-2

Proposed City Zoning: I-2

Current Land Use: 480' TOWER

Future Land Use: 480' TOWER

Assessed Values: Land = \$46,090 Improvements = \$0
TOTAL VALUE = \$46,090

Census Tract: 8

Address Ranges: 2784 WINTERS AVENUE

Special Districts:

- Water:** Ute Water
- Sewer:** Central Grand Valley Sanitation District
- Fire:** Grand Junction Rural Fire
- Drainage:** Grand Junction Drainage District
- School:** District 51
- Pest:** None

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	CHC Cellular Annexation - Zoning	
Meeting Date:	December 6, 2000	
Date Prepared:	November 16, 2000	
Author:	Patricia Parish	Associate Planner
Presenter Name:	Patricia Parish	Associate Planner
	Workshop	Formal Agenda

Subject: Public Hearing for Zoning the CHC Cellular Annexation, #ANX-2000-186

Summary: Second reading of the Zoning Ordinance for the CHC Cellular Annexation located at 2784 Winters Avenue and including portions of the Winters Avenue right-of-way. State law requires the City to zone property that is annexed into the City of Grand Junction. The proposed zoning of I-2 is similar to the existing Mesa County zoning of Industrial. The Planning Commission forwarded a positive recommendation (#ANX-2000-186).

Background Information: See attached.

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve the Zoning Ordinance for the CHC Cellular Annexation on 2nd reading.

Citizen Presentation:	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	If Yes,
Name:	Jill Cleveland, Voice Stream Wireless		
Purpose:	Representative		

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
-----------------------------	----------------------------------	--	-----------------------------------

BACKGROUND INFORMATION				
Location:		2784 Winters Avenue		
Applicants:		Jaqueline Frischknecht, Owner Jill Cleveland, Voice Stream, Representative		
Existing Land Use:		480' Tower		
Proposed Land Use:		480' Tower with additional antenna/facilities		
Surrounding Land Use:	North	Industrial		
	South	Commercial Industrial		
	East	Commercial Industrial / Industrial		
	West	Industrial		
Existing Zoning:		I-2 (Industrial-County)		
Proposed Zoning:		I-2 (General Industrial) Effective Annexation Date: 1/7/01		
Surrounding Zoning:	North	I-2 (Industrial-County)		
	South	I-2 (Industrial-County)		
	East	I-2 (Industrial- County)		
	West	I-2 (Industrial- County)		
Growth Plan Designation:		Industrial		
Zoning within density range?		X	Yes	No

Staff Analysis:

ZONE OF ANNEXATION:

Under the 1998 Persigo Agreement with Mesa County, the City is allowed to zone newly annexed areas the same as existing County zoning. The proposed zoning of General Industrial (I-2) is identical to or nearly identical to corresponding Mesa County zoning for the properties.

The CHC Cellular Annexation property consists of 10.85 acres. The existing Mesa County zoning for the CHC Cellular parcel is Industrial. The proposed Zoning for the CHC Cellular Annexation is I-2 (General Industrial), which is compatible with the Growth Plan's Future Land Use Map. The 10.85 acres of land owned by Jaqueline Frischknecht is being annexed in accordance with the Persigo Agreement as a result of the plan to add an antenna to the existing telecommunications tower and build an equipment shed, which is concurrently undergoing an administrative review for a Minor Site Plan.

ZONING AND DEVELOPMENT CODE CRITERIA:

Section 2.14.F: “Land 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 consistent with existing 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;
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.
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;
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.
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and
7. The community or neighborhood will benefit from the proposed zone.

<i>ANNEXATION SCHEDULE</i>	
Oct. 18, 2000	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Nov. 14, 2000	Planning Commission considers Zone of Annexation
Nov. 15, 2000	First Reading on Zoning by City Council
Dec. 6, 2000	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
Jan. 7, 2001	Effective date of Annexation and Zoning

STAFF RECOMMENDATION:

Approval of the Zoning for the CHC Cellular Annexation to General Industrial (I-2).

PLANNING COMMISSION RECOMMENDATION:

Zoning for the CHC Cellular Annexation:

On November 14, 2000, the Planning Commission forwarded a positive recommendation to City Council for the zone of General Industrial (I-2) on File #ANX-2000-186, for the following reasons:

- I-2 zone district is similar to the existing Mesa County zoning I-2.
- I-2 zone district meets the criteria found in Section 2.14.F and Section 2.6 of the Zoning and Development Code.

Attachments:

1. Zoning Ordinance
2. Summary Sheet
3. Annexation Boundary Map (2)

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

Zoning the C.H.C. Cellular Annexation to General Industrial (I-2)

Located at 2784 Winters Avenue

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an I-2 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the I-2 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 or nearly identical to the former Mesa County zoning for each parcel and conforms to the adopted Growth Plan Future Land Use Map.
- 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 the General Industrial (I-2) zone district

Includes the following tax parcel 2945-241-00-238

C.H.C. CELLULAR ANNEXATION NO.1

A parcel of land situate in the SE 1/4 NE 1/4 of Section 24, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Commencing at the NE 1/16 corner of Section 24; thence S 89°53'01" E along the north line of the NW 1/4 SE 1/4 NE 1/4 of said Section 24 a distance of 657.69 feet to the northeast corner of said NW 1/4 SE 1/4 NE 1/4 (said northeast corner also being the northwest corner of Lot 3 of 28 Road Industrial Park Subdivision); thence S 00°08'53" E along the east line of said NW 1/4 SE 1/4 NE 1/4 (said east line also being the west line of Lot 3 of said 28 Road Industrial Park Subdivision) a distance of 165.00 feet to the True Point of Beginning of the parcel described herein; thence S 00°08'53" E along said east line a distance of 135.89 feet to the southwest corner of said Lot 3; thence S 89°50'01" E along the north right of way line for Winters Avenue a distance of 598.15 feet to the southeast corner of Lot 1 of said 28 Road Industrial Park Subdivision; thence

S 89°50'01" E a distance of 20.00 feet to a point on the west right of way line for 28 Road; thence S 00°14'23" E along the west right of way line for said 28 Road a distance of 80.00 feet to a point; thence 31.56 feet along the south right of way line for said Winters Avenue and arc of a curve concave to the southwest, having a radius of 20.00 feet, a delta angle of 90°24'32" and a long chord bearing N 45°02'12" W a distance of 28.39 feet to a point; thence leaving the south right of way line for said Winters Avenue N 00°09'59" E a distance of 30.00 feet to a point on the centerline for said Winters Avenue; thence N 89°50'01" W along the centerline for said Winters Avenue a distance of 598.42 feet to a point on the west end of said Winters Avenue; thence N 89°50'01" W a distance of 100.00 feet to a point; thence N 00°08'53" W a distance of 165.81 feet to a point; thence S 89°53'01" E a distance of 100.00 feet to the point of beginning.

AND

C.H.C. CELLULAR ANNEXATION NO.2

A parcel of land situate in the SE 1/4 NE 1/4 of Section 24, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the NE 1/16 corner of Section 24; thence S 89°53'01" E along the north line of the NW 1/4 SE 1/4 NE 1/4 of said Section 24 a distance of 657.69 feet to the northeast corner of said NW 1/4 SE 1/4 NE 1/4 (said northeast corner also being the northwest corner of Lot 3 of 28 Road Industrial Park Subdivision); thence S 00°08'53" E along the east line of said NW 1/4 SE 1/4 NE 1/4 (said east line also being the west line of Lot 3 of said 28 Road Industrial Park Subdivision) a distance of 165.00 feet to a point; thence leaving said east line N 89°53'01" W a distance of 100.00 feet to a point; thence S 00°08'53" E a distance of 165.81 feet to a point; thence S 89°50'01" E a distance of 100.00 feet to a point on the east line of the NW 1/4 SE 1/4 NE 1/4 of said Section 24; thence S 89°50'01" E along the centerline for Winters Avenue a distance of 598.42 feet to a point; thence leaving the centerline for said Winters Avenue S 00°09'59" W a distance of 30.00 feet to a point on the south right of way line for said Winters Avenue; thence N 89°50'01" W along said south right of way line a distance of 598.23 feet to the northwest corner of Lot 4 of said 28 Road Industrial Park Subdivision; thence S 00°08'53" E along the west line of said Lot 4 a distance of 300.89 feet to the southwest corner of said Lot 4 (said southwest corner also being the southeast corner of the NW 1/4 SE 1/4 NE 1/4 of said Section 24); thence N 89°50'02" W along the south line of said NW 1/4 SE 1/4 NE 1/4 a distance of 658.74 feet to the southwest corner of said NW 1/4 SE 1/4 NE 1/4; thence N 00°03'26" W along the west line of said NW 1/4 SE 1/4 NE 1/4 a distance of 661.21 feet to the point of beginning.

Introduced on first reading this 15th day of November, 2000.

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

Attest:

President of the Council

City Clerk

C. H. C. CELLULAR ANNEXATION SUMMARY

File Number: ANX-2000-186

Location: 2784 WINTERS AVENUE

Tax ID Number: 2945-241-00-238

Parcels: 1

Estimated Population: 0

of Parcels (owner occupied): 0

of Dwelling Units: 0

Acres: 10.85 acres in annexation area

Developable Acres Remaining: 0

Right-of-way in Annexation: ♦ Winters Avenue – entire width for a distance of 598' of right-of-way.

Previous County Zoning: I-2

Proposed City Zoning: I-2

Current Land Use: 480' TOWER

Future Land Use: 480' TOWER

Assessed Values: Land = \$46,090 Improvements = \$0
TOTAL VALUE = \$46,090

Census Tract: 8

Address Ranges: 2784 Winters Avenue

Special Districts:

Water:	Ute Water
Sewer:	Central Grand Valley Sanitation District
Fire:	Grand Junction Rural Fire
Drainage:	Grand Junction Drainage District
School:	District 51
Pest:	None

(CHC4.doc)

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	Etter-Epstein ODP	
Meeting Date:	December 6, 2000	
Date Prepared:	November 30, 2000	
Author:	Kristen Ashbeck	Senior Planner
Presenter Name:	Same	Same
	Workshop	Formal Agenda

Subject: ODP-2000-058: Etter-Epstein Outline Development Plan (ODP)
Request for approval of an Outline Development Plan (ODP) to establish a Planned Development (PD) zone district consisting of Business/Commercial, Residential, and Open Space uses.

Summary: The 22.56-acre Etter-Epstein property is located at the southeast corner of Horizon Drive and G Road and consists of three parcels of land. Approximately 1.4 acres of the property is public right-of-way due to the realignment of 27.5 Road and the Horizon Drive/G Road intersection. The parcels are presently zoned Planned Development (PD) but a plan has never been established for the property. The property owners are proposing this ODP to retain the PD zoning.

Background Information: See Attached Staff Report

Budget: N/A

Action Requested (by applicant): 1) Uphold appeal of applicant and approve the ODP for the Etter-Epstein property that establishes a PD zone district; and 2) Approve ordinance zoning land known as the Etter-Epstein Planned Development (PD).

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

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
-----------------------------	----------------------------------	--	-----------------------------------

AGENDA TOPIC: ODP-2000-058 Etter-Epstein Outline Development Plan (ODP) Request for approval of an ODP for a Planned Development consisting of Business/Commercial, Residential, and Open Space uses.

SUMMARY: The 22.56-acre Etter-Epstein ODP property consists of three parcels of land. Approximately 1.4 acres of the property are scheduled to become public right-of-way due to the realignment of 27.5 Road and the Horizon Drive/G Road intersection. The parcels are presently zoned Planned Development (PD) but a plan has never been established for the property. The property owners propose this ODP to establish a plan and maintain the PD zoning. Planning Commission denied this request at its June 20, 2000 meeting. The applicant appealed that decision to City Council.

BACKGROUND INFORMATION			
Location:		Southeast Corner Horizon Drive and G Road	
Applicants:		Etter Estate and Emanuel Epstein, Owners Bruce Phillips, Representative	
Existing Land Use:		1 Single Family Residence & Vacant	
Proposed Land Use:		Business/Commercial, Residential, Open Space	
Surrounding Land Use:	North	Vacant & Commercial (Hotel)	
	South	Single Family Residential (Ptarmigan Ridge, Ptarmigan Point & O’Nan)	
	East	Single Family Residential (Ptarmigan Ridge) and Church	
	West	Vacant	
Existing Zoning:		Planned Development (PD)	
Proposed Zoning:		Same	
Surrounding Zoning:	North	Light Commercial (C-1)	
	South	PD (Residential)	
	East	PD (Residential) & Residential Single Family 4 units per acre (RSF-4)	
	West	C-1 & RSF-4	
Growth Plan Designation:		Residential Medium-Low: 2 to 4 units per acre & Residential-High: 12+ units per acre	
Zoning within density range?		<input type="checkbox"/>	<input checked="" type="checkbox"/> Yes
		<input checked="" type="checkbox"/>	<input type="checkbox"/> No

ACTION REQUESTED (BY APPLICANT): Uphold appeal of applicant and approve the ODP for the Etter-Epstein property that establishes a PD zone district.

Staff Analysis:

Project Background/Summary. The applicant has requested approval of an ODP for three parcels totaling 22.56 acres located on the southeast corner of Horizon Drive and G Road. During the process to create the new zoning map, staff initially proposed to zone all three parcels Residential Single Family, 1 unit per 5 acres (RSF-R) due to the natural constraints of the property and its partial location within the Airport Critical Zone. However, Council agreed to adopt the new zoning map showing these parcels as Planned Development (PD) with the understanding that a plan for the property would have to be proposed and approved for the PD zoning to be maintained on the property.

The Future Land Use Map of the Growth Plan shows these parcels to remain residential, with the easterly two parcels at a low density of 2-4 units per acre and the westerly parcel high density of 12+ units per acre.

The purpose of this ODP is to establish a plan for the properties and demonstrate that the parcels can be compatible for the intended uses. The applicant's design intent is to serve as a transitional area between the commercial uses along Horizon Drive and the single family residential uses to the south. The following mix of uses is proposed as indicated on the ODP plan and stated in the applicant's narrative.

Business/Commercial	12.5 acres	125,000 to 250,000 sf
Residential, 4-8 du/ac	5.26 acres	Maximum 42 units (8 du/ac)
Open Space	3.18 acres	
27.5 Road Right-of-Way	1.62 acres	

Business/Commercial Land Use/Development Standards. The ODP proposes the uses listed below to be allowed in the Business/Commercial areas.

- | | |
|--|----------------------------|
| Business Residence | Multifamily Residential |
| Townhome | Assisted Living Facility |
| General day care | Medical and Dental Clinics |
| Parks | Religious Assembly |
| Hotels and motels | General Offices |
| Miniature golf | Health club |
| Retail Alcohol Sales | Bar, Nightclub |
| Food Service, Catering | Food Service, Restaurant |
| Small appliance repair | Personal services |
| Car wash | Gasoline service station |
| Quick lube | Limited vehicle service |
| Community Activity Building/Community Services | |
| Museums, art galleries, opera houses, single screen theater, libraries | |
| Counseling centers (nonresident) | |
| General retail sales with indoor operations, display and storage | |

This list of uses is appropriate for the Business/Commercial areas that directly front Horizon Drive and that are not directly adjacent to a residential zone or use (primarily Area 2). Staff and the Planning Commission concluded that the list is still too broad for Business/Commercial Areas 1, 4 and at least the eastern side of Area 3 that are directly adjacent to existing residential areas. The Planning Commission had concerns that the list of allowed uses needed to be narrowed to include only the least intensive or neighborhood-oriented uses in these areas rather than the entire list. For example, uses such as business residence, general day care and an assisted living facility seem more appropriate than a bar/nightclub and gasoline service station directly adjacent to residential areas.

There is a small portion of the proposed Business/Commercial area on the north side of the new 27.5 Road that is also within the Critical Zone. Most of the uses within the potential business or commercial zones are allowed in the Critical Zone with a Conditional Use Permit. However, there are some specific uses including hotels/motels, schools, hospitals, libraries, churches, auditoriums and sports arenas that are considered incompatible. There is the potential that these uses could still be developed on the site, but with the facility/building located out of the Critical Zone and parking or open space developed in the area within the Critical Zone.

The applicant is proposing that the bulk requirements of the C-1 zone district apply to the business/commercial areas of the site except for building height limitations. The maximum height in the C-1 zone district in this area is 40 feet. The applicant is proposing that the maximum height in areas 1 and 4 be 35 feet which is compatible with the adjacent residential areas and 65 feet above the grade of Horizon Drive in areas 2 and 3. The new Zoning and Development Code allows a 65-foot height in the C-1 zone district for properties along Horizon Drive north of G Road. The 65-foot height seems appropriate in Area 2 but would be incompatible in Area 3 which is directly across the street from existing single family residential development. The Planning Commission suggested that at least the eastern portion of Area 3 (portion shown as the "Etter Residence") be restricted to 35 feet.

