

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

WEDNESDAY, JANUARY 17, 2001, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Miriam Greenwald
Lay Leader, Jewish Community
Congregation Ohr Shalom

APPOINTMENTS

APPOINTMENTS TO THE BOARD OF APPEALS

CITIZEN COMMENTS

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

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

Action: Approve the Summary of the January 3, 2001 Workshop and the Minutes of the Regular Meeting January 3, 2001

2. **Meeting Schedule and Posting of Notices** [Attach 2](#)

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 4-01 – A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the City Council Meeting Schedule and the Procedure for Calling of Special Meetings for the City Council

**Action: Adopt Resolution No. 4-01*

Staff presentation: Stephanie Nye, City Clerk

3. **Intergovernmental Agreement with Mesa County for Conducting a Mail Ballot Election** [Attach 3](#)

The City Council budgeted for a mail ballot election for the regular municipal election in April, 2001 and it was officially authorized at the December 20, 2000 meeting. The City Clerk and the Mesa County Elections Division have discussed procedures and areas of responsibility for the upcoming municipal election. The partnership for administering the election worked very well for the last regular election held in 1999. The terms and costs are now being presented to City Council for approval in the form of an Intergovernmental Agreement.

Action: Authorize the City Clerk to Sign the Intergovernmental Agreement with Mesa County for the April, 2001 Mail Ballot Election

Staff presentation: Stephanie Nye, City Clerk

4. **Appleton Sewer Improvement District #2** [Attach 4](#)

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Taylor Constructors	Grand Jct.	\$378,820.00
Mendez Construction	Grand Jct.	\$405,045.45
Skyline Construction	Grand Jct.	\$424,177.40
Grant Miller Construction	Silverthorne	\$489,881.20
Sorter Construction	Grand Jct.	\$559,905.00
Engineer's Estimate		\$381,965.00

Action: Award Contract for Appleton Sewer Improvement District #2 to Taylor Constructors in the Amount of \$378,820 Contingent upon Mesa County Commissioners Passing a Resolution to Create the Improvement District

Staff presentation: Greg Trainor, Utilities Manager

5. **Setting a Hearing on Supplemental Appropriation Ordinance for the 2001 Sewer System Fund** [Attach 5](#)

The Septic system Elimination Program, adopted May 3, 2000, has had high interest levels. Due to the demand, Staff is running into budget constraints. Staff is requesting the Council shift approximately \$900,000 from the 2002 Budget to 2001 to fund design and construction of Country Club Park and Monument Meadows sewer improvement districts and the design of Redlands Village sewer improvement district. This move requires passage of an ordinance making supplemental appropriations to the 2001 budget.

Proposed Ordinance Making Supplemental Appropriations to the 2001 Budget of the City of Grand Junction

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 7, 2001

Staff presentation: Trent Prall, Utility Engineer
Greg Trainor, Utilities Manager

6. **Vacating a Utility and Drainage Easement Located at 2464 F Road (Mauch Photo)** [File #VE-2000-212] [Attach 6](#)

The petitioner is requesting the vacation of a 30' utility and drainage easement. The project is located at 2464 Patterson Road, one lot east of Bishop's Furniture. At the December 12, 2000 hearing, the Planning Commission forwarded a recommendation of approval to the City Council.

Resolution No. 5-01 – A Resolution Vacating a Utility and Drainage Easement at 2464 F Road

**Action: Adopt Resolution No. 5-01*

Staff presentation: Joe Carter, Associate Planner

7. **Setting a Hearing on Moore Annexation Located at 457 31 Road** [File #ANX-2001-012] [Attach 7](#)

This 4.87-acre annexation consists of one parcel of land located at 457 31 Road and including portions of the E Road and 31 Road rights-of-way.

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

Resolution No. 6-01 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Moore Annexation Located at 457 31 Road and Including a Portion of the 31 Road and E Road Rights-of-Way

**Action: Adopt Resolution No. 6-01*

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Moore Annexation, Approximately 4.87 Acres, Located at 457 31 Road and Including Portions of the 31 Road and E Road Rights-of-Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 7, 2001

Staff presentation: Dave Thornton, Principal Planner

8. **Setting a Hearing on Amending Chapter 10 of the City Code of Ordinances Regarding the Building Code (Insurance Requirements)** [Attach 8](#)

On December 6, 2000, the City Council adopted the 2000 International Building Code. Consequently, certain other sections of the Code of Ordinances must be updated to remain consistent with the newly adopted Building Code, specifically the provisions related to insurance requirements to received a contractor's license.

Proposed Ordinance Amending Chapter 10 of the Code of Ordinances of the City of Grand Junction, Colorado

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 7, 2001

Staff presentation: John Shaver, Assistant City Attorney

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

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

9. **Public Hearing – Amending Chapters 6 and 33 of the City Of Grand Junction Code Of Ordinances Regarding Animal Control (Feral Cats) - CONTINUED FROM THE NOVEMBER 15, 2000 MEETING** [Attach 9](#)

This proposal makes two changes to the City of Grand Junction Code of Ordinances. First, the Zoning and Development Code (Chapter 33) is being changed to permit registered participants of Community Cat Care to care for more than three cats, so long as these persons follow the requirements set forth by Community Cat Care. The second change is to the Animal Control Regulations (Chapter 6) to require that registered participants of Community Cat Care have the cats they are caring for vaccinated against rabies and spayed or neutered.

(1) Ordinance No. 3325 – An Ordinance Amending Chapter 33 (Zoning and Development Code), Section 4.3.A.4.a of the Code of Ordinances of the City of Grand Junction, Colorado

(2) Ordinance No. 3326 – An Ordinance Amending Chapter 6, Section 6-58(a) of the Code of Ordinances of the City of Grand Junction, Colorado

**Action: Adopt Ordinances No 3325 and No. 3326 on Second Reading*

Staff presentation: Stephanie Rubinstein, Staff City Attorney

10. **Public Hearing - CHC Cellular Annexations No. 1 and No. 2 Located at 2784 Winters Avenue** [File #ANX-2000-186] **CONTINUED FROM DECEMBER 6, 2000 MEETING** [Attach 10](#)

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. At the hearing on December 6, 2000, the petitioner asked for the annexation to be withdrawn because of inability to complete development permit. The City Council continued the request to allow the applicant additional time to further negotiate the lease.

a. Resolution Accepting Petitions

Resolution No. 7-01 – 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. 7-01*

b. Annexation Ordinances

(1) Ordinance No. 3327 – 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. 3328 – 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. 3327 and No. 3328 on Second Reading*

Staff presentation: Patricia Parish, Associate Planner

11. **Public Hearing – Zoning the CHC Cellular Annexation I-2, Located at 2784 Winters Avenue** [File #ANX-2000-186] **CONTINUED FROM DECEMBER 6, 2000 MEETING** [Attach 11](#)

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. 3329 – An Ordinance Zoning the C.H.C. Cellular Annexation to General Industrial (I-2), Located at 2784 Winters Avenue