Residential Land Use/Development Standards. A residential density of approximately 8 units per acre, or a maximum of 42 dwelling units is proposed. The residential area is proposed to be developed at a density of 4 to 8 units per acre. Proposed uses allowed in the Residential Area include:

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

The proposed residential area with a density of 4 to 8 units per acre is located with the Critical Zone of Walker Field Runway 4/22. This proposal is contrary to the land use regulations for land around airports in the new Zoning and Development Code, which

was the primary basis for the action taken by Planning Commission. The Code (section 7.3-see excerpt attached) does not list this category of land use at all and thus, it is not allowed. Residential uses of 1 unit per 5 acres may be allowed if measures to achieve noise level reduction are incorporated into the design of structures. Residential uses with a density of up to 4 units per acre may be allowed, if a Conditional Use Permit is obtained and noise reduction measures are applied.

The applicant is proposing that the bulk standards of the Residential Multifamily 8 units per acre (RMF-8) zone district apply to the residential area of the ODP (Area 5).

Open Space Land Use/Development Standards. Proposed uses allowed in the Open Space Area include:

- Underground utilities
- Road right-of-way
- Pedestrian and recreational amenities

No bulk standards were proposed for open space areas of the ODP. Therefore, it is assumed that the open space areas are to be considered “no build” areas.

Development Schedule. The applicant has not proposed a phasing plan with the ODP, but is requesting that the ODP be valid for a period of 3 years from the date of 100 percent completion of the 27.5 Road street improvements. Given the pace of development along the Horizon Drive corridor and the amount of vacant land along it, a three-year timeframe for the ODP seems reasonable. However, since some time has elapsed since the time the applicant proposed the schedule, staff would recommend that the plan be valid for a period of 3 years from the date of approval.

Site Access and Traffic Patterns. The recently completed road realignment and reconstruction work on Horizon Drive, G Road and 27.5 Road will have a significant impact on site access and traffic patterns. The specific access points shown on the ODP plan will need to be analyzed in a traffic study at the Preliminary Plan phase to demonstrate that they can operate safely. The City Development Engineer has provided the applicant with more detailed information for use at the later phase. The realignment required dedication of right-of-way that splits the parcels as shown on the ODP plan. Access to the proposed Business/Commercial areas will primarily be from Horizon Drive to minimize the traffic impact on existing residential areas to the south and east of the property. The existence of the realigned 27.5 Road makes the property more developable, however, right-of-way, street construction, development are not at issue in this appeal.

Other Constraints. Natural constraints on the Etter-Epstein property include topography and the potential for wetlands. There is a 30-foot topographical break that runs northeast-southwest through the property, parallel to Horizon Drive. Some of this was and still is being regraded with the 27.5 Road project to meet a 7 percent grade for the roadway. It is assumed that comparable site grading could be accomplished on the

Business/Commercial sites along Horizon Drive, or the applicant has suggested that the sites could be terraced with “walk-out” multi-story structures. Staff is in agreement with this analysis.

Determination of wetlands and the potential mitigation of disturbance will need to be addressed in greater detail prior to submittal of a Preliminary Plan.

Findings of Review. Section 2.12 of the Zoning and Development Code lists criteria by which an ODP application shall be reviewed. An ODP application shall demonstrate conformance with all of the criteria. Staff’s findings relative to the criteria is listed below.

Growth Plan, Major Street Plan and Other Adopted Plans & Policies. The proposal is not in conformance with the Growth Plan, however, previous zoning on the site suggested that non-residential uses might be appropriate for the property. The residential use proposed at a density of 4 to 8 units per acre is not compatible with the Growth Plan, or with the Airport Environs Overlay.

Rezone Criteria. With the exception of the residential incompatibility within the Critical Zone, the proposal generally meets the rezone criteria.

Corridor Guidelines/Overly Districts. The residential component of the proposal does not conform to the Airport Environs Overlay.

Adequate Public Services. Since this is an infill site, adequate public services and facilities exist to the site.

Adequate Circulation and Access. Access and circulation are adequate to the site and were recently improved with the Horizon Drive reconstruction and G Road/27.5 Road realignment project.

Appropriate Screening and Buffering. Due to the natural amenities/constraints on the property, the plan can adequately provide for screening and buffering between land uses.

Appropriate Range of Density/Intensity. The residential component of the proposal is not appropriate for its location in the Critical Zone and for compatibility with surrounding residential densities. The proposed intensity of the business/commercial component appears appropriate, but uses should be limited where these sites are directly adjacent to residential use or zoning (Area 1 just north of the O’Nan Subdivision and Area 4 across the street from Ptarmigan Estates).

Appropriate Minimum Standards. The applicant proposed standards compatible with the straight zones of C-1 and RMF-8 with some modification to the maximum building height for business/commercial areas 2 and 3. This height modification is appropriate for area 2, but without qualification as to maximum height of structures along 27-1/2

Road, the height is out of scale in area 3 where commercial development would be directly across the street from existing single family residential development.

Appropriate Phasing Schedule. A phasing schedule was not proposed. The applicant has requested that the ODP be valid for a period of 3 years from the time the 27-1/2 Road street improvements are 100 percent complete. Given the pace of commercial development along the Horizon Drive corridor, three years is a reasonable request but it is recommended that the period be from the date of approval rather than completion of the street improvements.

Minimum 20-Acre Size. The Etter-Epstein property, less the area to be set aside as right-of-way is 20.94 acres.

PLANNING COMMISSION ACTION (6/20/2000): Motion to forward the Etter-Epstein Outline Development Plan to City Council with the recommendation of approval failed by a vote of 0-7.

SUGGESTED CITY COUNCIL ACTION: Do not uphold appeal, thereby denying the Etter-Epstein ODP.

NOTE: Subsequent to the Planning Commission hearing, staff and the developer met on several occasions and discussed revisions to the plan. Staff described for the applicant the changes to make to the plan that, if made, would result in a staff recommendation of approval. Mr. Phillips' letter of November 27, 2000, which is attached as exhibit C, outlines changes to the plan that the applicant agreed to make. It is the staff's contention that either the applicant agrees to make the changes and in turn submits a changed plan to be re-reviewed by the Planning Commission or that the Council not consider the November 27, 2000 proposal.

ATTACHMENTS:

- a. Proposed Ordinance
- b. Letter of Appeal
- c. Letter Regarding Revisions to Plan
- d. Aerial Photo Location Map
- e. Assessor's Map
- f. Minutes of 6/20/00 Planning Commission Pages 1-6
- g. Materials Provided by Applicant – Plans & Narrative
- h. Airport Land Use Compatibility – Excerpt from Z&D Code
- i. Letter from Walker Field Airport Authority

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. _____

**ZONING THREE PARCELS OF LAND LOCATED
ON THE SOUTHEAST CORNER OF THE HORIZON DRIVE AND
G ROAD INTERSECTION**

Recitals.

A rezone to establish a plan for a Planned Development (PD) has been requested for three properties located on the southeast corner of the Horizon Drive and G Road Intersection known as the Etter-Epstein property. The City Council finds that the request meets the goals and policies set forth by the *Growth Plan*. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PROPERTY DESCRIBED BELOW IS HEREBY ZONED PLANNED DEVELOPMENT (PD):

Parcel 2945-012-00-008

Beginning at the NE corner NE4NW4 Section 1 1S 1W South 230 ft West 230 ft North 230 ft East to the Point of Beginning EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

Parcel 2945-012-00-075/076

That part of NW4 NW4 Section 1 1S 1W S + East of County Highway EXC road ROW as per Book 1426 Pages 244-245 Mesa County records; and also

Parcel 2945-012-00-073/074

Beginning Northeast corner NE4 NW4 Section 1 1S 1W S 782.5 ft West 408 ft South 82deg49' West 220 ft South 55deg57' W 596 ft West 190 ft to West LI NE4 NW4 North to County Highway Northeasterly along highway to North line 4 NW4 E to beginning EXC road on East + EXC North 230 ft of East 230 ft of NE4NW4 EXC Road ROW as per Book 1426 Pages 244-245 Mesa County Records.

1) The uses allowed for this zone and property shall be as generally depicted on the Outline Development Plan (ODP) attached as Exhibit A:

Business/Commercial	12.5 acres	125,000 to 250,000 sf
Residential, 4-8 du/ac	5.26 acres	Maximum 42 units (1 du/ac) Open
Space	3.18 acres	

BUSINESS/COMMERCIAL USES:

Business Residence	Multifamily Residential
Townhome	Assisted Living Facility

General day care	Medical and Dental Clinics
Parks	Religious Assembly
Hotels and motels	General Offices
Miniature golf	Health club
Retail Alcohol Sales	Bar, Nightclub
Food Service, Catering	Food Service, Restaurant
Small appliance repair	Personal services
Car wash	Gasoline service station
Quick lube	Limited vehicle service
Community Activity Building/Community Services	
Museums, art galleries, opera houses, single screen theater, libraries	
Counseling centers (nonresident)	
General retail sales with indoor operations, display and storage	

RESIDENTIAL USES (with a maximum of 42 dwelling units):

Single family attached	Duplex
Single family detached	Multifamily
Townhome	Assisted Living Facility

OPEN SPACE USES (no-build areas):

- Underground utilities
- Road right-of-way
- Pedestrian and recreational amenities

2) The bulk requirements for this zone and property shall be as follows:

Business/Commercial Areas: Same as Light Commercial (C-1) except for Maximum building height as follows (refer to Exhibit A attached).

Areas 1 & 4: 35 feet

Areas 2 & 3: 65 feet above Horizon Drive

Residential Areas: Same as Residential Multifamily 8 units per acre (RMF-8)

INTRODUCED for FIRST READING and PUBLICATION this 15th day of November, 2000.

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

ATTEST:

City Clerk

President of Council

GRAND JUNCTION PLANNING COMMISSION
JUNE 20, 2000 MINUTES
7:00 p.m. to 11:20 p.m.

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Vice-Chairman Joe Grout. The public hearing was held at Two Rivers Convention Center.

In attendance, representing the Planning Commission, were Joe Grout (Vice-Chairman), Dr. Paul Dibble, Nick Prinster, Terri Binder, Jerry Ainsworth, Vickie Boutillier (alternate) and William Putnam (alternate). John Elmer and Jim Nall were absent.

In attendance, representing the Community Development Department, were Kathy Portner (Planning Manager), Lisa Gerstenberger (Sr. Planner), and Kristen Ashbeck (Sr. Planner).

Also present were John Shaver (Asst. City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 32 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

No minutes were available for consideration.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Pulled from the agenda was item MS-2000-054 Barmac Minor Subdivision located at 2465 River Road.

III. CONSENT AGENDA

There were no items available for consideration on the Consent Agenda.

IV. FULL PUBLIC HEARING

ODP-2000-058 OUTLINE DEVELOPMENT PLAN ETTER/EPSTEIN

A request for approval of an Outline Development Plan for a planned development consisting of business/commercial, residential, and open space uses.

Petitioner: Mrs. Jimmie Etter/Emanuel Epstein

Location: Southeast corner of G Road and Horizon Drive

PETITIONERS' PRESENTATION

Bruce Phillips, representing the petitioners, introduced Mr. Etter and Ted Ciavonne. Referencing a map of the property, he detailed the request for the 22.56-acre site. The site had been divided for the presentation into six areas. He said that Mrs. Etter intended to retain the residence located in the northeast portion of Area 3. He said that the property is zoned Planned Business without benefit of a plan. During the process to create the Zoning Map, planning staff had recommended limiting development to residential, with densities not to exceed 1 unit per 5 acres, due to the property's natural constraints and its location within the airport critical zone. Mr. Phillips said that the City Council had agreed to retain the Planned Business zone contingent upon submission of an acceptable plan. Mr. Phillips said that it made no sense to place low-density single-family development along the busy Horizon Drive corridor.

Mr. Phillips said that the proposed mix of uses would transition from commercial to planned residential. Structure heights and proposed density for the planned residential area (8 units/acre) would be compatible with the adjacent Ptarmigan Ridge/Ptarmigan Pointe Subdivisions. Building envelopes had not been delineated since specific uses had not been determined. He expected that others would develop the property. Mr. Phillips noted that if building height within the airport critical zone was still of concern, the issue would be best left to the Preliminary Plan stage.

Ted Ciavonne presented a constraints analysis. He pointed out a drainageway that cut through the property. Topographic and grading variations were also noted. Referencing the ODP map, he identified all six areas. Plans included the closure of Cliff Drive to through traffic. Area 1 would have a height limitation of 35 feet. Area 2's access location was noted, and a 65-foot height restriction, relative to Horizon Drive, is proposed. Area 3 contains Mrs. Etter's residence adjacent to a portion of G Road slated for abandonment; it proposes a 65-foot height restriction. Areas 4 and 5 would both contain a 35-foot height restriction since both fell within the airport's critical zone. Plans for Area 4 included commercial/business development, while Area 5 would contain planned residential uses.

Mr. Ciavonne said that ultimately Mrs. Etter's residence would be removed; however, it would probably remain until a specific development proposal was made for Area 3. He noted the list of commercial/business uses contained within planning commissioner packets; uses not deemed appropriate by the developer have been removed. He noted staff's suggestion to further "pare down" the list of acceptable uses for Areas 1 and 4, and the eastern portion of Area 3, but he felt the ones proposed were reasonable. He also felt that height restrictions would serve to limit the use. A map depicting height elevations for the residential area was presented. All heights would be relative to Horizon Drive. This, he said, would both limit uses and keep developers from placing structures on hillsides. This imposed restrictions greater than those found in comparable straight zones.

QUESTIONS

Commissioner Dibble asked what grade(s) were anticipated for the site. Mr. Ciavonne said that he'd reviewed three scenarios. A 7 percent grade was buildable, but he felt it

more practical to terrace the site and keep individually terraced levels to no more than a 1-2 percent grade, with a 5-foot elevation difference between terraces moving southwest along Horizon Drive. Terraces would be approximately 7 to 12 feet above Horizon Drive's elevation.

Vice-Chairman Grout asked if open space (Area 6) had been classified as wetlands. Mr. Ciavonne said that the area had not been officially mapped and designated as wetlands; however, he'd taken an elevation 2 percent above the drainageway and designated the entire area in the ODP as open space. Corps of Engineers representatives had expressed greater concern for the area across from the site on the other side of Horizon Drive.

Commissioner Dibble asked that area densities within the airport's critical zone be further addressed. Mr. Ciavonne said that similar densities already existed in the adjacent Ptarmigan Ridge/Ptarmigan Pointe Subdivisions, both of which were newer subdivisions also located within the airport critical zone. Proposed densities were not expected to add additional impact.

Commissioner Ainsworth asked for clarification on the definition of the critical zone, which was given.

Commissioner Dibble asked the petitioners to expound on the differences between Areas 3 and 4. Mr. Ciavonne said that the boundary between the two areas represented the critical zone delineation. He added that jointly the two areas offered a total of approximately three buildable acres. While there was no differentiation of use, there was a differentiation of height.

STAFF'S PRESENTATION

Kristen Ashbeck outlined the three areas of concern, which included: 1) use limitations, 2) structure heights and 3) proposed residential density.

Use limitations: While not a concern for Area 2, staff felt that the range of uses requested for Areas 1 and 4, and at least the eastern portion of Area 3 was too broad since these areas would directly abut existing residential uses and zoning. Staff recommended that proposed use should reflect more neighborhood-oriented businesses.

Height: Staff was concerned over the 65-foot structure heights proposed for Area 3; however, this height, as proposed for Area 2, would be acceptable. Staff recommended structure heights of no more than 35 feet along 27 ½ Road.

Residential Density: Currently, the Code does not allow for a density exceeding 4 units/acre within the Airport Critical Zone. Ms. Ashbeck directed planning commissioners to comments from airport staff; the airport personnel had expressed a concern over higher densities within the critical zone.

Ms. Ashbeck said that the petitioners were asking that the ODP be valid for three years following completion of the 27 ½ Road improvements, which was acceptable to staff. She noted that a traffic study would be required with any Preliminary Plan. She outlined Code criteria for an ODP and said that the proposed plan failed to satisfy criteria with regard to use, height and incompatible residential density. As such, staff recommended denial of the request.

Rick Dorris added clarification concerning the access points noted on the ODP. These were possibilities only, he emphasized; they had not been accepted by the Engineering Department as final. Only a traffic study could determine if proposed access points would be safe.