**Action: Adopt Ordinance No. 3329 on Second Reading*

Staff presentation: Patricia Parish, Associate Planner

12. **Public Hearing – Appeal of Planning Commission Denial and Rezoning Colonial Heights Property, Located at the Southeast Corner of 25 Road and G Road, from PD-4.4 to RMF-8 - [File #RZ-2000-179] – CONTINUED FROM JANUARY 3, 2001 MEETING** [Attach 12](#)

The petitioner is requesting approval of a rezone of a 46.8-acre parcel located on the southeast corner of 25 Road and G Road. The current zoning is PD-4.4. The petitioner is requesting a zoning of RMF-8, Residential Multi-family 8 units per acre. The Planning Commission recommended denial of the zoning request. The applicant has appealed that recommendation.

a. Appeal

Action: Decision on Appeal

b. Rezoning Ordinance

Ordinance No. 3330 – An Ordinance Rezoning a Parcel of Land Located at the Southeast Corner of 25 Road and G Road from PD-4.4 to RMF-8

**Action: Adopt Ordinance No. 3330 on Second Reading*

Staff presentation: Joe Carter, Associate Planner

13. **NON-SCHEDULED CITIZENS & VISITORS**
14. **OTHER BUSINESS**
15. **EXECUTIVE SESSION** to Discuss Property Disposition
16. **ADJOURNMENT**

**Attach 1
Minutes of Previous Meetings**

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

January 3, 2001

The City Council of the City of Grand Junction, Colorado, convened into regular session the 3rd day of January, 2001, 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, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Theobold led in the Pledge of Allegiance. The audience remained standing during the invocation by Harriet Torphy, Minister at Large (Children's Ministry), Grand Junction Church of Religious Science.

ANNOUNCEMENTS / RECOGNITIONS

The Mayor recognized Boy Scout Troop 345.

Mayor Kinsey announced the Colonial Heights item would be continued until January 17, 2001.

APPOINTMENTS TO THE GRAND JUNCTION PUBLIC FINANCE CORPORATION

Upon motion by Councilmember Theobold, seconded by Councilmember Enos-Martinez and carried, Kelly E. Arnold was appointed and Dr. Lynn James was reappointed to the Grand Junction Public Finance Corporation for three-year terms.

CONSENT ITEMS

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, the following Consent Items # 1 through 6 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting December 20, 2000

2. **Employee Long Term Disability, Group Life and Supplemental Insurance**

The recommended insurance company agreed to provide firm rates for a period of 3 years on all requested coverage. The following insurance companies participated in an oral interview process:

The Standard Insurance Company	Portland, Oregon
National Insurance Services	Brookfield, Wisconsin
Rocky Mountain Life/Anthem Life	Denver, Colorado

Action: Award Contract for Employee Long Term Disability, Group Life and Supplemental Insurance to Standard Insurance Company in the amount of \$240,000 (Estimated Premiums) Annually for the Period of February 1, 2001 through January 31, 2004, Subject Annual Appropriation Extension Terms and Conditions

3. **VCB Special Events Funding**

Eight applications for Special Events funding were received by the November 7, 2000 deadline. The VCB Board recommends funding the following events:

Kokopelli Adventure Race	\$3,000
Rocky Mountain Open Golf Tournament	\$5,000 (with stipulations)
Chet Peach Ride, Race & Roast	\$1,750 (with stipulations)

Action: Approve VCB Funding of Three Special Events to a Maximum of \$9,750

4. **Horizon Drive Bike and Pedestrian Trail, 7th to 12th Street**

The following bids were received on November 28, 2000:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Skyline Contracting, Inc.	Grand Jct.	\$302,139.50
R.W. Jones	Fruita	\$313,845.00
Precision Paving	Grand Jct.	\$331,040.45
Sorter Construction	Grand Jct.	\$354,344.50
Bogue Construction	Fruita	\$355,947.46
Colorado West Leasing	Grand Jct.	\$389,998.62
General Concrete Contractors	Brighton, CO	\$411,480.14
Engineer's Estimate		\$297,241.50

Action: Award Contract for Horizon Drive Bike and Pedestrian Trail, 7th to 12th Street, to Skyline Contracting, Inc. in the Amount of \$302,139.50 and Authorize the Transfer of \$91,000 from the South Camp Road Trail Project

5. **Transportation Study for State Highway 340**

The purpose of the transportation study is to specifically identify needed improvements to State Highway 340 and the local road system in the Redlands area. Because the area of study spans several jurisdictional boundaries, the Regional Transportation Planning Office is taking the lead in overseeing the study.

Resolution No. 1-01 – A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning the “Contract for Project C 340A-008, SH 340 Transportation Study”

Action: Adopt Resolution No. 1-01

6. **MPO FY 2001 Consolidated Planning Grant Certification and Assurances**

The FY 2001 Annual CPG Certifications and Assurances for the MPO are required to be adopted by joint resolution with Mesa County for each annual contract. The contract allows the Grand Junction/Mesa County Metropolitan Planning Organization to accept federal funds to carry out urban transportation and programming responsibilities mandated by the U.S. Department of Transportation.

Resolution No. 2-01 – A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning the Signing of the Fiscal Year 2001 Consolidated Planning Grant Certifications and Assurances

Action: Adopt Resolution No. 2-01

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

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

**SETTING A BALLOT TITLE FOR THE APRIL 3, 2001 ELECTION REGARDING
RETAINING REVENUES AS DEFINED BY ARTICLE X, SECTION 20 OF THE
COLORADO CONSTITUTION**

After two months of Council workshops, a resolution for setting a ballot question on April 3, 2001 for retaining revenues under the TABOR refunding mechanisms is proposed. Councilmembers Terry and Spehar developed the ballot question. Councilmember Spehar explained how the proposed draft wording for the question came about. Some discussion took place in the earlier 6:00 p.m. workshop.

City Manager Arnold stated Staff does not have any new information to present that has not been previously discussed. He identified the highlights of the question as presented.

City Clerk Stephanie Nye stated some deadlines and dates relative to the election.

Councilmember Terry explained to the Council the rationale of the proposed wording. She proposed the projects be listed in the recitals of the resolution rather than being included in the ballot question.

Mayor Kinsey pointed out that property tax will not be de-bruced and any excess will be refunded to property owners. On the other hand, sales tax, which is partially generated by visitors to the area, is the target of the question and excess will not be refunded if the proposal is adopted.

Councilmember Terry suggested the proposed wording under the recitals, to be in the last paragraph, at the end, in the following sentence, "At this time the capital projects identified are 29 Road viaduct, new fire station operational costs, annual park development, public safety training facility, and relocation of Fire Station No. 1."

Councilmember Theobold suggested that the new station be included but not the relocation of Fire Station No. 1.

Councilmember Spehar stated the projects listed are ones Council would like to see accomplished in the near term. He felt it would not be prudent, in the long term, to tie the hands of future Councils.

Councilmember Terry agreed to delete the relocation of Fire Station No. 1.