John Shaver noted that staff had made reference to new Code criteria even though this was an "old Code" application. He asked Ms. Ashbeck to provide clarification. Ms. Ashbeck said that the pre-app for the current proposal had occurred prior to adoption of the new Code; however, the plan request had been submitted after adoption of the new Code. He mentioned that while falling under the old Code criteria, the petitioners' narrative referenced the new Code.

QUESTIONS

Commissioner Dibble asked if the ODP would lapse if the site were not developed within the 3-year timeframe as outlined; Mr. Shaver replied affirmatively.

Commissioner Dibble asked if the ODP would be compatible with the Growth Plan; Ms. Ashbeck responded negatively. The Growth Plan, she said, reflected Residential, Medium-Low, to Residential, Medium-High densities for the site, with the southwest triangle targeted for the higher density designation.

Commissioner Prinster asked about the petitioners' compatibility comparison with the Ptarmigan Ridge/Ptarmigan Pointe Subdivisions. Ms. Ashbeck said that comparison related only to lot sizes. Mr. Ciavonne said that neither he nor staff could determine an actual density for the Ptarmigan development. Depending on how much of the internal street system was factored into calculations, an overall density ranged from 5.5 to 7.7 units/acre. Based on lot sizes, the ODP's proposed residential use would be compatible. Ms. Ashbeck concurred with Mr. Ciavonne's assertions as they related to Ptarmigan Pointe only; lot sizes within Ptarmigan Ridge were larger and more comparable to an RSF-5/RMF-5 zone.

Commissioner Prinster asked if the airport's critical zone had been established before or after the Ptarmigan development. Ms. Ashbeck replied that the critical zone had been in place since approximately 1981- 1982; the Ptarmigan development was newer.

Commissioner Dibble noted that with the ODP's proposed accesses, there would be 8 total accesses within a 1-mile stretch of Horizon Drive; that, he said, seemed excessive. Mr. Dorris emphasized that none of the proposed access points would be accepted until and unless warranted by the traffic study. He stated a preference for more on-site

routing of traffic, noting that the ODP's proposed right-in/right-out access point near the 27 ½ and G Road intersection did not conform to TEDS Manual standards. When asked if a frontage road would be required, Mr. Dorris again stated that only a traffic study could make that determination.

Commissioner Ainsworth asked if a separate egress would be required for the terraced lots. Mr. Dorris said that any Preliminary Plan would be required to address access.

When asked by Commissioner Dibble if the density proposed within Area 5 would necessitate another stoplight, Mr. Dorris responded negatively.

Commissioner Dibble asked about buffering along 27 ½ Road in Area 4. Ms. Ashbeck said that buffering would be required per the new Code if commercial development directly abutted residential uses. Delineated wetlands/open space areas could serve to create natural buffering.

Vice-Chairman Grout asked how vacated lands along G Road would be handled. Mr. Shaver briefly explained the process, adding that staff had not yet had an opportunity to review the title work and could not say exactly where the reversion line would be.

Commissioner Dibble referenced a 0.24-acre portion of property adjacent to 27 ½ Road across from the Jaynes Subdivision and asked if the City intended to construct a park there. Mr. Shaver indicated that the parcel was addressed in the use agreement but was unsure exactly what the use would be.

Commissioner Putnam wondered what the fallout, if any, might be with the airport if the ODP was approved with proposed critical zone densities. Ms. Ashbeck said that airport staff comments had indicated their federal funding could be in jeopardy.

When asked by Commissioner Binder what the Growth Plan recommended for the site, Ms. Ashbeck said that up to 12 units per acre could be placed within Area 1; the rest of the property could have between 2 and 4 units/acre, right up to Horizon Drive and within the critical zone.

Commissioner Binder asked if commercial uses were acceptable within the critical zone. Ms. Ashbeck said that commercial uses would require a CUP. She briefly reviewed Table 7.3 contained in planning commissioner packets and emphasized that densities of 4-8 units/acre were not considered compatible in the matrix.

PUBLIC COMMENTS

FOR: There were no comments for the request.

AGAINST:

Lowell Huskinson (1650 Cortland Court, Grand Junction) spoke as a property owner across from proposed Area 5 and as a former airport employee. He noted that aircraft flight patterns generally included a turn over his property. This, he felt, could pose a problem for Area 5. He agreed that the petitioner's list of commercial uses was too

broad, and he expressed concern over impacts to wildlife within the drainageway. He felt that there would have to be a lot of dirt moved onto the site to accomplish the level of terracing proposed. This would surely result in the loss of a number of mature trees. Mr. Huskinson opposed the location of any hotel within Area 2 and urged greater site/use restrictions for that particular area. He also expressed concern over what development of the site might have to his property's value, noting that development could potentially extend to within 30 feet of his back door.

Skip Wood (1546 Cortland Court, Grand Junction) also expressed concern over the broad range of commercial uses proposed. With a 65-foot height limitation, buildings could, he said, potentially be up to five stories. He also urged protection of wetland.

PETITIONERS' REBUTTAL

Mr. Ciavonne pointed out that a number of issues had already been worked out with staff. Proposed access points were more than conceptual. He asserted that low-density residential development to Horizon Drive made no sense. The ODP provided residential development as a buffer to commercial uses along Horizon Drive, with a residential density compatible with the adjacent Ptarmigan Pointe. The open space area had been left wide, to include many of the existing stands of trees. Reiterating earlier points, he felt that tying proposed elevations to Horizon Drive would, of its own accord, limit the type of uses which could locate on the site. Mr. Ciavonne closed by saying that if there was something Planning Commission didn't like, he asked for specifics on what would be deemed acceptable.

Mr. Phillips said that the site offered unique challenges, which the proposed ODP addressed. He felt that staff's specific concerns could all be worked out during the Preliminary Plan development stage; the current proposal only represented a concept plan.

DISCUSSION

Commissioner Boutillier said that compliance with the critical zone was not a "suggestion" but a federal requirement. "It could not be ignored."

Vice-Chairman Grout agreed and said that his concerns included the increased height allowance within the critical zone. He felt that many of the uses named in the petitioners' report were inappropriate for location within the critical zone (e.g., townhomes, assisted living facilities, and multi-family units). Structural heights of 65 feet, even relative to Horizon Drive, seemed excessive and he could not support the plan as presented.

Commissioner Putnam noted that while City Council was supportive of a plan for the development, the proposal, as presented, needed more work. He also didn't like the long list of requested uses contained in the petitioners' narrative and felt that locating a liquor store there, for example, was inappropriate.

Commissioner Prinster said that if it had been wrong to approve Ptarmigan Pointe at its current density, approval of the current proposal would only compound that "wrong." He

expressed no objection to the 65-foot height allowance, saying that it seemed compatible with what was currently existing along Horizon Drive. He did feel that building heights along 27 ½ Road should be limited to no more than 35 feet. He noted the petitioners' attempts to buffer the area.

Commissioner Binder expressed continued opposition to the 65-foot height limitation and said that she had also been opposed to the same height allowance given on the other side of Horizon Drive. She felt the density within the critical zone to be excessive, and she didn't like some of the uses named in the petitioners' narrative (e.g., bar, nightclub, gasoline service station, limited vehicle service, retail alcohol sales).

Commissioner Dibble said that a traffic study was imperative to ascertain access points and should be undertaken now. Area 4 did not fit with the existing commercial enterprise area and would be better utilized as an extension of residential uses (e.g., Ptarmigan Estates/Ptarmigan Pointe).

Commissioner Ainsworth expressed concern over the higher density requested for Area 5.

MOTION: (Commissioner Prinster) "Mr. Chairman, on item ODP-2000-058, I move that we forward the Etter-Epstein Outline Development Plan to City Council with the recommendation of approval."

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

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Adoption of 2000 International Building Codes	
Meeting Date:	December 6, 2000	
Date Prepared:	November 29, 2000	
Author:	Bob Lee	Mesa County Building Department
Presenter Name:	Mark Relph	Public Works & Utilities Director
	Workshop	Formal Agenda

Subject: Adoption of an Ordinance thereby adopting the 2000 International Building Codes plus related amendments and the 2000 Uniform Plumbing Code plus related amendments.

Summary: The proposed ordinance is for the adoption of the National Electric Code and the family of 2000 International codes to include: International Building, Residential, Mechanical, Fuel Gas, Property Maintenance, and Energy Conservation Code. The ordinance also adopts the 2000 Uniform Plumbing code. The City of Grand Junction is currently using the 1994 Editions of the Uniform Codes.

Background:

Prior to the year 2000, there were three major codes used in the United States. They were the BOCA, Southern and the Uniform codes. In 1999 the three code organizations merged to form one family of codes, which are known as the International Codes, to be used throughout the country. The Uniform Codes will no longer be printed. The end result is a series of codes that are more user-friendly and in some cases, less restrictive. With few exceptions, the least restrictive requirements of all the codes were used to formulate the new versions. A residential code has been created that places all residential building, plumbing, mechanical, insulation and fuel gas requirements into one manual. This code has been well received by the homebuilders.

The state of Colorado adopts a plumbing code and the Statutes allow local jurisdictions to adopt a different code provided it is not inferior to that of the states. The code adopted by the state is the Uniform Plumbing Code. There is some question as to the

International Plumbing Code (IPC) being an inferior code to that of the state. Recently, lawsuits have been filed against some Front Range jurisdictions that are attempting to adopt the IPC. Staff recommends adopting the same code as the state until this issue is settled at which time we would propose to change to the IPC.

This adoption process began in early summer with the formulation of a steering committee. The committee was made up of representatives of all the local contractor groups, design professionals, fire officials, city and county officials and citizens. All of the committee recommendations were incorporated into the proposed adoption. The steering committee completed its process in late August with a recommendation for adoption of this ordinance.

The Mesa County Building Department has developed a contractor-training program. To date they have conducted training for the commercial and residential contractors and more classes are planned for the near future. Classes will be conducted for the plumbing and mechanical trades later this fall. This program is ongoing.

Mesa County is moving for adoption of the 2000 codes, to be effective in late November. Due to the fact that the city contracts with the county for building inspection services, we need to adopt the same codes to eliminate enforcement problems.

Budget: N/A

Action Requested/Recommendation: Recommend City Council adopt the 2000 International Building Codes and the 2000 Uniform Plumbing Code as amended.

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

Report results back to Council:	X	No		Yes	When:	
--	----------	-----------	--	------------	--------------	--

Placement on Agenda:	X	Consent		Indiv. Consideration		Workshop
-----------------------------	----------	----------------	--	-----------------------------	--	-----------------

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GRAND JUNCTION, COLORADO, ADOPTING AND AMENDING THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE, THE UNIFORM PLUMBING CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE NATIONAL ELECTRIC CODE, AND THE INTERNATIONAL ENERGY CONSERVATION CODE TO BE APPLIED THROUGHOUT THE CITY OF GRAND JUNCTION WITH CERTAIN AMENDMENTS REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE CITY OF GRAND JUNCTION; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AUTHORIZING FEES TO BE SET BY RESOLUTION AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

RECITALS:

Pursuant to the constitutional, statutory and Charter authority of the City Council of the City of Grand Junction to adopt ordinances for the protection of the health safety and general welfare of the population of the City the following ordinance is proposed. After full hearing and consideration of the ordinance and upon recommendation by the City staff the Council finds that adoption of the ordinance is necessary to preserve the health safety and general welfare of the people of the City of Grand Junction. The International Codes, which are hereby adopted, are the state of the art. The Codes are mutually adopted by the City and Mesa County, which provides for efficient building and enforcement practices. As well, the International Codes are increasingly common in many communities, which further increase the benefits of standardization. This ordinance and the Codes which it adopts regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Grand Junction. The ordinance further provides for issuance of permits and collection of fees.

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

Adoption and Amendment of the International Building Code:

The International Building Code, 2000 Edition, promulgated by the International Code Council, Inc. together with amendments set forth below (hereafter “IBC or International Building Code”) is hereby adopted to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating and controlling various matters including, but not limited to the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the jurisdiction.

The following chapters of the Appendix of the International Building Code, 2000 Edition, are adopted:

Chapter C, Group U-Agricultural Buildings

Chapter I, Patio Covers

No other chapters of the Appendix are adopted.

Amendments to International Building Code.

The building code adopted in Section 1, of this Part 4, is hereby amended as follows:

Section 105.2: *Section 105.2* is amended by the addition of the word Platforms to Section 105.2, Item 6.

Section 108: *Section 108* is amended by the addition of following Subsection 108.7. No fees shall be required for a building permit obtained for Agricultural Buildings, as defined at Section 202. This agricultural building fee exemption does not include fees for electrical, mechanical and plumbing permits for said structures.

Section 108.2: *Section 108.2* is amended by the addition of Table 108-A, Fee Schedule, for building permits and/or combinations of building, mechanical, plumbing, electrical, fuel gas piping and pool, hot tub and spa permits. (Copy of Table 108-A, Fee Schedule, in on file in the Building Inspection office).

Section 108.6: *Section 108.6* is amended to establish a fee refund policy, by the addition of the following: Building permit fees may be refunded at a rate of 85% of the building permit fee provided the project for which the permit was issued has not commenced and/or inspections have not been conducted. No refunds will be made after work has commenced.

Section 109: *Section 109* is amended by addition of Subsection 109.7 as follows:
No inspection shall be required for a building permit obtained for Agricultural Buildings as defined at Section 202. However, this exemption is not an exception to the minimum building standards set forth in the International Building Code, nor to the other requirements for inspections for electrical, mechanical and plumbing.

Section 112: *Section 112* is amended by deletion thereof. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

Section 302: *Section 302*, Table 302.1.1 is amended to read: Storage rooms over 100 square feet in Group I and H occupancies.

Section 302: *Section 302*, Table 302.3.3 is amended by changing footnote b. to read: Occupancy separation need not be provided for incidental storage areas

within all occupancies except Group I and H if the: Remainder of footnote b.
remains unchanged.

Section 1003: Section 1003.2.2.2 is amended to change maximum floor area allowance per occupant of Agricultural Building from 300 Gross to 500 Gross.

Section 1003.3.3.3: Section 1003.3.3.3 is amended to add Exception Item 7 to read: Within individual dwelling units of Group R-2 occupancies the maximum riser height shall be 8 inches and the minimum tread depth shall be 9 inches.

Section 1704.1: Section 1704.1 is amended to change the first paragraph to read: Where an application is made for construction as described in this section, the owner or the registered design professional in responsible charge acting as the owners agent shall employ one or more special inspectors to provide inspections during construction on the types of work listed under Sections 1704 and 109.3.4.

Table 602. Table 602 is amended by the addition of Footnote d to E Occupancies. Footnote d shall read: Group E Day Care Occupancies that accommodate 12 or fewer persons shall have a fire resistive rating as required for Group R-3 Occupancies.

All references in the International Building Code to the International Plumbing Code shall hereafter be changed to reference the Uniform Plumbing Code.

Adoption and Amendment of the Uniform Plumbing Code:

Adoption of Uniform Plumbing Code.

- (a) The Uniform Plumbing Code, 2000 Edition, promulgated by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, CA, 91789-2825, together with amendments set forth below (hereafter “UPC or Uniform Plumbing Code”) is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, and maintenance of plumbing systems within the jurisdiction.
- (b) The following chapters of the Appendix of the Uniform Plumbing Code, 2000 Edition, are adopted.

Appendix A- Recommended Rules for Sizing the Water Supply
System

Appendix B- Explanatory Notes on Combination Waste and Vent
Systems

Appendix C- Sizing of Category 1 Venting

Appendix D- Sizing of Storm water Drainage Systems

Appendix H- Recommended Procedures for Design, Construction
and Installation of Commercial Kitchen Grease Interceptors

Appendix I Installation Standards

No other chapters of the Appendix are adopted.

Amendments to Uniform Plumbing Code.

The plumbing code adopted in Section 1 of this Part 5 is hereby amended as follows:

Section 102.3.2: *Section 102.3.2* is amended by deletion of the section and replacing with the following: *Section 102.3.2 Penalties.* Any person who violates a provision of this code or fails to comply with any of the requirements thereto shall be subject to penalties as prescribed in Part 16 of this ordinance.

Section 103.4.1: *Section 103.4.1* is amended by deletion of the section and replacing with the following: *Section 103.4.1 Permit Fees.* A fee for each permit shall be as set forth in Part 4, Section 2, (c) of this ordinance.

Section 102.3.3: The UPC is amended to add *Section 102.3.3 Board of Appeals.* The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

Section 103.4.2: *Section 103.4.2* is amended by deletion of the section. Chapter 12 and 13 are amended by deletion.

Adoption and Amendment of the International Mechanical Code:

Adoption of International Mechanical Code.