Councilmember Spehar suggested that a representative from Public Works explain the D Road and storm drainage projects to help determine if they should be added to the list.

Mark Relph, Director of Public Works & Utilities, responded that D Road improvements would link the 29 Road corridor with the south downtown area as part of the long-term loop system. Regarding the storm drainage, Public Works has identified the magnitude of improvements necessary to address the current deficiencies (\$50 million total), and has made detention facilities the highest priority.

Councilmember Terry agreed to leave the list as stated above.

Councilmember Spehar stated that by including six items, funded projects would be targeted for the first 10 years of the fifteen-year period.

Councilmember Scott said he felt it was appropriate to include all six items.

Councilmember Terry amended the list to include D Road and storm drainage.

Resolution No. 3-01 – A Resolution Setting a Title and Submitting to the Electorate on April 3, 2001 a Measure to Retain and Spend Revenues as Defined by Article X, Section 20 of the Colorado Constitution

Upon motion by Councilmember Theobold, seconded by Councilmember Spehar and carried by roll call vote Resolution 03-01 was adopted as amended by adding to the last

paragraph the following: “The capital improvements identified by Council at this time are 29 Road viaduct, new fire station operations, parks development and maintenance, a public safety training facility, D Road 5th to 29 Road and storm drainage improvements.” and to the ballot question add the words “of those projects” immediately following “related operational costs”.

Council emphasized that this is only if there are indeed excess revenues as predicted by the Finance Director. With an economic downturn, those revenues may not materialize. The excess funds as predicted in the first few years are not significant.

PUBLIC HEARING - REZONING COLONIAL HEIGHTS PROPERTY, LOCATED AT THE SOUTHEAST CORNER OF 25 ROAD AND G ROAD, FROM PD-4.4 TO RMF-8
[File #RZ-2000-179] – Continue to January 17, 2001 Meeting

The petitioner is requesting approval of a rezone of a 46.8-acre parcel located on the southeast corner of 25 Road and G Road. The current zoning is PD 4.4 units per acre. The petitioner is requesting a zoning of RMF-8, Residential Multi-family 8 units per acre. The Planning Commission recommended denial of the zoning request. The petitioner is requesting a continuance of the hearing in order for staff and the applicant to discuss zoning options for the proposed plan.

Mayor Kinsey opened the public hearing at 8:00 p.m.

Comments on the continuance were solicited. There were none. The public hearing was closed at 8:01 p.m.

Proposed Ordinance Rezoning a Parcel of Land Located at the Southeast Corner of 25 Road and G Road from PD-4.4 to RMF-8

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried, this item was continued to January 17, 2001.

PUBLIC HEARING - AMENDING THE ZONING ORDINANCE FOR REDLANDS MESA
[File #FP-2000-219]

A request to revise the zoning ordinance for Redlands Mesa to increase the maximum size of the golf clubhouse from 6,000 square feet to 9,000 square feet.

Mayor Kinsey opened the public hearing at 8:01 p.m.

Kathy Portner, Planning Manager, reviewed the proposal. The applicant has decided to build a two-story clubhouse. The Planning Commission has recommended approval.

Doug Theiss, engineer, representing the owners, stated the first floor is about the same and there is an unfinished walkout basement.

There were no public comments. The public hearing was closed at 8:04 p.m.

Ordinance No. 3323 – An Ordinance Amending the Zoning Ordinance for Redlands Mesa

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3323 was adopted on second reading and ordered published.

PUBLIC HEARING - REZONING PROPERTY ADJACENT TO MESA STATE COLLEGE FROM RMF-8 AND B-1 TO CSR [File #RZ-2000-209]

The petitioner is requesting rezoning 6 parcels adjacent to Mesa State College from RMF-8 and B-1 to CSR. Mesa State College or the Mesa State Foundation owns all parcels.

Mayor Kinsey opened the public hearing at 8:05 p.m.

Joe Carter, Associate Planner, reviewed this item. He stated both staff and Planning Commission recommended approval.

Councilmember Spehar asked if future development would require further review. Mr. Carter said yes, it would. Mesa State College parcels have been designated as CSR on the newly adopted zoning map.

Councilmember Terry noted on the report that the parcels along 12th Street are to be used for parking, however, there is an existing building. She asked if the existing building would remain. Mr. Carter answered that the building is intended to stay and parking will be expanded further east.

Councilmember Terry asked if these newly acquired properties were included in the master plan previously reviewed by Council. Mr. Carter answered yes.

Ron Gray, Director of Facilities, Mesa State College, reiterated the parcels were included in the College's master plan for expansion. Some structures along College Place will be razed. Any further development will be applied for.

Councilmember Theobald asked what is the College's long-term intent for the area to the east of 12th Street. Mr. Gray stated that properties east of 12th Street are not a high priority for development but could be included in their Master Plan should an opportunity for acquisition arise.

Councilmember Theobald asked how far east the college plans to expand. Mr. Gray answered the College would not be going past 13th Street.

Councilmember Theobald expressed his appreciation for improvements on the corner of 12th Street and North Avenue.

Councilmember Terry addressed the Public Works staff regarding the properties on the east side of 12th Street. There have been concerns expressed on the pedestrian access at the intersection of 12th Street and Elm Avenue and she asked if pedestrian crossing-time could be extended. Mark Relph, Public Works and Utilities Director, stated a countdown timer could be added and the pedestrian timing increased. He said the City is scheduled to meet with Mesa State College to discuss pedestrian issues in general.

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

Ordinance No. 3324 – An Ordinance Zoning 1315 College Place, 1405 College Place, 1435 College Place, 1450 N. 12th Street, 1460 N. 12th Street and 1235 Kennedy Avenue to CSR

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 3324 was adopted on second reading and ordered published.

EXECUTIVE SESSION

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Scott and carried, the meeting adjourned into Executive Session at 8:16 p.m. to discuss property acquisition and personnel.

ADJOURNMENT

The meeting adjourned at 8:16 p.m.

Stephanie Nye, CMC
City Clerk

**Attach 2
Meeting Schedule and Posting of Notices**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL		
Subject:	Meeting Schedule and Posting of Notices	
Meeting Date:	January 17, 2001	
Date Prepared:	December 16, 2011	
Author:	Stephanie Nye	City Clerk
Presenter Name:	Stephanie Nye	City Clerk
Workshop	X	Formal Agenda

Subject: Annual Designation of the Location for the Posting of Meeting Notices, the 2001 City Council Meeting Schedule and the Special Meeting Procedure.

Summary: State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Background Information: In 1991, the Open Meetings Law was amended to include a provision that requires that a "local public body" annually designate the location of the public place or places for posting notice of meetings and such designation shall occur at the first regular meeting of each calendar year (24-6-402(2)(c) C.R.S.). The location designated is to be the glassed-in bulletin board outside the City Clerk's office at 250 N. 5th Street, once installed. The glassed-in bulletin board has only just been received by the City and is scheduled to be installed as soon as possible.

As of 1994, the revised City Code of Ordinances included a provision whereby the City Council determined annually the City Council meeting schedule and the procedure for calling a special meeting. The only difference this year from year's past is that we have a regular meeting day fall on an official holiday, July 4th. That meeting will be rescheduled to July 11th in the proposed resolution.

Budget: NA

Action Requested/Recommendation: Adopt the resolution

Citizen Presentation:	X	No	Yes	If Yes,
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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"/>	Consent	<input type="checkbox"/>	Indiv. Consideration	<input type="checkbox"/>	Workshop
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CITY OF GRAND JUNCTION

RESOLUTION NO. ____-01

**A RESOLUTION OF THE CITY OF GRAND JUNCTION
DESIGNATING THE LOCATION FOR THE POSTING OF THE NOTICE
OF MEETINGS, ESTABLISHING THE CITY COUNCIL
MEETING SCHEDULE AND THE PROCEDURE FOR CALLING OF
SPECIAL MEETINGS FOR THE CITY COUNCIL**

Recitals.

The City Council of the City of Grand Junction is a "local public body" as defined in C.R.S. §24-6-402 (1)(a).

The City Council holds meetings to discuss public business.

The C.R.S. §24-6-402 (2)(c) provides that "Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than 24 hours prior to the holding of the meeting. The public place or places for posting of such notice shall be designated annually at the local public body's first regular meeting of each calendar year".

The Grand Junction Code of Ordinances, Section 2-26, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

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

1. The Notice of Meetings for the local public body shall be posted on the glassed-in exterior notice board at 250 N. 5th Street, City Hall.
2. The meeting schedule for the regular meetings of the City Council is the first and third Wednesday of each month, at the hour of 7:30 p.m. with the exception of the July 4, 2001 meeting. That meeting will be held on July 11, 2001 at 7:30 p.m.
3. A special meeting may be called by the President of the City Council for any purpose and notification of such meeting shall be posted twenty-four hours prior to the meeting.

Each and every member of City Council shall be notified of any special meeting at least twenty-four hours in advance.

Read and approved this ____ day of January, 2001.

Attest:

City Clerk

President of the Council

**Attach 3
 Conducting a Mail Ballot Election Agreement**

**CITY COUNCIL AGENDA
 CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Intergovernmental Agreement with Mesa County for Conducting a Mail Ballot Election		
Meeting Date:	January 17, 2001		
Date Prepared:	December 16, 2011		
Author:	Stephanie Nye	City Clerk	
Presenter Name:	Stephanie Nye	City Clerk	
	Workshop	X	Formal Agenda

Subject: An Intergovernmental Agreement with the Mesa County Clerk to conduct a Mail Ballot Election for the City for the April 3, 2001 Election

Summary: The City Council budgeted for a mail ballot election for the regular municipal election in April, 2001 and it was officially authorized at the December 20, 2000 meeting. The City Clerk and the Mesa County Elections Division have discussed procedures and areas of responsibility for the upcoming municipal election. The partnership for administering the election worked very well for the last regular election held in 1999. The terms and costs are now being presented to City Council for approval in the form of an Intergovernmental Agreement.

Background Information: Mesa County has the staff and the equipment to conduct the election efficiently and can focus primarily on this project during this period of time. The cost being proposed is reasonable for all the duties entailed and is based on what the actual costs were for the last election they conducted for us. It is therefore recommended that the City Council authorize the intergovernmental agreement with the Mesa County Clerk

Budget: The contract includes a maximum amount of \$25,000 with an actual charge to be \$1.00 per ballot issued. Ballots are issued to all active registered voters (estimated at 25,000). There are additional in-house costs for publishing notices, approximately \$4,000, for a total cost of the election of \$29,000.

Action Requested/Recommendation: Authorize the City Clerk to Sign the Intergovernmental Agreement with Mesa County for the April, 2001 Mail Ballot Election

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

INTERGOVERNMENTAL AGREEMENT
MESA COUNTY and CITY OF GRAND JUNCTION

This Intergovernmental Agreement between Mesa County, acting through its Clerk and Recorder ("Clerk"), and the City of Grand Junction ("City"), acting through its City Clerk ("City Clerk"), is authorized by 29-1-201, *et seq.*, C.R.S.

1. PURPOSE: Pursuant to the terms of this Agreement, the Clerk and the City agree to the scheduling and conducting of a mail ballot municipal election on April 3, 2001. For the purposes of this Agreement, the Clerk shall be the 'clerk' as defined in 31-10-102, C.R.S. The City hereby designates its City Clerk as an "Election Official" who shall have primary responsibility for election procedures that are the responsibility of the City, pursuant to this Agreement. The election shall be held under the provisions of the Municipal Election Code (Title 31, Article 10 of the Colorado Revised Statutes) except as otherwise required by the Mail Ballot Act, 1-7.5-101, *et. seq.*, C.R.S., or the rules promulgated by the Secretary of State.
2. DELEGATION OF AUTHORITY: The City Council has determined that the April 3, 2001 election shall be by mail ballot. Pursuant to 1-7.5-104, C.R.S., the City Clerk, as the designated election official (DEO), hereby delegates and transfers to the Clerk all such power, authority and duties which reside in the City Clerk for these purposes. The respective responsibilities between the Clerk and the City shall be as described on Exhibit "Grand Junction Mail Ballot, April, 2001 Responsibilities."
3. PRECINCTS & POLLING PLACE LOCATIONS: Precincts shall be as established by Resolution No. 134-00. Polling place locations for the deposit of voted ballots not returned through the United State Postal Service will be those designated by the Clerk as follows: Mesa Mall Elections Office, Clerk's branch at the Tri-River Cooperative at the County Fairgrounds and the City Clerk's Office at City Hall.

4. APPOINTMENT OF ELECTION JUDGES: All election judges and/or deputy clerks shall be appointed and trained by the Clerk, except as otherwise required by the City Charter or the Municipal Election Code.

5. LEGAL NOTICES: Publication of any required legal notices concerning the City's mail ballot election, which are to be published prior to certification of the ballot content to the Clerk, shall be the responsibility of the City. A copy of the published legal notice shall be submitted to the Clerk for her records.

Publication of notices required by the Municipal Election Code and/or the Mail Ballot Election Act, which are to be published after certification of the ballot contents to the Clerk, shall be the responsibility of the City. Additional notices shall be the responsibility of the City. Notice to the Secretary of State, pursuant to 1-7.5-105, C.R.S. shall be made by the City, along with notice of the City's proposed plan.

6. RECEIVING AND PROCESSING OF PETITIONS: Any necessary petition process for the City shall be the responsibility of the City. The Clerk shall provide voter registration lists as required and requested by the City Clerk.