The International Mechanical Code, 2000 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter “IMC or International Mechanical Code”) is hereby adopted to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of mechanical systems within the jurisdiction.

The following chapters of the Appendix of the International Mechanical Code, 2000 Edition, are adopted:

Chapter A, Combustion Air Openings and Chimney Connector
Pass-Throughs.

No other chapters of the Appendix are adopted.

Amendments to International Mechanical Code.

The mechanical code adopted in Section 1 of this Part 6 is hereby amended as follows:

Section 108.4: Section 108.4 is amended by deletion of the section and replacing with the following: Section 108.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed by in Part 16 of this ordinance.

Section 109: Section 109 is amended by deletion thereof. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

International Mechanical Code, 2000 Edition, references to the 2000 International Energy Conservation Code shall hereafter be changed to reference the 1998 International Energy Conservation Code.

International Mechanical Code, 2000 Edition, references to the International Plumbing Code shall hereafter be changed to reference the Uniform Plumbing Code.

Adoption and Amendment of the International Fuel Gas Code:

Adoption of International Fuel Gas Code

The International Fuel Gas Code, 2000 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter "IFGC

or International Fuel Gas Code”) is hereby adopted for the control of buildings and structures within the jurisdiction.

The following chapters of the Appendix of the International Fuel Gas Code, 2000 Edition, are adopted.

Chapter A, Sizing and Capacities of Gas Piping

Chapter B, Sizing of Vent Systems

Chapter C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

No other chapters of the Appendix are adopted.

Amendments to International Fuel Gas Code.

The fuel gas code adopted in Section 1 of this Part 7, is hereby amended as follows:

Section 108.4: *Section 108.4* is amended by deletion of the section and replacing with the following: Section 108.4 Violations Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed in Part 16 of this ordinance.

Section 109: *Section 109* is amended by deletion thereof. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

International Fuel Gas Code, 2000 Edition, references to the 2000 International Energy Conservation Code shall hereafter be changed to reference the 1998 International Energy Conservation Code.

Section 404.4: *Section 404.4* is amended by deletion and replacing with the following: Section 404.4. Underground piping outside of buildings shall

terminate at exterior aboveground locations and shall enter buildings in exposed locations.

International Fuel Gas Code, 2000 Edition, references to the International Plumbing Code shall hereafter be changed to reference the Uniform Plumbing Code.

Adoption and Amendment of the International Property Maintenance Code:

Adoption of International Property Maintenance Code.

The International Property Maintenance Code, 2000 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter "IPMC or International Property Maintenance Code") is hereby adopted for the control of buildings and structures within the jurisdiction.

Amendments to International Property Maintenance Code.

The property maintenance code adopted in Section 1 of this Part 8, is hereby amended as follows:

Section 111: Section 111 is amended by the deletion of Sections 111.2, 111.2.1, 111.2.2, 111.2.3 and 111.2.4. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

Section 302: Section 302 is amended by deletion thereof.

Section 305: Section 305 is amended by deletion thereof.

Section 306: Section 306 is amended by deletion thereof.

Adoption and Amendment of the International Residential Code:

Adoption of International Residential Code.

The International Residential Code, 2000 Edition, promulgated by the International Code Council Inc., together with amendments set forth below (hereafter “IRC or International Residential Code”) is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one-and two-family dwellings and townhouses not more than three stories in height within the jurisdiction.

The following chapters of the Appendix of the International Residential Code, 2000 Edition, are adopted.

Chapter H, Patio Covers

No other chapters of the Appendix are adopted.

Amendments to International Residential Code.

The residential code adopted in Section 1 of this Part 9, is hereby amended as follows:

Section R105.2: Section R105.2, Item 5, is amended to read Sidewalks, Driveways and Platforms.

Section R105.2: Section R105.2 is amended by addition of the following new sub sections;

Building Item 10. Re-siding of building regulated by this code. Building Item

Section R105.3.1.1: Section R105.1.1.1 is amended by deletion thereof.

Section R106.3.1: Section R106.3.1 is amended by deletion of the second sentence of first paragraph. The building official shall retain one set of construction documents so reviewed.

Section R106.5: Section R106.5 is amended by deletion thereof.

Section R112: Section R112 is amended by deletion thereof. The Board of Appeals established in Part 13 shall serve as the Board of Appeals.

Section R112.2.3: Section R112.2.3 is amended by deletion thereof.

Section R112.2.4: Section R112.2.4 is amended by deletion thereof.

Section R301.2.4: Section R301.2.4 is amended by deletion thereof.

Section R302.1: Section R302.1 is amended to change the first paragraph to read:

Exterior walls with a fire separation distance less than 3 feet shall have not less than one-hour fire-resistive rating with exposure from both sides or when two residential buildings adjoin at a property line, a concrete or masonry wall with a minimum 3 hour fire-resistive rating is permitted when constructed per Sections R321.2, R321.2.1, R321.2.2, R321.2.3 and R321.2.4 for townhouses.

Section R309.3: Section R309.3 is amended by deletion of the second paragraph.

Section R309.5: Section R309.5 is amended by deletion thereof.

Section R314.2: Section R314.2 is amended by deletion of the first sentence of first paragraph and replacing with the following: The maximum riser height shall be 8 inches and the minimum tread depth shall be 9 inches.

Section R315.1: Section R315.1 is amended by deletion of second sentence of first paragraph and replacing with the following: All required handrails shall be continuous the full length of the stairs with four or more risers from a point directly above the top riser of a flight to a point directly above the lowest riser of a flight.

Section R327: Section R327 is amended by deletion thereof.

Section R908: The IRC is amended to add Section 908. Roof Covering Requirements in Wildfire Hazard Areas.

Section R908.1 Wildfire Hazards defined. Areas that have wildfire hazard rating of medium or above (as shown on the Mesa County Wildfire Hazard Map).

Section R908.2 Roof Covering. Roof coverings for new buildings or structures or additions thereto or roof coverings utilized for re-roofing, shall be Class A or B, tested in accordance with ASME E108 or UL 790 or Fire-retardant-treated shingles or shakes treated in accordance with AWPAC1.

Section 908.3. Moved Buildings. Any building or structure moved within or into any Wildfire Hazard Area shall be made to comply with all the requirements for new buildings in the Wildfire Hazard Area.

(q) The IRC is amended by deletion of Chapters 25, 26, 27, 28, 29, 30, 31 and 32 in their entirety.

Adoption of the International Energy Conservation Code:

Adoption of the International Energy Conservation Code

The International Energy Conservation Code, 1998 Edition, promulgated by the International Code Council Inc. (hereafter "IECC or International Energy Conservation Code") be and is hereby adopted as the code for the City of Grand Junction regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement,

addition to, use and maintenance of the building envelope, mechanical, lifting and power systems in the City of Grand Junction.

Adoption of the National Electric Code:

Adoption of National Electric Code

The National Electric Code, 1999 edition, as promulgated by the National Fire Protection Association Inc, One Batterymarch Park, Quincy, Massachusetts 02269 and as adopted by the State of Colorado and pursuant to Title 12, Article 23 C.R.S.

Applicants shall pay for each electrical permit at the time of issuance, a fee for electrical permits and inspections as determined by the jurisdiction.

Repeal of Conflicting Provisions:

All other resolutions or ordinances in conflict herewith are hereby repealed except as otherwise provided herein.

Board of Appeals, Appeals Procedures:

A common appellate procedure and Board of Appeals to hear all appeals arising under Codes adopted herein, EXCEPT with respect to the National Electric Code is contained within this Part.

In order to determine the suitability of alternate materials and methods of construction and to provide reasonable interpretations of this code, there shall be and is hereby created a Board of Appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to

building construction and who are not employees of the jurisdiction. The Chief Building Official shall be an ex-officio member of and shall act as secretary to said board. The Board of Appeals shall be appointed by the Board of County Commissioners and shall hold office at its pleasure. The Board shall adopt rules and procedures for conducting business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Chief Building Official.

The Board of Appeals shall have jurisdiction to decide any appeals from the Chief Building Official if the decision of the Chief Building Official concerns suitability of alternate materials, methods of construction or a reasonable interpretation of the code. The Board of Appeals shall not hear appeals of life safety items, administrative provisions of the codes nor shall the Board of Appeals be empowered to waive requirements of the codes. The first order of business at any hearing of the Board of Appeals shall be to determine if it has jurisdiction to hear the appeal.

Any appeal to the Board of Appeals shall be preceded by a written appeal to the Chief Building Official, who shall reply in writing. The decision of the Chief Building Official may be appealed to the Board of Appeals, within ten days from the date of the decision of the Chief Building Official, a Notice of Appeal together with a copy of the original written appeal to the Chief Building Official and a copy of the Chief Building Officials decision.

The Board of Appeals shall meet within 30 days of the written appeal, hear evidence and argument if it deems appropriate, and shall render all decisions and findings in writing to the Chief Building Official with a duplicate copy to the appellant.

Administration:

The Director of Public Works and Utilities as Chief Building Official of the City by and through a contractual arrangement with the Mesa County Building Department shall administer and enforce such codes as are adopted and provided for in this ordinance and as otherwise provided by law. Fees and costs other than for or resulting from a violation, penalty or enforcement action shall be set by separate resolution adopted by the City Council, which fees and charges may be amended from time to time by resolution.

Violation and Penalty:

The penalties imposed for violation of the Codes and of the statutory sections authorizing their adoption are as follows:

Any person, firm or corporation violating this Ordinance or any provision of any adopted code herein is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be

erected, constructed, remodeled, used or maintained in violation of this part or of any provision of this ordinance the City Attorney may institute an appropriate action injunction, mandamus or abatement to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, remodeling, maintenance or use. The City Attorney may use or enforce any remedies provided by law or in equity. Jurisdiction for any action brought under this ordinance shall be in the Municipal Court of the City of Grand Junction and such action shall be heard and decided in accordance with the rules of that court.

Miscellaneous Provisions:

- (a) *Adoption of Codes Unamended.* All Sections of the referenced Codes not specifically amended by this Ordinance are adopted as published.
- (2) *Conflicts and Permits Previously Issued.* Any and all Resolutions and/or Ordinances or parts thereof in conflict herewith to the extent of such conflicts or inconsistencies are hereby amended; provided, however, this ordinance shall not affect the construction of buildings for which Permits were issued prior to the effective date of this Ordinance and all Buildings now under construction pursuant to existing Permits shall be constructed in conformance with the Building Codes applicable at the time of issuance of said permit; provided further however, that no construction authorized by an existing Permit shall be altered without complying with the newly adopted Building codes. Nor shall the adoption of this Code prevent the prosecution of violations of any

prior Resolution or Ordinance adopting prior Building Codes, which occurred prior to the effective date of this Ordinance. Where this Ordinance and the Codes adopted herein by reference are in conflict with other resolutions or ordinances of the City of Grand Junction the more restrictive provision shall apply.

- (3) *Copies of Code Available for Inspection.* At least three (3) copies of each of the Codes hereby adopted; all certified to be true copies, are now and shall remain on file with the Mesa County Building Department.
- (4) *Nonassumption, nonwaiver.* The City of Grand Junction, its officials, employees and agents thereof shall not be deemed to have assumed a duty of care where none otherwise existed by the performance of a service or an act of assistance for the benefit of any person under service or an act of assistance for the benefit of any person under service or an act of assistance for the benefit of any person under this Ordinance. The adoption of these Codes shall not give rise to a duty of care. The enforcement or failure to enforce this Ordinance or the mere fact that an inspection was conducted in the course of enforcing this Ordinance shall not give rise to a duty of care where none otherwise existed. Enactment of this Ordinance shall not constitute a waiver of sovereign immunity by the City of Grand Junction, its officials, employees and agents.

(5) *Invalidity in Part.* If any part, section, subsection, sentence, clause or phrase of this Ordinance or of the Codes adopted herein is for any reason held to be invalid, such decisions shall not affect the validity of remaining sections of this Ordinance or of the Codes adopted herein, the City Council hereby declares that it would have passed the Ordinance and adopted said Codes in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid. Should any portion of this Ordinance or Codes adopted herein be declared invalid then to the extent of such invalidity the prior Code shall not be found, deemed or determined to be repealed so as to continue the provisions of the Code in effect for any portions of this Ordinance and Codes adopted thereby which may be declared invalid or unenforceable.

A public hearing on the adoption by reference thereto of the International Building Code, the Uniform Plumbing Code, the International Mechanical Code, the International Fuel Gas Code, the International Property Maintenance Code, the International Residential Code, the National Electric Code and the International Energy Conservation Code, with certain amendments is scheduled in the City Council Chambers at 250 N. 5th Street, Grand Junction Colorado on November 1, 2000 at 7:30 P.M. and the City Clerk is hereby directed to publish Notice of said public hearing in the manner and style and pursuant to the schedule of such publication prescribed in 31-16-201 *et. seq.* C.R.S. Such notice shall specifically include but not necessarily be limited to a description of the purpose of the Code, the subject matter of the Code by title, that the Codes are promulgated by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church Virginia 22041-3401, unless indicated otherwise, and that the 2000 version of the Code is being adopted, unless another version is specified.

At least one copy of the Codes, as described herein together with certain amendments thereto all certified to be true copies, shall be on file in the office of the City Clerk of the City of Grand Junction, Colorado. The clerk shall publish notice at least fifteen (15) and eight (8) days preceding said public hearing. The proposed ordinance and copies of the

Codes may be inspected by interested persons between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday.

This Ordinance shall become Section 8 of the Code of Ordinances of the City of Grand Junction.

INTRODUCED ON FIRST READING this 4th day of October 2000.

PASSED and ADOPTED this ____ day of _____, 2000.

President of the Council

Attest:

City Clerk

RESOLUTION NO. _____

**A RESOLUTION SETTING BUILDING CODE FEES UNDER THE
2000 INTERNATIONAL BUILDING CODE**

Recitals:

The City Council adopted the 2000 International Building Code on December 4, 2000. That Code, as with other Codes, provides for certain fees and charges being imposed for inspection, permitting, services and other expenses of the administration of the Code. In accordance with Chapter 10 of the Grand Junction Code of Ordinances fees are set by resolution of the City Council.

Consistent with the City's law the City Council does hereby establish fees and to the extent that this resolution conflicts with an existing resolution, this resolution shall control.

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

That Table 108-A, Fee Schedule, for building permits and/or combinations of building, mechanical, plumbing, electrical, fuel gas piping and pool, hot tub and spa permits is adopted and

BE IT FURTHER RESOLVED THAT the table captioned *Other Inspections and Fees* is adopted and that the same shall constitute the fees and charges applicable in the City of Grand Junction under the 2000 International Building Code unless otherwise established by ordinance or resolution of the Council.

PASSED and ADOPTED this 4th day of December 2000.