7. BALLOT CONTENTS: The ballot contents must be certified to the Clerk by the City Clerk, in its exact form, no later than 4:30 P.M. on March 1, 2001 **UNLESS** an initiative petition has been submitted to the City Clerk by the February 21, 2001 deadline and either the City Clerk is in the process of verifying its validity or the petitioners are in the process of amending such petition. If that is the case, the City Clerk shall make every effort to review the amended petition by March 15, 2001. The ballot contents must be delivered to the Clerk at 2424 Highway 6 & 50, Mesa Mall Unit #414 (East Wing), Grand Junction, Colorado. It is understood that the Mail Ballot Election Act requires the mailing of ballots between the 25th and 15th day prior to the election, however, due to the provisions of Section 29 of the City Charter, that time frame may not be met if an initiative petition is being amended. In any event, ballot packages shall be mailed no later than March 23, 2001. Both parties understand that time is of the essence and agree that all reasonable measures shall be taken to ensure that the mail date is met.

8. (a) RECEIVING OF WRITTEN COMMENTS AS COVERED BY SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION: The City Clerk is solely responsible for the process of receiving written comments and summarizing such comments as are required by Section 20 of Article X of the Colorado Constitution ("TABOR").¹

(b) RECEIPT OF SUMMARY OF COMMENTS: Receipt of the summary shall be solely the responsibility of the City. The City shall transmit the summary(ies) received on initiated measures to the Clerk on or before the 42nd day before April 3, 2001, to wit: February 20, 2001.

¹ See Secretary of State Rules and Regulations, 5.4.4.3. This deadline is February 16, 2001.

(c) PREPARATION AND MAILING OF NOTICES FOR BALLOT ISSUE

ELECTIONS: The City shall certify any TABOR required comments, notices and summary(ies) concerning its ballot issues to the Clerk, no later than February 20, 2001 for inclusion in the ballot issue mailing. Such notices and summaries, if any, shall be transmitted to the Clerk on a 3.5 (high density) diskette in WordPerfect 5.1 (or above) format. The Clerk shall mail such TABOR notice(s), in accordance with TABOR at least 30 days prior to the election, *i.e.*, on or before March 2, 2001.

9. PREPARATION FOR ELECTION: The Clerk shall be responsible for preparing and printing the sample ballot, the ballot pages (voter guide) and the ballot cards for the Municipal Election. Print on the ballot pages shall be in 10 point type or larger and shall be in accordance with the Municipal Election Code. The Clerk shall also be responsible for providing, preparing, delivering and collecting sealed ballot boxes for all three (3) designated depository locations and the mailing of mail ballot packages. The Clerk shall be responsible for implementing a walk-in balloting site in accordance with of the Rules and Regulations of the Secretary of State.

10. CONDUCT OF ELECTION: The Clerk shall be responsible for the conduct of the Municipal Election, pursuant to Title 31, Article 10 of the Colorado Revised Statutes, including the appointment of watchers.

11. ABSENTEE VOTING: All requests for absentee ballots shall be transmitted for processing and ballot distribution to the Clerk, c/o the Mesa County Elections Office, P.O. Box 20000, Grand Junction, CO 81502-5009. The physical office of the Clerk is Unit #414, Mesa Mall (east Wing), 2424 Highway 6 & 50, Grand Junction, Colorado. The Clerk shall, upon receipt of such request, mail a ballot package to the eligible elector in accordance with 1-7.5-104, C.R.S.

12. TABULATION OF BALLOTS: All processes relating to and tabulation of ballots shall be the responsibility of the Clerk. An unofficial abstract of votes will be provided to the City Clerk upon completion of the counting of all ballots.

13. CANVASS OF VOTES: The canvass of votes will be the responsibility of the City, pursuant to its Charter and shall be completed no later than April 5, 2001. The City shall issue its certificate(s) of election of candidates upon receipt of the official results from the Clerk.

14. ALLOCATION OF COST OF ELECTION: The City shall reimburse the Clerk for the TABOR notice and election costs incurred by the Clerk pursuant to this Agreement. Such reimbursement shall be made to the Clerk within thirty days of receipt of billing from the Clerk. The Clerk's determination regarding such costs shall be final and at her sole discretion and shall not be subject to dispute unless clearly unreasonable. In any event, the City shall not be obligated to reimburse the Clerk for more than \$25,000.

15. INDEMNIFICATION: The City agrees to indemnify, defend and hold harmless the Clerk from any and all loss, costs, demands or actions, arising out of or related to

any actions, errors or omissions of the City in completing the City's responsibilities relating to the April 3, 2001 election.

16. AGREEMENT NOT EXCLUSIVE: The Clerk may enter into other substantially similar agreements with other cities for conduct of other elections.

17. VENUE: Venue for any dispute hereunder shall be in the District Court of Mesa County.

THIS AGREEMENT has been executed by the parties hereto as of the dates and year written below.

MESA COUNTY CLERK AND RECORDER

CITY OF GRAND JUNCTION
CITY CLERK

Monika Todd

Stephanie Nye

Date: _____

Date:

Grand Junction Mail Ballot, April, 2001
Responsibilities

Due Date (all 2001)	Activity	City Clerk	County Clerk	Est. Cost to City	Comments
Jan. 2	Candidate Nomination Petitions Available	x		\$100 (Printing) \$500 (advertising)	All inquiries should be sent to City Clerk's Office
Jan. 3	Absentee Ballot Applications can be filed - file with County Elections Division		x		Forms available at City Clerk's Office and at Elections Division – only for mailing ballots to an address other than registered address
Jan. 17	Council approves IGA	x			
Jan. 19	Deadline for Intergovernmental Agreement with the County	x	x	\$0	Depositories City Hall, Mesa County Elections at the mall, Tri-county Extension Office
Jan. 22	Candidate nomination petitions due	x			
Jan. 26	Amended Nomination petitions due	x			
Jan. 29	Lease Community Room at Mall County Office		x	\$500*	For ballot package processing
Feb. 1	Order Punch Cards (apx 25,000)		x	\$1750*	(\$70/thousand)
Feb. 7	Mail Ballot Plan to Secretary of State	x			C.R.S. 1-7.5- 105
Feb. 9	Publish Election Notice	x		\$500	Include solicitation of Tabor comments
Feb. 16	Deadline for Tabor comments to City	x			
Feb. 20	Tabor Summaries Due to County	x			
Feb. 21	Deadline for initiative petition	x			

Due Date	Activity	City Clerk	County Clerk	Cost to City	Comments
Week of Feb. 26	Print Tabor Notices		x	\$3500*	
Mar. 1 (or sooner if initiative petition is certified)	Certify ballot to County Clerk	x			
Mar. 2	Preliminary List of Registered Voters		x	\$250*	
Mar. 2	Mail Tabor Notices		x	3250*	
Week of Mar. 5	Print Ballot (voter guide) and prepare ballot packages		x	\$10,000*	
Jan. - May	Administer Fair Campaign Practices Act and answer candidates' questions	x			copying costs
Mar. 5	Voter Registration (deadline)	x			
Mar. 9 - 19	Mail Ballot Packages		x	\$3650*	
Mar. 14	Final Voter Registration List		x		
Mar. 9-Apr. 3	Receive returned ballots, log in and put in ballot box		x	\$1400*	
Mar. 23, 24, 25	Publish election notice	x		\$1500	Required notice per Charter
Apr. 1	Publish notice with map	x		\$800	
Apr. 2	Program & Test counters	x	x	\$200*	
Apr. 3	ELECTION DAY office hours 7 am - 7 pm - count & tabulate votes	x	x	\$500*	
Apr. 3	Broadcast Results from auditorium 7 pm - 9 pm		x		Results to be broadcast by Mesa County IT Dept.
Apr. 4	Canvass results	x			
Apr. 5	Certify results to Sec. of State & publish	x		\$600	
Total Direct Costs to City				\$4,000	
Total of County expenditures included in contract with City				\$25,000	
Grand Total				\$29,000	

*costs are included in contract amount

**Attach 4
Appleton Sewer Improvement District**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Award of Construction Contract for Appleton Sewer Improvement District		
Meeting Date:	January 17, 2000		
Date Prepared:	January 8, 2001		
Author:	Bret Guillory / Trent Prall	Project Engineer / Utility Engineer	
Presenter Name:	Greg Trainor	Utilities Manager	
	Workshop	X	Formal Agenda

Subject: Award of a Construction Contract for **Appleton #2 Sewer Improvement District** to Taylor Constructors in the amount of **\$378,820.00**. **Award of the project will be contingent on creation of the improvement district by the Mesa County Commissioners on January 22, 2001.**

Summary: The owners of real estate located in the vicinity north of H Road, west of 24 Road south of the 201 boundary and east of the Appleton Elementary School have petitioned the Mesa County Commissioners to create an improvement district for the installation of sanitary sewer facilities. The Public hearing for the proposed resolution to create the sewer improvement district will be held on January 22, 2001 at 2:00 p.m. at the Mesa County Public Hearing Room, 750 Main Street, Grand Junction, Colorado. The public hearing and proposed resolution (Mesa County) and contract award (City of Grand Junction) are the final steps in the formal process required to create the proposed improvement district. Bids were received and opened on October 24, 2000 for Appleton #2 Sewer Improvement District. The low bid was submitted by Taylor Constructors in the amount of **\$378,820.00**.

Background Information: This project consists of installation of approximately 3520 lineal feet of 8" Diameter PVC sewer line, 9 manholes, 33 sanitary sewer taps, 901 lineal feet of 4" PVC service line, aggregate base course, asphalt removal and replacement.

It is imperative to the success of this project that construction be completed prior to April 1, which is the typical date water is turned into the irrigation canal system. Ground water in the Appleton area is highest during irrigation season and will have a direct impact on construction of the proposed sanitary sewer facilities.

The Trunk Extension Fund is paying for \$4,270.00 of the proposed improvements. This investment will offset the additional depth needed on a portion of sewer line in order to

provide service to future areas north the proposed district that are currently outside of the 201.

Of the 33 lots in the proposed district, 17 were in favor (52%), 15 were against and 1 abstained.

Work is scheduled to begin on or about January 29, 2001 and continue for 8 weeks with an anticipated completion date of March 26, 2001.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Taylor Constructors	Grand Jct.	\$378,820.00
Mendez Construction	Grand Jct.	\$405,045.45
Skyline Construction	Grand Jct.	\$424,177.40
Grant Miller Construction	Silverthorne	\$489,881.20
Sorter Construction	Grand Jct.	\$559,905.00
Engineer's Estimate		\$381,965.00

Budget: This is the third district to be funded under the Septic System Elimination Program since its inception in May of 2000. \$246,253 was originally budgeted for construction of the project in 2001. During the final design of the project however, staff determined that additional imported material could be needed on the project and therefore added the anticipated amount to the bid to be conservative. Pending Council approval and County Commissioner formation of the district, sufficient funds will be transferred from Fund 902, the sewer system "general fund", to pay for costs associated with this proposed improvement district. Except for the 30% Septic System Elimination contribution, and trunk extension contribution, this fund will be reimbursed by assessments to be levied against the 33 benefiting properties, as follows:

Project Costs:

Estimated Project Costs*	\$401,676.00	\$12,172.00 / lot
-30% Septic System Elimination Contribution by City	(\$120,516.00)	(\$3,652.00) / lot
- Trunk Extension Fund portion of work	(\$4,270.00)	(\$129.40) / lot
Total Estimated Assessments	\$276,890.00	\$8,390.60 / lot

* Estimated project costs include design, construction, inspection, and administrative costs. Trunk extension costs will be recovered as explained below.

The trunk line Extension fund will be reimbursed by a Trunk Line Extension Fee to be paid when each property connects to the sewer system. The Trunk Line Extension Fee varies depending on the size of each property, as follows:

- \$1,000 for properties smaller than 1/3 acre
- \$1,500 for properties less than 1 acre but equal to or more than 1/3 acre

**Attach 5
Supplemental Appropriations for the 2001 Sewer System Budget**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Adoption of an ordinance making supplemental appropriations for the 2001 sewer system budget		
Meeting Date:	January 17, 2000		
Date Prepared:	January 10, 2001		
Author:	Trent Prall	Utility Engineer	
Presenter Name:	Trent Prall / Greg Trainor	Utility Engineer / Utilities Manager	
	Workshop	X	Formal Agenda

Subject: Request City Council's adoption of an ordinance making supplemental appropriations to the 2001 budget for the City of Grand Junction / Mesa County Sewer System.

Summary: The Septic System Elimination Program, adopted May 3, 2000, has had high interest levels. Due to the demand, staff is running into budget constraints. Staff is requesting the Council shift approximately \$900,000 from the 2002 Budget to 2001 to fund design and construction of Country Club Park and Monument Meadows sewer improvement districts and the design of Redlands Village sewer improvement district. This move requires passage of an ordinance making supplemental appropriations to the 2001 budget.

Background Information / Budget Impact

Due to the popularity of the Septic System Elimination Program, staff is running into budget constraints.

Currently the 2001 budget funds these four improvement districts including:

Name	Length of		Estimated 2001 Expenses	Comments
	Lots	Pipe		
Northfield Estates	50	7,348	\$404,616	Construction start Jan 22
Columbine	65	6,476	\$544,455	Construction start Feb 12
Appleton #2	33	3,520	\$246,253	Construction start Jan 29
Manzana Sewer ID	219	18,622	\$59,563	Petition circulating
Current Sewer ID budget	367	35,966	\$1,254,887	

Staff has signed "opinion surveys" requesting the City/County move forward with the design and bid phase of two additional sewer improvement districts that could also be

ORDINANCE NO. _____
AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS
TO THE 2001 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 **2001** for expenditure from such funds as follows:

900 Joint Sewer Systems Fund	\$ 881,971
Source of funds:	
From unappropriated fund balance	\$ 881,971

Introduced on first reading this 17th day of January, 2001.

Passed and adopted this day of , 2001.