Attest:

City Clerk

President of the Council

Table 108-A Fee Schedule

SCHEDULE OF FEES FOR BUILDING PERMITS AND/OR COMBINATIONS OF BUILDING, MECHANICAL, ELECTRICAL, AND POOL, HOT TUB AND SPA PERMITS;

VALUATION	FEE
\$500	\$25
600	29
700	32
800	35
900	38
1,000	40
1,100	42
1,200	43
1,300	44
1,500	45
1,600	46
1,700	48
1,900	49
2,000	50
3,000	69
4,000	84
5,000	95
6,000	102
7,000	105
8,000	108
9,000	117
10,000	125
11,000	135
12,000	144
13,000	153
14,000	164
15,000	165
16,000	172
17,000	179
18,000	185
19,000	190
20,000	196
21,000	202
22,000	207
23,000	212
24,000	216

25,000	220
26,000	224
27,000	227
28,000	230
29,000	232
30,000	234
31,000	239
32,000	243
33,000	248
34,000	252
35,000	256
36,000	259
37,000	263
38,000	266
39,000	269
40,000	272
41,000	277
42,000	282
43,000	287
44,000	292
45,000	297
46,000	302
47,000	306
48,000	311
49,000	316
50,000	320
51,000	323
52,000	327
53,000	330
54,000	333
55,000	336
56,000	338
57,000	341
58,000	343
59,000	346
60,000	348
61,000	350
62,000	352
63,000	354
65,000	361
66,000	363
67,000	364
68,000	366
69,000	367
70,000	368
71,000	369

72,000	370
74,000	371
75,000	372
76,000	375
77,000	378
78,000	381
79,000	384
80,000	387
81,000	390
82,000	393
83,000	396
84,000	399
85,000	401
86,000	404
87,000	406
88,000	409
89,000	412
90,000	414
91,000	416
92,000	419
93,000	421
94,000	423
95,000	426
96,000	428
97,000	430
98,000	432
99,000	434
100,000	436
101,000	439
102,000	441
103,000	444
104,000	446
105,000	449
106,000	451
107,000	454
108,000	456
109,000	459
110,000	461
111,000	464
112,000	466
113,000	469
114,000	471
115,000	474
116,000	476
117,000	479
118,000	481

119,000	484
120,000	486
121,000	489
122,000	491
123,000	494
124,000	497
125,000	499
126,000	502
127,000	505
128,000	507
129,000	510
130,000	512
131,000	515
132,000	518
133,000	521
134,000	523
135,000	526
136,000	529
137,000	531
138,000	534
139,000	536
140,000	539
142,000	545
143,000	548
144,000	551
145,000	553
146,000	556
147,000	558
148,000	560
149,000	563
150,000	565
160,000	589
170,000	610
180,000	630
190,000	648
200,000	664
210,000	678
220,000	691
230,000	701
240,000	710
250,000	717
260,000	723
270,000	726
280,000	728
290,000	731
300,000	732

310,000	746
320,000	759
330,000	772
340,000	784
350,000	796
360,000	807
370,000	817
380,000	827
390,000	835
400,000	844
410,000	851
420,000	858
430,000	864
440,000	870
450,000	875
460,000	880
470,000	883
480,000	886
490,000	888
500,000	890
510,000	894
520,000	899
530,000	904
540,000	908
550,000	913
560,000	918
570,000	922
580,000	927
590,000	932
600,000	936
610,000	941
620,000	946
630,000	950
640,000	955
650,000	960
660,000	964
670,000	969
680,000	974
690,000	978
700,000	983
710,000	988
720,000	992
740,000	997
750,000	1,002
760,000	1,007
770,000	1,011

780,000	1,015
790,000	1,021
800,000	1,025
810,000	1,030
820,000	1,035
830,000	1,039
840,000	1,044
850,000	1,049
860,000	1,053
870,000	1,058
880,000	1,063
890,000	1,067
900,,000	1,072
910,,000	1,077
920,000	1,081
930,000	1,086
940,000	1,091
950,000	1,095
960,000	1,100
970,000	1,105
980,000	1,109
990,000	1,114
1,000,000	1,119
1,200,000	1,311
1,400,000	1,506
1,600,000	1,694
1,800,000	1,875
2,000,000	2,049
2,200,000	2,217
2,400,000	2,377
2,600,000	2,531
2,800,000	2,678
3,000,000	2,819
3,200,000	2,952
3,400,000	3,079
3,800,000	3,312
4,000,000	3,418
4,200,000	3,518
4,400,000	3,610
4,600,000	3,696
4,800,000	3,775
5,000,000	3,848

The value column shall be figured by taking the outside square foot dimension of the proposed construction project and multiplying that by the average cost per square foot

figure provided by the most current Building Valuation Chart found in the "Building Standards" , publication.

Fees for projects over five million shall be determined by dividing the project value by 5,000,000 and multiplying the resultant by \$3,848.00.

OTHER INSPECTIONS AND FEES

1.	Inspection outside normal business hours	\$45.00 per hr.
2.	Re-Inspection	\$35.00
3.	Inspection for which no fee is specifically indicated	\$70.00 per hr.
4.	Demolition Permit	\$35.00
5.	House Moving	\$35.00
6.	Fences	\$35.00
7.	Illuminated Signs	\$35.00
8.	Non-Illuminated Signs	\$35.00
9.	Mechanical, Electrical, Plumbing, Hot Tub, Pool and Spa Permits – Installations under \$2,000.00 Installations over \$2,000.00, \$14.00 per thousand or fractions thereof.	\$35.00
10.	Manufactured Homes	\$75.00
11.	Manufactured Homes on Permanent Foundations	\$150.00
12.	UBC Certified Homes	\$150.00
13.	Change in Use Permits, Valuation Under \$2,000.00 Valuation \$2,000.00 or over, use Table 108-A	\$35.00
14.	Plan Reviews Fees for Plan Reviews performed by Third Party Plan Review Service per amount charged by company for such service.	

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Adoption of International Fire Code 2000		
Meeting Date:	December 6, 2000		
Date Prepared:	October 30, 2000		
Author:	Stephanie Rubinstein	Staff City Attorney	
Presenter Name:	Dan Wilson/Hank Masterson	City Attorney/Fire Inspector	
	Workshop		Formal Agenda

Subject: Adoption of 2000 International Fire Code

Summary/Background Information: The 2000 edition of the International Fire Code is part of the 2000 International Code set, currently being adopted by the City. The 2000 codes are written to be well-coordinated so that the provisions do not conflict. The compatible sections of the International Building Code and International Fire Code contain identical language.

There is one minor new amendment included (Item 10, Section C102.2), concerning looped water lines. The amendment will provide the Fire Department with more flexibility in enforcement of looped water line requirements for new developments. All other code amendments in this ordinance were previously adopted as part of the 1994 Uniform Fire Code, and are carried over to be part of the 2000 International Fire Code.

Budget: None

Action Requested/Recommendation: Approval of Ordinance on Second Reading.

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

Report results back to Council:	<input checked="" type="checkbox"/>	No		Yes	When:	
--	-------------------------------------	----	--	-----	--------------	--

Placement on Agenda:		Consent	<input checked="" type="checkbox"/>	Indiv. Consideration		Workshop
-----------------------------	--	---------	-------------------------------------	----------------------	--	----------

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING THE 2000 EDITION OF THE
INTERNATIONAL FIRE CODE;
AMENDING CERTAIN PROVISIONS IN THE ADOPTED CODES;
AMENDING ALL ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH;
AND PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISION
OF SAID CODES**

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

The specified sections of the Code of Ordinances of the City of Grand Junction are hereby amended as follows:

SECTION 1.

Sec. 18-56. Adoption of International Fire Code

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion, and chemical release, International Fire Code, (hereinafter "International Code" or "International Fire Code"), promulgated by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia, including appendices chapters B, C, D, E, F, and G, 2000 edition, except such portions as are hereinafter deleted, modified or amended by Section 18-58 of this Ordinance are hereby adopted. Not less than one (1) copy of the International Fire Code are filed in the office of the City Clerk. From the date on which this ordinance shall take effect, the provisions of the International Code shall be controlling within the limits of the City of Grand Junction, Colorado.

Sec. 18-57 Establishment and Duties of Division of Fire Prevention

- A. The International Code shall be enforced by the Division of Fire Prevention in the Fire Department of the City of Grand Junction which has been previously established and which shall be operated under the supervision of the Chief of said Fire Department.
- B. The Fire Marshal in charge of the Division of Fire Prevention in the Fire Department of the City of Grand Junction shall be appointed by the Chief of the Fire Department.
- C. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as he shall from time to time deem necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors as necessary.

Sec. 18-58. Definitions

(a) Wherever the word "jurisdiction" is used in the International Fire Code, it shall be held to mean the City of Grand Junction, Colorado.

(b) Wherever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the city attorney for the City.

(c) Wherever the term "City manager" is used, it shall mean the City Manager or any employee of the City designated by the City Manager, such as but not limited to the Fire Chief, the Fire Marshal or the Finance Director of the City.

(d) Wherever an officer of the City, such as "City Manager" or "Fire Chief," is mentioned or designated herein, such officer may delegate, informally or in writing, the duties and responsibilities to a designee who shall have the full power and authority of the named or designated officer.

Sec. 18-59. Amendments to the International Fire Code

The International Fire Code is amended and changed in the following respects:

Section 105.6. 105.6 Add an additional paragraph to read: "An operational permit is not required for the following activities as set forth in the following titles under Section 105.6:

- 105.6.1 Aerosol products
- 105.6.2 Amusement Buildings
- 105.6.3 Aviation facilities
- 105.6.4 Carnivals and fairs
- 105.6.5 Battery systems
- 105.6.6 Cellulose nitrate film
- 105.6.7 Combustible dust-producing operations
- 105.6.8 Combustible fibers
- 105.6.9 Compressed gases
- 105.6.10 Covered mall buildings
- 105.6.11 Cryogenic fluids
- 105.6.12 Cutting and welding
- 105.6.13 Dry cleaning plants
- 105.6.14 Exhibits and trade shows
- 105.6.16 Fire hydrants and valves
- 105.6.17 Flammable and combustible liquids
- 105.6.18 Floor finishing
- 105.6.19 Fruit and crop ripening
- 105.6.20 Fumigation and thermal insecticidal fogging
- 105.6.21 Hazardous materials
- 105.6.22 HPM facilities
- 105.6.24 Hot work operations
- 105.6.25 Industrial ovens
- 105.6.26 Lumber yards and woodworking plants

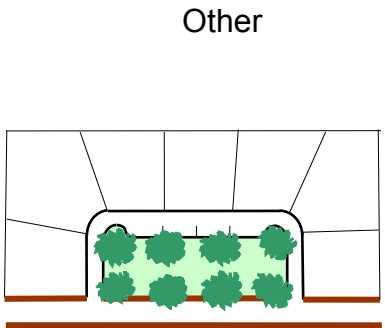
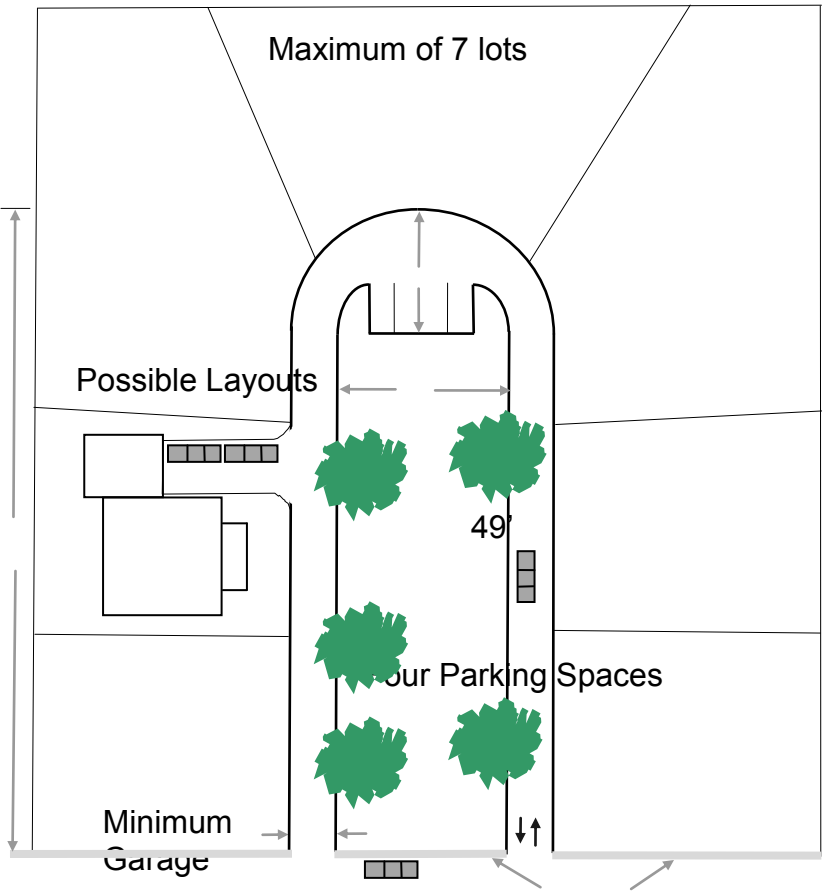
- 105.6.27 Liquid-or gas-fueled vehicles or equipment in assembly buildings
- 105.6.28 LP-gas
- 105.6.29 Magnesium
- 105.6.30 Miscellaneous combustible storage
- 105.6.32 Open flames and candles
- 105.6.33 Organic coatings
- 105.6.34 Places of assembly
- 105.6.35 Private fire hydrants
- 105.6.37 Pyroxylin plastics
- 105.6.38 Refrigeration equipment
- 105.6.39 Repair garages and service stations
- 105.6.40 Rooftop heliports
- 105.6.42 Storage of scrap tires and tire byproducts
- 105.6.43 Temporary membrane structures, tents, and canopies
- 105.6.44 Tire-rebuilding plants
- 105.6.45 Waste handling
- 105.6.46 Wood products

Amend section 503.2.1 by the addition of two additional subsections, numbered 503.2.1.1 and 503.2.1.2, at the end thereof to read:

"503.2.1.1. Fire apparatus access roads may, notwithstanding the foregoing paragraphs, have an unobstructed width of not less than sixteen feet if constructed as a loop, ("fire loop lane"), as indicated in the diagram shown below and if all of the following conditions are met:

1. Not more than seven single family residences obtain access from the fire loop lane;
2. The sixteen foot wide fire loop lane shall consist of an all-weather clear surface;
3. No curve on any portion of the flow line of the fire loop lane shall have an inside radius of less than thirty-three feet (33') and an outside radius of less than forty-eight feet (48'). "Flow line" means the area between the curbs or equivalent if curbs are not present;
4. No portion of the fire loop lane shall extend more than two hundred and fifty feet (250') from the abutting street right-of-way;
5. A minimum of four parking spaces shall be constructed at the end of the fire loop lane, as indicated on the diagram;
6. The fire loop lane and parking stalls, as indicated on the diagram, are dedicated to and maintained by the City;
7. Two-way traffic is allowed;
8. "No parking" signs and markings, as required by the City, are installed and maintained so that no parking is allowed between the curbs on any traveled portion of the fire loop lane;
9. Corner lots that front the fire loop lane and the abutting street shall be required to only obtain access from the fire loop lane;
10. No garage or carport built on a lot obtaining access from the fire loop lane shall be constructed, any portion of which is closer than forty feet (30') from any portion of the fire loop lane;

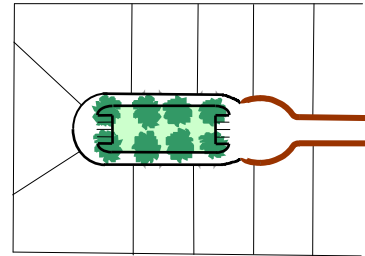
- 11. Each residence obtaining access from the fire loop lane shall provide and maintain four parking spaces between the garage or carport and the fire loop lane; and
- 12. The fire loop lane shall only connect to a street where on-street parking exists now and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.



Setback 30'

Max.
250'

Park



16' On-street Parking

Sidewalks

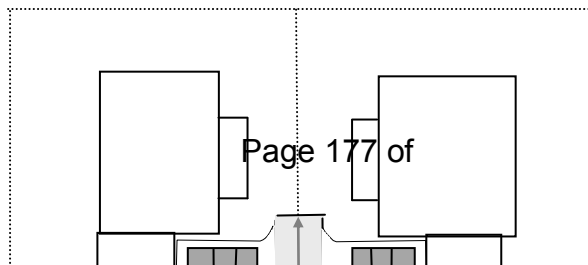
[End of 503.2.1.1]

Section 503.2.1.2 The new section 503.2.1.2 shall read:

Fire code standards for a shared driveway:

1. A shared driveway shall be owned and maintained by the owners of the parcels or lots which abut the shared driveway;
2. Not more than four single family lots shall abut or touch any portion of the shared driveway and no more than four single family units may access a shared driveway;
3. A shared driveway shall be least sixteen feet (16') wide and not longer than one hundred and fifty feet (150');
4. No parking is allowed on the shared driveway;
5. Each lot abutting a shared driveway must provide four (4) on-site parking spaces.
6. Each lot abutting a shared driveway must access off the shared driveway unless approved by Director of Community Development or Planning Commission, depending upon which entity is approving the plan; and
7. A shared driveway may be used only where it intersects a street where on-street parking exists and is expected to remain, according to the City Engineer, based on such factors as the City capital program and any adopted street plans.

Example Layout for a Shared Driveway



150'
max.
length

16'

"

Section 2505 Outdoor Storage of Tires. Section 2505 is deleted in its entirety and replaced with the following:

Section 2505.1. No person shall store more than 500 tires on any parcel, tract or lot of land.

Section 2505.2. Tires shall be arranged as required in sections 2505.3 through 2505.7.

Section 2505.3. Maximum pile or stack height shall not exceed six (6) feet.

Section 2505.4. Pile or stack width and length shall not exceed eight (8) feet.

Section 2505.5. Twenty (20) feet of clearance shall be maintained between piles or stacks.

Section 2505.6. Piles or stacks shall not be placed closer than twenty (20) feet to any structure; and

Section 2505.7. Piles or stacks shall be stored so as to provide ready access by the Fire Department in the event of a fire.

Section 311.1.1. The language of section 311.1.1 is deleted and replaced with:

Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the *International Property Maintenance Code, 2000 Edition*, and the *International Building Code, 2000 Edition*.

Section 311.3. Section 311.3 shall be amended by addition of the following:

Section 311.3.1. In case of failure of any owner or lessee of such building(s) to remove all accumulations of hazardous materials, abate said building, and secure the premises, in a manner approved by the Fire Chief, and upon the election by the Fire Chief to remove said waste or rubbish and/or to secure or remove/install barricading of building(s), the Fire Chief is authorized to give notice by certified mail addressed to the last known address of the owner of such building, which shall require the removal of such waste or rubbish, or otherwise require the securing of said building(s) or removal of the problem causing the public nuisance, within sixty (60) days of the date of the notice. In the event such work is not done within the sixty (60) days, the City Manager may then proceed to have the work done as soon as practicable. The costs of such work shall be collected by the City Manager in accordance with the provisions of the Uniform Code for the Abatement of Dangerous Buildings. The charge shall be the actual costs for labor, equipment, and materials plus ten (10) percent for administration, supervision and inspection. The Fire Chief may cause any building to be barricaded or secured immediately after a fire has been extinguished. Any and all barricading or securing shall be at the owner's expense.

311.3.2 The City Manager, as soon as may be practicable after such charge is made, shall send by mail, addressed to the last known address of the owner of such property, a notice of such assessment. The notice shall contain a description of the lots or parcels of land, the name of the owner or owners, and the amount of the assessment, together with a brief description of said assessment.

311.3.3. It shall be the duty of the owner to pay such assessment within twenty (20) days after the mailing of such notice, and in case of his failure to do so, he shall be liable personally for the amount of the assessment and the same shall be a lien upon the respective lots or parcels of land from the time of such assessment. In case the owner shall fail to pay such assessment within twenty (20) days after notice has been mailed to him, as provided by this article, then it shall be the duty of the City Manager to certify the amount of the assessment to the County Treasurer or other officer of the County having custody of the tax list, for the current year, to be collected in the same manner as other taxes are collected, with ten (10) percent penalty thereon to defray the cost of collection. All of the laws of the State of Colorado for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full effect for the collection of all such assessments.

311.3.4. The fact that assessments have been made against property as provided in this article for removal of waste and rubbish, abatement and/or barricading or securing of said building(s) shall not prevent the owner, agent or lessee from being punished by fine or imprisonment under the provisions of Section 1-9 of the Code of Ordinances of the City, but such fine or penalty may be imposed on those found guilty of violating any provision hereof in all cases, whether an assessment has or has not been made in accordance with the provisions hereof.

(7) *Section 503.1.* Section 503.1 is amended by addition of the following: The Fire Chief may be guided by the City of Grand Junction *Traffic Engineering Design Standards* and by Appendix D of this code for more detailed design requirements and alternative designs.

(8) *Section 1007.3.3.6 Monitoring.* Section 1007.3.3.6 is amended by addition of the following:

Section 1007.3.3.8. **False alarms.** Whenever the activation of any fire alarm is due to a malfunction of the alarm or alarm system and that alarm or alarm system has had a malfunction within the same calendar year quarter, or more than six times during any calendar year, the owner and/or operator of the alarm or alarm system shall pay a false alarm fee to offset some of the costs involved in the dispatching and responding of fire equipment to the location of the alarm.

Section 1007.3.3.8.1. It is the responsibility of the owner or operator of an alarm system to prevent the improper use of the system, such as the intentional activating of a false alarm or the intentional activation of a smoke or heat detector to produce a false alarm. After three such activations within the same quarter of a calendar year, or more than six during any calendar year, from the same alarm system, the fee schedule for false alarms shall become effective.

Section 1007.3.3.8.2. Whenever the Fire Chief cannot determine how a false alarm was activated and three such unexplained alarms occur within a calendar year quarter, or alarm(s) exceeding six during any calendar year, the fee schedule for false alarms shall become effective with the fourth and seventh and subsequent alarm(s) respectively.

Section 1007.3.3.8.3. A fee, in accordance with the fee schedule established by resolution of the City Council and on file with the City Clerk, shall be charged for false alarms.

Section 1007.3.3.8.3.1. A new alarm system shall be allowed thirty (30) days to become stabilized before charges will accrue for false alarms.

(9) *Section B103* Section B103 is amended by addition of the following subsection:

B103.4 3.1 Alternative Methods. In areas which are mostly developed where not more than two buildable lots are created (at the same time) after the effective date hereof, and the existing water lines and fire flow are inadequate in the area, the Fire Chief may allow a residential structure to be built if sprinklered and if he determines that water upgrades would be impracticable. In such event, the Fire Chief shall record a memorandum indicating the fire protection measure used and the facts concerning the inadequate water lines.

(10) *Section C102* Section C102 is amended by addition of the following:

Section C102.2 **Water supply lines.** Hydrants shall be on a looped (receiving water from more than one direction) water supply line of at least six inches (6") in diameter.

Exceptions:

1. One or two-family residential developments may have hydrants supplied by a dead-end water line where there are 30 or fewer dwelling units. Up to 60 dwelling units may have hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In any case, the Fire Chief may require such developments provide for water

line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.

2. Multiple-family residential developments having up to 100 dwelling units may be protected by fire hydrants supplied by a dead-end water line. Up to 200 dwelling units may be protected by fire hydrants supplied by a dead-end water line when all units are protected by an approved residential fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1000 feet in length. The Fire Chief may require such developments provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.

3. For commercial and industrial developments, any building not exceeding three stories or 30 feet in height may be protected by fire hydrants supplied by a dead-end water line.

4. For commercial and industrial developments, buildings or facilities having a gross building area up to 62,000 square feet may be protected by fire hydrants supplied by a dead-end water line. The gross building area may be increased to 124,000 square feet without a looped water line when all buildings are equipped with an approved automatic fire sprinkler system. In no case shall such developments be supplied by a dead-end line exceeding 1000 feet in length. The Fire Chief may require such developments to provide for water line connections to adjacent properties to ensure the overall water distribution system meets recognized standards.

5. The Fire Chief may allow a new development, that would otherwise be required to provide a looped water line for required fire hydrants, to have a dead-end line as long as the development provides a means to connect to a looped system as future development occurs. The time period and conditions under which this exception is allowed shall be as determined by the Chief.

6. The Fire Chief may allow fire hydrants to be supplied by other than a looped water line when the permittee can demonstrate, to the satisfaction of the Fire Chief, that a looped system is not practicable. In such event, the Fire Chief shall make his findings in writing and shall copy such findings to the Public Works Director and the Director of Community Development. In such cases, additional fire protection may be required as determined by the chief.

(11) *Section D107.1.* D107.1, exception 1: Delete the language of exception 1 and replace with:

1. Where there are 60 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.

SECTION 4. Validity

Any and all sections or parts of sections of the Code of Ordinances of the City of Grand Junction, Colorado, as amended, in conflict herewith, are hereby repealed.

SECTION 5. Penalty Provision.

Section 1-9 of the Code of Ordinance of the City of Grand Junction, Colorado shall apply as though fully set forth in each code and provision adopted in this ordinance.

Introduced this 1st day of November, 2000.

Passed on second reading this _____ day of _____, 2000.

City of Grand Junction

President of the Council

Attest:

Stephanie Nye
City Clerk

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Model Traffic Code Adoption		
Meeting Date:	December 6, 2000		
Date Prepared:	October 24, 2000		
Author:	Stephanie Rubinstein	Staff City Attorney	
Presenter Name:	Stephanie Rubinstein	Staff City Attorney	
	Workshop		Formal Agenda

Subject: Model Traffic Code

Summary: This ordinance primarily adopts the 1995 Model Traffic Code for Municipalities, while repealing the 1977 version. The difference between the 1977 and 1995 versions of the Model Traffic Code are primarily that the 1995 version is more readable and contains less jargon. The parking sections of the 1977 version will remain in full force and effect. Below are a list of substantive changes to the Model Traffic Code.

1. A section is added which allows the City to require persons who have trees, bushes, et cetera which have grown into the City right of way to trim or remove these plants if they “obstruct the view of drivers, obscure any traffic control device, or otherwise constitute a hazard to drivers or pedestrians.”
2. A section is added which requires volunteer firefighters and ambulance attendants to have specific alarm and light systems.
3. A section is added which creates a violation of the Code if a motor vehicle’s rear or front suspension is altered.
4. A section is added which creates a violation of the Code if a child between the ages of 4 and 16 is not wearing a seat belt, as a passenger. The fine is higher than a normal “failure to wear seat belt” charge.
5. A section is added which changes the process for a vehicle to receive a permit for an overweight/overlength truck permit. If this language is adopted as written, the City Council will also hear and consider, in the near future, regulatory standards for these permits.
6. Two sections are added which create a violation of the Code if a vehicle displays an official insignia, which is unauthorized and authorization to person’s with a disability to display a distress flag.

7. A section is added which refers to the method of travel for a person who is in a wheelchair when no sidewalks are available.
8. A section was added which requires drivers and pedestrians to yield to persons with disabilities.
9. A section was added requiring vehicles who are passing around a rotary traffic island must do so only to the right of the island.
10. A section was added which would allow the City to designate a lane as exclusively or preferentially for multiple occupants of one car.
11. A section was added requiring motor vehicle insurance.
12. A section was added prohibiting the use of earphones while driving.
13. A section was added authorizing the use of traffic school as a part of a sentence for a traffic violation.
14. A section was added providing for the municipal regulation of school buses.
15. A section from the 1977 version of the Model Traffic Code regarding Traffic Administration and a Traffic Violations Bureau does not exist in the 1995 version.

The rest of the amendments which are listed in the ordinance have been in existence and no changes are being made.

Background Information: In late 1995, the Colorado Department of Transportation, Transportation Commission, together with the Colorado Municipal League and a number of member municipalities revised the Model Traffic Code for Municipalities from the 1977. The changes were largely to the language to the Code, although there are substantive changes as well. This ordinance adopts the 1995 Model Traffic Code with the exception of the parking sections of the 1977 Code, which will remain in effect. This ordinance also contains several amendments to both the 1995 and 1977 versions of the Code.

Budget: None

Action Requested/Recommendation: Approval of Ordinance on Second Reading.

Citizen Presentation:	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	If Yes,
Name:						
Purpose:						

Report results back to Council:	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When:	
--	--	--------------------------	--------------------------	--------------------------	-----	--------------	--

Placement on Agenda:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>	Consent	Indiv. Consideration	<input type="checkbox"/>	<input type="checkbox"/>	Workshop
-----------------------------	--------------------------	--------------------------	--	--------------------------	---------	----------------------	--------------------------	--------------------------	----------

ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 36 OF THE
CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO,
ADOPTING THE 1995 MODEL TRAFFIC CODE AND AMENDING CERTAIN
PROVISIONS IN THE ADOPTED CODE; AND PROVIDING PENALTIES THEREFOR**

RECITALS: In late 1995, the Colorado Department of Transportation, Transportation Commission, together with the Colorado Municipal League and a number of member municipalities, completed the process of amending the *Model Traffic Code for Colorado Municipalities*. Prior to this ordinance, the City of Grand Junction had been following the 1977 *Model Traffic Code*. The new version is generally more readable with less jargon, and makes some changes to the 1977 *Code*. The 1995 *Model Traffic Code* will be adopted in its entirety, with the exception of Part 12, which deals with parking. The sections related to parking in the 1977 *Code* will remain in effect. The adoption of the updated version of the *Code* will be useful to both citizens and police officers, as it is a clearer version of the law.

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

Chapter 36 of the Code of Ordinances of the City of Grand Junction, be amended as follows:

That Chapter 36 be repealed and a new Chapter 36 be added to read:

Section 36-1. Model Traffic Code--Generally

(1) Adoption. Pursuant to applicable law including C.R.S. title 31, article 16, parts 1 and 2, there is hereby adopted by reference Article I, Part 1-19, excluding Part 12, Parking; and Article II inclusive, of the 1995 edition of the *Model Traffic Code for Colorado Municipalities*, promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. Articles X-XIV of the 1977 edition of the *Model Traffic Code* shall remain in full force and effect. The subject matter of the *Model Traffic Code* relates primarily to comprehensive traffic control regulations for the city. The purpose of this section and the code adopted in this section is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and nation. One copy of the *Model Traffic Code* adopted in this section is now filed in the office of the city clerk and may be inspected during regular business hours. The 1995 edition of the *Model Traffic Code* is adopted as if set out at length in this section.

(2) Penalties. Penalties, including fines, points, incarceration and useful public service, as determined by the Judge of the municipal court, shall apply to violations of this chapter, and according to Section 1-9 of the City of Grand Junction Code of Ordinances.

- (a) It is unlawful for any person to violate any of the provisions stated or adopted in this section.
 - (b) Every person convicted of a violation of any provision stated or adopted in this section shall be punished pursuant to and not in excess of the penalties specified in section 1-9 of the Grand Junction Code of Ordinances.
- (3) Application. This section shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction to regulate. The provisions of sections 606, 1401, 1402, and 1413 of the adopted *Model Traffic Code*, respectively concerning unauthorized devices, reckless driving, careless driving and eluding officer shall apply not only to public places and ways but also throughout this municipality.
- (4) Interpretation. This section shall be so interpreted and construed as to effectuate its general purpose to conform with the state's uniform system for the regulation of vehicles and traffic. Article and section headings of the sections of the adopted *Model Traffic Code* shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 36-2 Amendments.

The Model Traffic Code adopted in section 36-1 is hereby amended as follows:

Section 103 (2)(c) is added to read:

On no portion of any state highway or connecting link within the city shall any person violate any of the provisions of this Code, or any of the laws amending the same, or any of the rules or regulations issued pursuant thereto.

Section 238 is added to read:

- (a) Definition. For the purposes of this section, "golf cart" means a four-wheel, pneumatic tired vehicle powered by a gasoline or battery driven motor that is designed for use as a transport device on a golf course.
- (b) A golf cart may be driven upon streets under the jurisdiction of the city, excluding country roads, state or federal highways, in the area bounded on the west by 26 Road, on the east by 28 Road, on the south by Patterson Road, and on the north by H Road. Golf carts may be driven on 26 Road, 28 Road, and H Road, but are not permitted on Patterson Road or Horizon Drive (however, crossing Horizon Drive at an intersection is permitted).
- (c) (1) No person shall operate a golf cart on any public street in the city:

- a. Unless within the boundaries set forth in subsection (b) of this section.
- b. Unless the golf cart is equipped at a minimum with:
 - 1. A state approved slow triangle mounted on the rear of the cart;
 - 2. A rearview mirror;
 - 3. An audible warning device;
 - 4. A steering wheel;
 - 5. A foot-controlled accelerator; and
 - 6. A foot brake.
- c. Except during the time from one-half hour before sunrise to one-half hour after sunset.
- d. Unless in a direct route from the operator's residence to a golf course, or from a golf course to the operator's residence.
- e. Unless such person possesses, on the person of the operator, a valid state driver's license.
- f. In a way or at a speed which impedes the normal flow of traffic; the operator has the affirmative duty to observe traffic behind and around him. If the golf cart is traveling at a speed which is more than five miles per hour below the applicable speed limit, the operator of a golf cart shall pull over to the right side of the road at the first safe opportunity and allow vehicles to pass the golf cart.
- g. While under the influence of, or impaired by, alcohol; nor shall any person operate a golf cart while under the influence of any drug. The definition of, and proof of, intoxication or impairment shall be as set forth in C.R.S. § 42-4-1202. The operator of a golf cart who is arrested for operating a golf cart while under the influence of or impaired by alcohol or drugs shall submit to chemical testing as set forth in C.R.S. title 42. Failure to submit to a test as required shall result in the immediate revocation of the permit issued to an operator.
- h. Without first obtaining a permit from the city police department, which permit shall be attached to the golf cart at all times that such cart being operated upon a city right-of-way.
- i. Unless such person has, on his person, proof of recreational vehicle or similar insurance that is current and provides coverage for injury to persons and property.

(2) The operator of a golf cart on public streets shall comply with the provisions of the Model Traffic Code as adopted by the city.

(3) Nothing in this section authorizes the operation of a golf cart on rights-of-way under the jurisdiction of the county. It is the duty of each operator of a golf cart to ascertain whether a right-of-way is within the city limits.

(d) The police chief, after having determined that the golf cart and the operator are in compliance with requirements of this section, shall issue a permit. Such permits shall be valid for three years from the date of issuance unless revoked for just cause. Fees for the permit shall be as established by resolution of the city council. The city council may alter such fees by resolution.

(e) Police officers are authorized to stop a golf cart which is being operated on a city right-of-way, without probable cause or other reason, at any time, to verify that the operator has a valid permit and to inspect for required safety equipment.

(f) The city council shall, by resolution, establish the minimum requirements of required insurance for operation of golf carts on city rights-of-way.