President of the Council

Attest:

City Clerk

**Attach 6
Mauch Vacation of Easement**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Mauch Vacation of Easement		
Meeting Date:	January 17, 2001		
Date Prepared:	January 8, 2001		
Author:	Joe Carter	Associate Planner	
Presenter Name:	Joe Carter	Associate Planner	
	Workshop	X	Formal Agenda

Subject: Vacation of Easement, VE-2000-212

Summary: The Petitioner is requesting the vacation of a 30' utility and drainage Easement. The project is located at 2464 Patterson Road, one lot east of Bishop's Furniture. At the December 12, 2000 hearing, the Planning Commission forwarded a recommendation of approval to the City Council.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council accept the Resolution to vacate a 30' wide utility and drainage easement.

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

Report results back to Council:	X	No	Yes	When:	
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Placement on Agenda:	Consent	X	Indiv. Consideration	Workshop
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CITY OF GRAND JUNCTION

MEETING DATE: January 17, 2001

PLANNING COMMISSION

STAFF PRESENTATION: Joe Carter

AGENDA TOPIC: Vacation of Easement, VE-2000-212, Easement Vacation - Mauch

SUMMARY: The petitioner is requesting approval of a Vacation of a 30' Utility and Drainage easement on 1.05 acre lot in a C-1 zone.

ACTION REQUESTED: Approval

BACKGROUND INFORMATION					
Location:		2464 Patterson Road			
Applicants:		Robin Mauch, Petitioner Mark Austin, Representative			
Existing Land Use:		Vacant			
Proposed Land Use:		Commercial Business			
Surrounding Land Use:	North	Residential			
	South	Commercial			
	East	Commercial			
	West	Commercial			
Existing Zoning:		C-1, Light Commercial			
Proposed Zoning:		C-1, Light Commercial			
Surrounding Zoning:	North	PD, (City), Planned Residential, 17 units per acre			
	South	C-1,(City)			
	East	C-1, (City)			
	West	C-1, (City)			
Growth Plan Designation:		Commercial			
Zoning within density range?		N/A	Yes		No

PROJECT ANALYSIS

The petitioners are requesting approval for a vacation of a 30' utility and drainage easement in a C-1 zone on Lot 2, of CLM Minor Subdivision. The proposal includes the addition of a 20" utility and sewer easement parallel to the west property line.

The adjacent property owner to the north has provided a letter stating that he has no problem with the vacation of the easement. The property to the north, Lot 1 of CLM Minor Subdivision, has utility service from F ¼ Road and will not need service through this easement. Additionally, the majority of the drainage from Lot 1 will be dispensed through other means.

The relocation of the easement to the west side of Lot 2 allows more flexibility in site layout for the applicant. The site will eventually be developed as a commercial site and shared access is proposed with Bishop's Furniture.

STAFF RECOMMENDATION:

Approval

RECOMMENDED PLANNING COMMISSION MOTION:

The Planning Commission forwarded a recommendation of approval.

Attachments:

- a. Resolution
- b. General location map (aerial)
- c. Site Plan

CITY OF GRAND JUNCTION

Resolution NO. _____

**VACATING A UTILITY AND DRAINAGE EASEMENT
AT 2464 PATTERSON ROAD**

Recitals:

This resolution vacates a thirty-foot wide utility and drainage easement across the Lot 2 of CLM Minor Subdivision located at 2464 Patterson Road. All relevant utility companies have agreed to the vacation and Staff recommends approval.

The Planning Commission has heard and considered the request and found that the criteria of the Zoning and Development Code have been met. The Planning Commission recommends that the vacation be approved.

NOW, THERE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT;

1. The following described easement is hereby vacated:

That certain Utility & Drainage Easement encompassing the East 30.0 feet Lot 2 of CLM Minor Subdivision, situate in the Southwest ¼ of the Southeast ¼ of Section 4, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, as recorded in Plat Book 15 at Page 271 in the office of the Mesa County Clerk and Recorder.

PASSED and ADOPTED this _____ day of _____, 2001.

ATTEST:

City Clerk

President of City Council

**Attach 7
Moore Annexation**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Moore Annexation		
Meeting Date:	January 17, 2001		
Date Prepared:	January 5, 2001		
Author:	David Thornton	Principal Planner	
Presenter Name:	David Thornton	Principal Planner	
	Workshop	X	Formal Agenda

Subject: Annexation of the Moore Annexation, #ANX-2001-012

Summary: Resolution for Referral of Petition to Annex/First Reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Moore Annexation located at 457 31 Road and including portions of the E Road and 31 Road Rights-of-way. (#ANX-2001-012). This 4.87 acre annexation consists of one parcel of land.

Background Information: See Attached

Budget: N/A

Action Requested/Recommendation: It is recommended that City Council approve the Referral of Petition to Annex/First Reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Moore Annexation and set a hearing for March 7, 2001.

Citizen Presentation:	<input checked="" 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"/>	Yes	When:	
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Placement on Agenda:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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BACKGROUND INFORMATION				
Location:		457 31 Road		
Applicants:		John and Donna Moore		
Existing Land Use:		Residential		
Proposed Land Use:		No Change		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		RSF-R (AFT) in County		
Proposed Zoning:		RMF-5 zone district		
Surrounding Zoning:	North	RSF-R		
	South	RSF-4 & RSF-2		
	East	RSF-4		
	West	RSF-R & RSF-4		
Growth Plan Designation:		Residential with 4 – 8 units per acre		
Zoning within density range?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff Analysis:

ANNEXATION:

This annexation area consists of annexing 4.87 acres of land including portions of the E Road and 31 Road Rights-of-way. The property owners have requested annexation into the City as the result of needing a rezone in the County to accommodate building an accessory structure on their property. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

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 Moore 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.

The following annexation and zoning schedule is being proposed.

ANNEXATION SCHEDULE	
Jan 17th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
Feb 13th	Planning Commission considers Zone of Annexation
Feb 21st	First Reading on Zoning by City Council
Mar 7th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
Apr 8th	Effective date of Annexation and Zoning

Action Requested/Recommendation: It is recommended that City Council approve the Moore Annexation.