Section 1409. Section 1409 (3) shall be amended to read:

(3) When requested to do so by a peace officer following any lawful traffic contact or during any traffic investigation, no owner or operator of a motor vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of insurance in full force and effect as required by sections 10-4-705 and 10-4-716, C.R.S. The Municipal Court shall not have jurisdiction under this section in those cases in which property damage and/or injury results.

Section 1503. Section 1503 is hereby amended by adding subsection (6), which shall read as follows:

(6) It shall be unlawful for any person to drive, ride or use a motorcycle, motor-driven cycle, motor scooter, motorbike, minibike, dune buggy, or other similar on- or off-road vehicle upon any public or private property which is not an improved public street or highway, or improved private street approved by the City of Grand Junction, except that this subsection shall not apply in either of the following instances:

(a) Where such vehicle is being driven, ridden, or used upon property by the owner, resident or tenant of such property, or by an authorized visitor when such visitor is accompanied by or has a written authorization in his possession from the owner, resident or tenant of the property.

(b) Where such use is permitted pursuant to a use permit or otherwise in accordance with the zoning regulations of the City of Grand Junction.

(7) Nothing herein shall be interpreted to permit the operation on city streets of vehicles otherwise prohibited from such operation.

Article II, Section 102. Section 102 (68) is hereby amended to read as follows:

(68) Sidewalk or sidewalk area means that portion of a street between the curblines, or the lateral lines, of a roadway and the adjacent property lines.

Article II. Section 102. Section 102 is hereby amended by the creation of subsection (90) to read as follows:

(90) Golf cart means a four-wheel, pneumatic tired vehicle powered by a gasoline or battery driven motor that is designed for use as a transport device on a golf course.

Article II. Section 102. Section 102 is hereby amended by the creation of subsection (91) to read as follows:

(91) Holidays. Where used in this ordinance or on official signs shall, in addition to Sundays mean New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, General Presidential Election Day, Veterans Day, Thanksgiving Day, and Christmas Day.

The 1977 version of the Model Traffic Code pertaining to parking shall be amended as follows:

Section 11-1 (4). Section 11-1 (4) is amended to read as follows:

(5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings; every vehicle shall be parked wholly within a designated parking space. Parking space designations shall be made by markings, signs or other appropriate indication upon the curb and/or pavement. Except where prohibited by other provision of this code, a vehicle which is of a size too large to be parked within a single space shall be permitted to occupy two adjoining spaces when the vehicle will fit wholly and completely within the designated spaces and where, as applicable, the necessary number of parking meter charges have been paid.

Section 14-6. Section 14-6 is hereby added to read as follows:

(a) When a driver, owner, or person in charge of a vehicle has failed to respond to the following notices of illegal parking:

(1) A notice placed on the vehicle pursuant to section 1203, chapter 36 of the Code of Ordinances of the City of Grand Junction; and

(2) An additional notice mailed to the registered owner of the vehicle;

a police officer or other authorized person of the City of Grand Junction, acting in his official capacity, may temporarily immobilize such vehicle by attaching to it a device designed to restrict the normal movement of the vehicle; provided, however, that the vehicle shall be located on a public right-of-way or in such a place frequented by the public for public purposes, or private property where the public frequents for public purposes, or private property where the public is a business invitee. Prior to immobilization the municipal court shall review the procedure followed and enter an order directing the immobilization.

- (b) If a vehicle is immobilized, the officer shall affix a conspicuous notice to the vehicle informing the driver, owner or person in charge of the vehicle that:
- (1) The vehicle has been immobilized by the City of Grand Junction for a parking violation pursuant to the Code of Ordinances of the City of Grand Junction by an order issued by the judge of the municipal court.
 - (2) The owner of the vehicle may request an immediate hearing in the Grand Junction municipal court to contest the citation or immobilization of the vehicle, or the owner of the vehicle shall have the right, upon request, to a post-deprivation hearing within 48 hours after the request for such hearing, excluding Saturdays, Sundays and holidays. In the alternative, the owner may obtain immediate release of the vehicle by posting bond in the amount of the delinquent parking fines and fees plus booting costs as established by resolution of the city council and on file in the city clerk's office with the clerk of the municipal court. If the vehicle is so released, any hearing requested will be set within the normal time limits of any other hearing in municipal court.
 - (3) Release of the vehicle may be obtained without a hearing by payment of fines, fees and costs as established by resolution of the city council and on file in the city clerk's office to the clerk of the municipal court.
 - (4) Unless arrangements are made for the release of the vehicle within 72 hours, the vehicle shall be removed from the streets by a police officer pursuant to section 36-6 of the Code of Ordinances of the City of Grand Junction.
 - (5) That removing or attempting to remove the device before a release is obtained is unlawful.
- (c) It shall be unlawful for any person to remove or attempt to remove an immobilized vehicle before a release is obtained or to move any such vehicle before the police department releases it.

Section 36-3. Notice on illegally parked vehicle.

- (a) Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by the ordinances of this municipality, the officer

finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a penalty assessment notice, directing the driver thereof to respond to and answer the charge against him at a place and at a time specified in said notice.

- (b) If upon the violation of any of the parking restrictions imposed by this ordinance a person produces photographic evidence of a stopping, standing or parking violation and reports the same to the Municipal law enforcement agency, then the Municipal law enforcement agency or the City Attorney, upon a determination of probable cause to believe that a stopping, standing or parking violation has been committed may issue a penalty assessment notice to the registered owner of the vehicle as otherwise provided in this section 36-3. Upon a determination of the registered owner of the vehicle, a penalty assessment may be mailed to the address of record shown on the current registration for the vehicle.
- (c) For purposes of this section 36-3 photographic evidence means still photographs, video or digital images which show the violation, the front and rear license plates of the vehicle and the date and time of the violation. The person procuring the photographic evidence shall for the purposes of prosecution be considered the complaining witness. The person procuring the photographic evidence shall in order for a prosecution thereon to be sustained, be sworn and under oath or affirmation testify that the photographic evidence is true and accurate and faithfully depicts what he/she observed.

Section 36-4. Failure to Comply with notice on parked vehicle.

- (a) If the driver or owner of an unattended motor vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the traffic ordinances of this municipality does not respond with the time specified to a penalty assessment notice affixed to such vehicle, by appearance and payment at the court having jurisdiction, or by mailing payment by means of the United States mail, or by other disposition of the charge as provided by law, the clerk of said court shall send another notice by mail to the registered owner of the vehicle to which the original notice was affixed, warning him that in the event such notice is disregarded for a period of twenty (20) days from date of mailing, a complaint will be filed and a warrant of arrest will be issued.
- (b) If the driver or owner of an unattended motor vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the traffic ordinances of this municipality does not respond within the time specified to a penalty assessment notice affixed to such vehicle or mailed to the registered owner of the vehicle, as provided in section 36-3, by appearance and payment at the Traffic Violations Bureau or court having jurisdiction, or by mailing payment by means of the United States mail or by other disposition of the charges as provided by law, the clerk of said court or Traffic Violations Bureau shall send notice by mail to the registered owner of the vehicle to which the penalty assessment was affixed or another notice to the registered owner of the vehicle

to which the first mailed notice was sent, warning him that in the event such notice is disregarded for a period of twenty (20) days from the date of mailing a warrant of arrest will be issued.

Section 36-5. Presumption in reference to illegal parking.

In any prosecution charging a violation of any provision of this ordinance governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

Section 36-6. Authority to Impound Vehicles.

- (a) Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within this municipality in such a manner as to constitute a violation of Section 10-5 of the 1977 version of the Model Traffic Code, or left unattended for a period of 24 hours or more and presumed to be abandoned under the conditions prescribed by 42-4-1102(2) and 42-4-1103(2) C.R.S., such officer shall require such vehicle to be removed or cause the same to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by this municipality.
- (b) In the event of abandonment of a vehicle on property within this municipality other than public rights-of-way, the owner of such property may, in addition to his other remedies, notify the police department, and such police shall after a period of 72 hours cause the abandoned vehicle to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the municipality.
- (c) Impoundment
 - (1) As to any vehicle impounded pursuant to this chapter by or at the request of the city, its agents or employees, a person who has a legal entitlement to possession of the vehicle has a right to a post-seizure administrative hearing to determine whether there was probable cause to impound the vehicle if such person files a written demand, on forms so provided for such a hearing, with the city within ten days after such person has learned such vehicle has been impounded or within ten days after the mailing of the date set in the notice of stored vehicle, whichever occurs first. The notice of stored vehicle shall be sent in the mail to the legal and registered owner or his agent and to the garage where the vehicle is stored within 48 hours, excluding weekends and holidays, after impounding and storage of the vehicle.
 - (2) A hearing shall be conducted before a hearing officer designated by the city manager within 48 hours of receipt of a written demand therefor from the person

seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays, and city holidays are to be excluded from the calculation of the 48-hour period. The hearing officer shall be someone other than the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question.

“Probable cause to impound” shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle.

The hearing officer shall conduct the hearing in an informal manner and shall not be bound by the technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The police department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing). The hearing officer’s decision in no way affects any criminal proceeding in connection with the impounding in question and that any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner or his agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

- (3) The hearing officer shall only determine that as to the vehicle in issue, either (a) there was probable cause to impound the vehicle or (b) there was no such probable cause. If the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, copies of which shall be given to the possessor of the vehicle and the police department. Upon receipt of the possessor’s copy of such certificate, the official police garage having custody of the vehicle shall release the vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be paid by the city in accordance with arrangements made between the city and the official police garage. If the possessor fails to present such certificate to the official police garage having custody of the vehicle within 24 hours of its receipt, excluding such days when the official police garage is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement.

Section 36-7. Parking on state highways during snow removal.

There shall be no parking whatsoever on any roadway or contiguous shoulder of any state highway or connecting link within the city during the times and places where snow removal operations are in progress.

Section 36-8. Parking at curb or edge of roadway.

- (a) Except where angle parking is permitted by this Code and, in the case of State highways, is approved by the State Department of Highways, and except as otherwise provided by this Code every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
- (b) Except as otherwise provided by this Code, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within 12 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

Section 36-9. Obedience to angle-parking signs or markings. On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Section 36-10. Lamps on parked vehicles.

- (a) Whenever a vehicle is lawfully parked upon a highway during the hours between sunset and sunrise, and in the event there is sufficient light to reveal any person or object within a distance of 1,000 feet upon such highway, no lights need be displayed upon such parked vehicle.
- (b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise, and there is not sufficient light to reveal any person or object within a distance of 1,000 feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more operating lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of 500 feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or a combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.
- (c) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

Section 36-11. Unattended motor vehicle. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brake thereon, and, when standing upon any grade, said person shall turn the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the traveled way.

Section 36-12. Parking not to obstruct traffic or maintenance. No person shall park any vehicle upon a street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance.

Section 36-13. Parking in alleys.

(a) No person shall park a vehicle within an alley accept during the necessary and expeditious loading and unloading of merchandise or freight.

(b) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

Section 36-14. Moving unattended vehicle. No person shall move a vehicle not owned by or in charge of such person into any prohibited area or away from a curb such distance as is unlawful.

Section 36-15. Clearance between vehicles. No person shall stand or park a vehicle in such a manner as to leave available less than 2 feet clearance between vehicles when parked.

Section 36-16. Waiting for parking space being cleared. The driver of a vehicle while waiting for a parking space to be cleared by another vehicle which is in the actual process of leaving such parking space shall stop on the roadway side of an immediately to the rear of such leaving vehicle and shall remain in such position until the parking space has been cleared.

Section 36-17. Stopping, standing or parking prohibited in specified places.

- (a) No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or official traffic control device, in any of the following places:
- (1) On a sidewalk;
 - (2) Within an intersection;
 - (3) On a crosswalk;
 - (4) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;
 - (5) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - (6) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - (8) On any railroad tracks;
 - (9) On any controlled-access highway;
 - (10) In the area between roadways of a divided highway, including crossovers;
 - (11) At any other place where official signs prohibit stopping.
- (b) In addition to the restrictions specified in subsection (a) of this section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:
- (1) Within five feet of a public or private driveway;
 - (2) Within fifteen feet of a fire hydrant;
 - (3) Within twenty feet of a crosswalk at an intersection;
 - (4) Within thirty feet upon the approach to any flashing beacon or signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
 - (5) Within twenty feet of the driveway entrance to any fire station or, on the side of a street opposite the entrance to any fire station, within seventy-five feet of said entrance when properly signposted;
 - (6) At any other place where official signs prohibit standing.
- (c) In addition to the restrictions specified in subsections (a) and (b) of this section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:
- (1) Within fifty feet of the nearest rail of a railroad crossing;
 - (2) At any other place where official signs prohibit parking.

Section 36-18. Parking for certain purposes prohibited. No person shall park a vehicle upon a roadway for the principal purpose of:

- (1) Displaying such vehicle for sale;
- (2) Washing, greasing, painting, or repairing such vehicle except repairs necessitated by an emergency;
- (3) Displaying advertising.

Section 36-19. Stopping, standing or parking on highway. No person shall stop, stand or park a vehicle on any highway ramp or on any other portion of the main-traveled way of such highway.

Section 36-20. Regulations not exclusive. The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places, at specified times, or in a specified manner.

Section 36-21. Obedience to stopping, standing or parking regulations. On any street or at any place within this municipality where official signs are posted giving notice of stopping, standing or parking restrictions or prohibitions as authorized in this Code and described in traffic control schedules, no person shall stop, stand or park a vehicle in any manner in violation of the provisions contained on such sign or signs except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or official traffic control device or except for the purpose of loading or unloading passengers when such standing does not obstruct, impede or endanger any traffic.

Section 36-22. Parking privilege for the handicapped. A vehicle with distinguishing license plates or an identifying placard indicating a "person with a mobility handicap," as defined in section 25-5(h) of this Code, may be parked along public streets regardless of any time limitation imposed by official signs upon parking in such area; except that such privilege shall apply to zones in which:

- (1) Stopping, standing, or parking of all vehicles is prohibited at all times;
- (2) Only special vehicles may be parked; or
- (3) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

Section 36-23. All-night parking. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street signed to prohibit all-night parking, for a period of time longer than 30 minutes between the hours of 2 a.m. and 5 a.m. of any day.

Section 36-24. Emergency stopping or parking only. When official signs are erected giving notice thereof no person shall stop, stand or park a vehicle on the shoulder of any highway or any other facility so marked except in case of emergency involving the vehicle or its occupants.

Section 36-25. Standing in passenger loading zone. No person shall stand a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place officially marked as a passenger loading zone during hours when the regulations applicable to such loading zone are effective and then only for a period not to exceed 3 minutes.

Section 36-26.

(a) No person shall stand a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place officially marked as a freight loading zone during hours when the provisions applicable to such zones are in effect.

(b) In no case shall the standing for loading and unloading of materials exceed 30 minutes.

Section 36-27. Permits for loading zones. Whenever special permits are issued, as authorized in section 23-9, to establish or control the use of loading zones or to allow the backing of a vehicle for the purpose of loading or unloading merchandise or materials subject to certain conditions, no permittee or other person shall violate any of the special terms of any such permit.

Section 36-28. Bus stops regulated.

(a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stop so designated as authorized in section 23-9.

(b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated as authorized in section 23-9, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

Section 36-29. Taxicab stands regulated.

(a) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as authorized in section 23-9.

(b) This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other parking, standing or stopping regulations

at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

Section 36-30. Standing in restricted parking zone. No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose specified on official signs marking such restricted zone and during the period of time the restriction is effective, except that the driver of a passenger vehicle may stop momentarily therein for the purpose of and while actually engaged in loading or unloading passengers when such standing or stopping does not interfere with the kind of traffic for which the zone is reserved.

Section 36-31. Parking meter zones. Wherever parking meter zones have been established on streets or in parking areas regulated by this municipality, the parking of vehicles at places, streets or parts of streets so designated shall be controlled by parking meters between the hours and on the days declared in said schedules or records and specified on authorized parking meter signs or legends.

Section 36-32. Parking meters. Parking meters installed in parking meter zones established as provided in this Code shall be so designed, constructed, installed and set as to meet the following conditions:

- (1) Said meters shall be capable of being operated, either automatically or mechanically, upon the deposit therein of one or more coins of United States currency or authorized tokens for the full period of time for which parking is lawfully permitted in any such parking meter zone or, in lieu thereof, for an appropriate fractional period of time.
- (2) Upon the expiration of the time period registered by the deposit of one or more coins or authorized tokens as provided herein, said meters will indicate by an appropriate signal that the lawful parking meter period has expired, and during said period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period.
- (3) Each parking meter shall bear thereon an authorized sign or message clearly legible indicating the days and hours when the requirement to deposit coins or tokens therein shall apply, the value of the coins or tokens to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

Section 36-33. Parking meter spaces.

- (a) Parking meter spaces shall be of appropriate length and width as determined by an engineering and traffic investigation and may be designated by appropriate markings upon the curb and/or pavement of the street.
- (b) Every vehicle shall be parked wholly within a metered space with the front end or front portion of such vehicle immediately opposite the parking meter for such space.

- (c) Except where prohibited by other provisions of this Code, a vehicle which is of a size too large to be parked within a single parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins or tokens shall have been deposited in the parking meter for each space so occupied as is required in this ordinance for the parking of other vehicles in such space.

Section 36-34. Deposit of coins or tokens and time limits.

- (a) No person shall park a vehicle in any parking space upon a street alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a coin or coins of United States currency or authorized tokens of the appropriate denomination as provided in this Code shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.
- (b) No person shall deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for coins of United States currency or authorized tokens, and no person shall deposit any lawful coin or authorized token that is bent, cut, torn, battered or otherwise misshapen.
- (c) No person shall permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space is expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin(s) or token(s) in such meter.
- (d) No person shall park a vehicle in any such parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amount of the coins or tokens deposited in such meter.
- (e) A vehicle may be parked in a parking meter space without operation of the meter on Sundays, on holidays as defined in this Code, and during those hours of the day when the requirement to deposit coins or tokens does not apply as determined from the parking meter sign or legend.
- (f) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this Code prohibiting or limiting the stopping, standing or parking of vehicles in specified places, at specified times, or in a specified manner.

Section 36-35. Tampering with meter.

- (a) No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.
- (b) No person, firm or corporation shall place any sack or covering over, upon or around any parking meter head, remove any parking meter head, or otherwise indicate or show that the said meter is inoperative or inapplicable without proper authority to do so.

Section 36-37. Authorized service vehicles.

The warning lamps authorized by State law for authorized service vehicles and those service vehicles designated as emergency vehicles by the Police Chief shall be activated by the operator only when the vehicle is operating upon the roadway and may create a hazard to other traffic. The use of such lamps shall not relieve the operator from his duty of using due care for the safety of others or from the obligation of using any other safety equipment or protective devices that are required by State law. Service vehicles authorized to operate also as emergency vehicles shall also be equipped to comply with signal requirements for emergency vehicles.

Section 36-38. Limitations on backing.

- (a) The driver of a vehicle, whether on public property or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other traffic.
- (b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

Section 36-39. Operation of vehicles when in vicinity of authorized service vehicles.

Whenever an authorized service vehicle is performing its service function and is displaying lights as authorized by State law, drivers of all other vehicles shall exercise more than ordinary care and caution in approaching, overtaking or passing such service vehicle.

Introduced this 1st day of November, 2000.

Passed and adopted this 6th day of December, 2000.

/s/ Gene Kinsey
President of the Council

ATTEST:

/s/ Stephanie Nye
City Clerk

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	Supplemental Appropriation Ordinance	
Meeting Date:	December 6, 2000	
Date Prepared:	November 30, 2000	
Author:	Lanny Paulson	Budget & Accounting Manager
Presenter Name:	Lanny Paulson	Budget & Accounting Manager
	Workshop	Formal Agenda

Subject: Supplemental Appropriation Ordinance for the budget year 2000.

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

Background Information: A second supplemental appropriation ordinance is adopted every year at this time to fine tune the budget and to appropriate contingency amounts to ensure the proper level of appropriation authority by fund. With a few minor exceptions, the requested revisions by fund are as presented to the City Council at the Budget Workshop on Monday October 30, 2000.

Budget: Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance. The total appropriation adjustment for all funds combined is \$4,114,111.

Action Requested/Recommendation: Adoption of the appropriation ordinance with final passage on December 6, 2000.

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

**ORDINANCE NO.
AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS
TO THE 2000 BUDGET OF THE CITY OF GRAND JUNCTION**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION: That the following sums of money be appropriated from the sources indicated to the funds within the City of Grand Junction budgets for the year **2000** for expenditure from such funds as follows:

	100 General Fund	\$ 221,5
	Source of funds:	
	From unappropriated fund balance and additional revenue	\$
	221,555	
	103 DDA Operating Fund	\$ 68,737
	Source of funds:	
	From unappropriated fund balance and additional revenue	\$ 68,737
	108 Economic Development Fund	\$ 545,000
	Source of funds:	
	From unappropriated fund balance	\$ 545,000
	109 DDA TIF Special Revenue Fund	\$ 34,000
	Source of funds:	
	From unappropriated fund balance and additional revenue	\$ 34,000
	301 Water Fund	\$ 139,
	Source of funds:	
	From unappropriated fund balance and additional revenue	\$ 139,929
	302 Solid Waste Fund	\$ 30,30
	Source of funds:	
	From unappropriated fund balance and additional revenue	\$ 30,306

304	Swimming Pools Fund	\$ 8,408	
	Source of funds:		
	From unappropriated fund balance in Fund 100		\$ 8,408
305	Lincoln Park Golf Course Fund	\$ 44,571	
	Source of funds:		
	From unappropriated fund balance and additional revenue		\$ 44,571
306	Tiara Rado Golf Course Fund	\$ 39,769	
	Source of funds:		
	From unappropriated fund balance and additional revenue		\$ 39,769
308	Parking Fund	\$ 23,710	
	Source of funds:		
	From unappropriated fund balance and additional revenue		\$ 23,710
309	Irrigation Fund	\$ 8,000	
	Source of funds:		
	From unappropriated fund balance and additional revenue		\$ 8,000
704	Cemetery Perpetual Care Fund	\$ 7,500	
	Source of funds:		
	From unappropriated fund balance and additional revenue		\$ 7,500
900	Joint Sewer Systems Fund	\$ 968,851	
	Source of funds:		
	From unappropriated fund balance and additional revenue		\$ 968,851

The following sum shall be appropriated to the Administrative Services Department, said sum to be derived from charges to various departments and customers of the City for stores and print shop activities:

For Stores Fund #403	\$ 10,793	
Revenue from Stores Fund #403		\$ 10,793

The following sum shall be appropriated to the Self Insurance Fund, said sum to be derived from accumulated reserves for claims expense:

For Self Insurance Fund #404	\$ 1,962,982	
Revenue from Self Insurance Fund #404		\$ 1,962,982

Introduced on first reading this 15th day of November, 2000

Passed and adopted this ___ day of _____, 2000

President of the Council

Attest:

City Clerk

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	Annual Appropriation Ordinance	
Meeting Date:	December 6, 2000	
Date Prepared:	November 30, 2000	
Author:	Lanny Paulson	Budget & Accounting Manager
Presenter Name:	Lanny Paulson	Budget & Accounting Manager
	Workshop	Formal Agenda

Subject: Annual Appropriation Ordinance for the budget year 2001.

Summary: The total appropriation for all thirty-five accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$88,376,959. Although not a planned expenditure, an additional \$2,000,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Background Information: With the exception of an increase (\$375,420) for the Two Rivers Remodel Project, the budget, by fund, is as presented to the City Council at the Budget Workshop on Monday October 30, 2000.

Budget: Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance.

Action Requested/Recommendation: Adoption of the appropriation ordinance with final passage on December 6, 2000.

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:
Placement on Agenda:	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>
					Workshop

Ordinance No.

THE ANNUAL APPROPRIATION ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, THE RIDGES METROPOLITAN DISTRICT, AND THE GRAND JUNCTION WEST WATER AND SANITATION DISTRICT, FOR THE YEAR BEGINNING JANUARY 1, 2001, AND ENDING DECEMBER 31, 2001.

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

SECTION 1. That the following sums of money, or so much therefore as may be necessary, be and the same are hereby appropriated for the purpose of defraying the necessary expenses and liabilities, and for the purpose of establishing emergency reserves of the City of Grand Junction, for the fiscal year beginning January 1, 2001, and ending December 31, 2001, said sums to be derived from the various funds as indicated for the expenditures of:

<u>FUND NAME</u>	<u>FUND #</u>	<u>APPROPRIATIO</u> <u>N</u>	<u>Emergency</u> <u>Reserve</u>
General	100	\$ 36,629,599	\$ 2,000,000
Enhanced 911 Special Revenue	101	\$ 779,179	
Visitor & Convention Bureau	102	\$ 1,228,971	
DDA Operations	103	\$ 425,608	
CDBG Special Revenue	104	\$ 400,000	
Parkland Expansion	105	\$ 494,472	
Wood Stove Replacement Incentive	106	\$ 25,000	
Golf Course Expansion	107	\$ 167,408	
Economic Development	108	\$ 455,000	
DDA/TIF Special Revenue	109	\$ 560,580	
Sales Tax CIP	201	\$ 12,533,104	
Storm Drainage Improvement	202	\$ 2,100,121	

DDA/TIF/CIP	203	\$ 868,000
Future Street Improvements	207	\$ 550,000
Water	301	\$ 4,059,616
Solid Waste	302	\$ 2,172,654
Two Rivers Convention Center	303	\$ 5,510,468
Swimming Pools	304	\$ 601,910
Lincoln Park Golf Course	305	\$ 564,165
Tiara Rado Golf Course	306	\$ 1,118,465
City Cemeteries	307	\$ 302,463
Parking	308	\$ 138,175
Irrigation	309	\$ 170,458
Data Processing	401	\$ 1,559,704
Equipment	402	\$ 2,600,710
Stores	403	\$ 199,238
Self Insurance	404	\$ 987,294
Communications Center	405	\$ 2,477,531
General Debt Service	610	\$ 326,472
DDA Debt Service	611	\$ 514,980
(Continued from Page 1)		
GJWWSD Debt Service	612	\$ 145,239
Ridges Metro District Debt Service	613	\$ 226,093
Parks Improvement Advisory Board	703	\$ 124,425
Cemetery Perpetual Care	704	\$

		65,000	
Joint Sewer System	900	\$	
		7,294,857	
TOTAL ALL FUNDS		\$	\$
		88,376,959	2,000,000

SECTION 2. The following amounts are hereby levied for collection in the year 2001 and for the specific purpose indicated:

	<u>Millage Rate</u>	<u>Amount Levied</u>
For General Fund	8.000	\$3,057,064
Temporary Credit	(1.570)	(\$599,949)
For Ridges Metropolitan District Fund		
District #1	10.000	\$96,144
District #2	150.000	\$21,459
For Grand Junction West Water & Sanitation District Fund	9.500	\$58,313
For Downtown Development Authority	5.000	\$123,658

SECTION 3. That commencing January 1, 2001, the annual salary for the City Manager of the City of Grand Junction, Colorado, shall be \$100,000.00.

INTRODUCED AND ORDERED PUBLISHED this 15th day of November, 2000.

PASSED AND ADOPTED this day of , 2000.

Attest:

President of the Council

City Clerk

Attach 21

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>		
Subject:	Resolution authorizing the acquisition of a sanitary sewer easement and temporary construction easement by condemnation proceedings.	
Meeting Date:	December 6, 2000	
Date Prepared:	November 30, 2000	
Author:	Tim Woodmansee	Real Estate Manager
Presenter Name:	Tim Woodmansee	Real Estate Manager
	Workshop	Formal Agenda

Subject: Proposed Resolution determining the necessity of and authorizing the acquisition of a sanitary sewer easement and temporary construction easement by condemnation for the installation of sanitary sewer facilities connected with Sanitary Sewer Improvement District No. SS-44-00.

Summary: The proposed resolution will authorize the City to initiate condemnation proceedings to acquire certain easement interests from the Grand Valley Irrigation Company.

Background Information: The City Council has passed a resolution stating its intent to create a sanitary sewer improvement district at the request of and for the benefit of the owners of 50 properties located in a district formally known as Sanitary Sewer District No. SS-44-00. Implementation of this sewer improvement district requires the acquisition of a sanitary sewer easement and temporary construction easement across certain real property owned by the Grand Valley Irrigation Company (GVIC).

City staff have formally offered to purchase the required easement interests from GVIC. The GVIC Board of Directors have responded that the required easement interests will not be granted until other unrelated issues are resolved. Condemnation proceedings may be necessary to obtain the required easement interests and to maintain the schedule for this improvement district.

Action Requested/Recommendation: Pass and adopt proposed resolution.

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

Name:							
Purpose:							
Report results back to Council:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When:	
Placement on Agenda:	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop	

RESOLUTION NO. _____

**DETERMINING THE NECESSITY OF AND
AUTHORIZING THE ACQUISITION OF CERTAIN EASEMENT INTERESTS BY
CONDEMNATION FOR IMPROVEMENTS CONNECTED WITH
SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-44-00**

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

Section 1. It is hereby determined that it is necessary to the public health, safety and welfare that the easement interests described below ("Easements") be acquired for sanitary sewer purposes. The Easements are to be acquired by negotiation and purchase if possible; provided, however, the condemnation of the Easements is hereby specifically approved and authorized. The Easements sought to be acquired are to be used for the installation, operation, maintenance, repair and replacement of public sanitary sewer facilities.

Section 2. The City Attorney is hereby specifically authorized and directed to take all necessary legal measures, including condemnation, to acquire the Easements which are hereby determined to be necessary to be acquired to be used for sanitary sewer purposes. The City Attorney is further authorized to request immediate possession of the Easements.

Section 3. Interests to be acquired: One (1) perpetual sanitary sewer easement and one (1) temporary construction easement.

Owner(s) of record: The Grand Valley Irrigation Company, a Colorado nonprofit corporation.

Legal Descriptions:

Perpetual Sanitary Sewer Easement:

Commencing at the Northwest corner of Section 2, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the west line of the Northwest $\frac{1}{4}$ of said Section 2 to bear S 00°06'00" E with all bearings contained herein being relative thereto; thence S 00°06'00" E along the west line of the Northwest $\frac{1}{4}$ of said Section 2 a distance of 665.68 feet; thence leaving the west line of said Northwest $\frac{1}{4}$, S 75°50'00" E a distance of 30.94 feet to a point on the west boundary line of the property of Grantor; thence N 00°00'00" E along the west boundary line of the property of Grantor a distance of 5.72 feet to the Northwest corner of the property of Grantor; thence S 75°55'00" E along the north boundary line of the property of Grantor a distance of 1,010.92 feet to the True Point of Beginning;

thence S 75°55'00" E along the north boundary line of the property of Grantor a distance of 24.48 feet;

thence leaving the north boundary line of the property of Grantor, S 21°08'34" E a distance of 420.07 feet;

thence S 89°38'00" W a distance of 10.12 feet;

thence S 32°36'00" E a distance of 270.23 feet to the Southeast corner of the property of Grantor;

thence S 89°54'00" W along the south boundary line of the property of Grantor a distance of 27.19 feet;

thence leaving the south boundary line of the property of Grantor, N 32°32'30" W a distance of 148.51 feet;
thence N 26°06'22" W a distance of 109.68 feet;
thence N 21°08'34" W a distance of 430.83 feet to the Point of Beginning,
containing 13,848.17 square feet as described; and also

Temporary Construction Easement:

Commencing at the Northwest corner of Section 2, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, and considering the west line of the Northwest ¼ of said Section 2 to bear S 00°06'00" E with all bearings contained herein being relative thereto; thence S 00°06'00" E along the west line of the Northwest ¼ of said Section 2 a distance of 665.68 feet; thence leaving the west line of said Northwest ¼, S 75°50'00" E a distance of 30.94 feet to a point on the west boundary line of the property of Grantor; thence N 00°00'00" E along the west boundary line of the property of Grantor a distance of 5.72 feet to the Northwest corner of the property of Grantor; thence S 75°55'00" E along the north boundary line of the property of Grantor a distance of 1,035.40 feet to the True Point of Beginning;

thence S 75°55'00" E along the north boundary line of the property of Grantor a distance of 12.24 feet;

thence leaving the north boundary line of the property of Grantor, S 21°08'34" E a distance of 416.80 feet;

thence S 89°38'00" W a distance of 10.70 feet;

thence N 21°08'34" W a distance of 420.07 feet to the Point of Beginning,
containing 4148.33 square feet as described.

Section 4. The City Engineer is hereby authorized to amend the legal descriptions of the parcels to be acquired and the nature of the interests to be acquired, if necessary in the course of construction.

Section 5. The City Council hereby finds and resolves, in the event that acquisition by condemnation of any parcel described in this resolution is commenced, that immediate possession is necessary for the public health, safety and welfare, due to bidding and construction deadlines.

Section 6. The Charter authorizes this resolution and the actions described. The resolution shall be effective upon an affirmative vote of a majority of the City Council considering it.

PASSED and ADOPTED this 6th day of December, 2000.

Attest:

City Clerk

President of the Council