Attachments:

1. Moore Annexation Summary
2. Resolution of Referral of Petition
3. Annexation Ordinance
4. Annexation Map

MOORE ANNEXATION SUMMARY

File Number:	ANX-2001-012
Location:	457 31 Road
Tax ID Number:	2943-161-00-215
Parcels:	1
Estimated Population:	2
# of Parcels (owner occupied):	1
# of Dwelling Units:	1
Acres land annexed:	4.87 acres for annexation area
Developable Acres Remaining:	1
Right-of-way in Annexation:	E Road: 1272 ft south half of E Road west of 31 Road and a 495 ft strip 5 ft wide east of 31 Road , See Map 31 Road: 2274 ft of 31 Road south of E Road to 457 31 Road, See Map
Previous County Zoning:	RSF-R (County)
Proposed City Zoning:	(RMF-5) Residential Multi-family with a maximum density of 5 units per acre
Current Land Use:	Residential
Future Land Use:	Same
Values:	Assessed: = \$ 6,930
	Actual: = \$ 71,210
Census Tract:	8
Address Ranges:	457 31 Road
Special Districts:	Water: Clifton Water and Ute Water
	Sewer: Central Grand Valley
	Fire: Clifton Fire
	Drainage: Grand Junction Drainage District
	School: District 51
	Pest: Upper Grand Valley Pest

**NOTICE OF HEARING
ON PROPOSED ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 17th day of January, 2001, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**A RESOLUTION
REFERRING A PETITION TO THE CITY COUNCIL
FOR THE ANNEXATION OF LANDS
TO THE CITY OF GRAND JUNCTION, COLORADO,
SETTING A HEARING ON SUCH ANNEXATION,
AND EXERCISING LAND USE CONTROL**

MOORE ANNEXATION

LOCATED 457 31 Road and

Including a portion of the 31 Road and E Road Rights-of-way

WHEREAS, on the 17th day of January, 2001, a petition was referred 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:

A parcel of land situate in the NE 1/4 of Section 16 and in the NW 1/4 of Section 15, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the northwest corner of the NE 1/4 NE 1/4 of said Section 16; thence N 89°50'50" E along the north line of said NE 1/4 NE 1/4 a distance of 1321.94 feet to the northeast corner of said Section 16; thence S 89°53'57" E along the north line of the NW 1/4 NW 1/4 of said Section 15 a distance of 495.00 feet to a point; thence S 00°00'00" E a distance of 5.00 feet to a point; thence N 89°53'57" W along a line 5.00 feet south of and parallel with the north line of the NW 1/4 NW 1/4 of said Section 15 a distance of 495.00 feet to a point on the west line of the NW 1/4 NW 1/4 of said Section 15; thence S 00°00'00" E along the west line of said NW 1/4 NW 1/4 a distance of 875.00 feet to a point; thence S 89°53'57" E a distance of 30.00 feet to a point on the east right of way line for 31 Road; thence along the east right of way line for said 31 Road the following 3 courses:

- 1) S 00°00'00" E a distance of 439.61 feet to a point on the north line of the SW 1/4 NW 1/4 of said Section 15;
 - 2) S 89°55'51" E along the north line of said SW 1/4 NW 1/4 a distance of 10.00 feet to a point;
 - 3) S 00°00'00" E a distance of 959.56 feet to a point;
- thence crossing said 31 Road right of way S 90°00'00" W a distance of 73.00 feet to a point on the west right of way line for said 31 Road; thence leaving said west right of way line N 90°00'00" W a distance of 462.00 feet to a point; thence N 00°00'00" E a distance of 140.00 feet to a point; thence N 90°00'00" E a distance of 310.00 feet to a point; thence S 00°00'00" E a distance of 36.00 feet to a point; thence N 90°00'00" E a distance of 152.00 feet to a point on the west right of way line for said 31 Road; thence

leaving said west right of way line N 90°00'00" E a distance of 33.00 feet to a point on the east line of the SE 1/4 NE 1/4 of said Section 16; thence N 00°00'00" E along the east line of said SE 1/4 NE 1/4 a distance of 405.74 feet to a point; thence leaving said east line S 89°49'10" W a distance of 25.00 feet to a point on the west right of way line for said 31 Road; thence along the west right of way line for said 31 Road the following 4 courses:

- 1) N 00°00'00" W a distance of 449.87 feet to a point on the south line of the NE 1/4 NE 1/4 of said Section 16;
- 2) S 89°49'10" W along the south line of said NE 1/4 NE 1/4 a distance of 5.00 feet to a point;
- 3) N 00°00'00" E a distance of 1259.57 feet to a point;
- 4) 31.47 feet along the arc of a curve to the left having a radius of 20.00 feet, a delta angle of 90°09'10" and a long chord bearing N 45°04'35" W a distance of 28.32 feet to a point on the south right of way line for E Road;

thence along the south right of way line for said E Road the following 5 courses:

- 1) S 89°50'50" W a distance of 348.52 feet to a point;
- 2) N 00°00'12" E a distance of 10.00 feet to a point;
- 3) S 89°50'50" W a distance of 262.38 feet to a point;
- 4) S 00°01'40" E a distance of 3.00 feet to a point;
- 5) S 89°50'50" W a distance of 660.96 feet to a point on the west line of the NE 1/4 NE 1/4 of said Section 16; thence N 00°03'17" W along the west line of said NE 1/4 NE 1/4 a distance of 33.00 feet to the point of beginning.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

1. That a hearing will be held on the 7th day of March, 2001, in the auditorium of the Grand Junction City Hall, located at 250 N. Fifth Street, Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any 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; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 7th day of January, 2001.

Attest:

President of the Council

City Clerk

NOTICE IS FURTHER GIVEN that a hearing will be held in accordance with the Resolution on the date and at the time and place set forth in the Resolution.

City Clerk

<i>PUBLISHED</i>
January 19, 2001
January 26, 2001
February 2, 2001
February 9, 2001

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

MOORE ANNEXATION

APPROXIMATELY 4.87 ACRES

**LOCATED 457 31 Road and
Including a portion of the 31 Road and E Road Rights-of-way**

WHEREAS, on the 17th day of January, 2001, 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 7th day of March, 2001; 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 NE 1/4 of Section 16 and in the NW 1/4 of Section 15, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

Beginning at the northwest corner of the NE 1/4 NE 1/4 of said Section 16; thence N 89°50'50" E along the north line of said NE 1/4 NE 1/4 a distance of 1321.94 feet to the northeast corner of said Section 16; thence S 89°53'57" E along the north line of the NW 1/4 NW 1/4 of said Section 15 a distance of 495.00 feet to a point; thence S 00°00'00" E a distance of 5.00 feet to a point; thence N 89°53'57" W along a line 5.00 feet south of and parallel with the north line of the NW 1/4 NW 1/4 of said Section 15 a distance of 495.00 feet to a point on the west line of the NW 1/4 NW 1/4 of said Section 15; thence S 00°00'00" E along the west line of said NW 1/4 NW 1/4 a distance of 875.00 feet to a

point; thence S 89°53'57" E a distance of 30.00 feet to a point on the east right of way line for 31 Road; thence along the east right of way line for said 31 Road the following 3 courses:

- 4) S 00°00'00" E a distance of 439.61 feet to a point on the north line of the SW 1/4 NW 1/4 of said Section 15;
- 5) S 89°55'51" E along the north line of said SW 1/4 NW 1/4 a distance of 10.00 feet to a point;

6) S 00°00'00" E a distance of 959.56 feet to a point;
thence crossing said 31 Road right of way S 90°00'00" W a distance of 73.00 feet to a point on the west right of way line for said 31 Road; thence leaving said west right of way line N 90°00'00" W a distance of 462.00 feet to a point; thence N 00°00'00" E a distance of 140.00 feet to a point; thence N 90°00'00" E a distance of 310.00 feet to a point; thence S 00°00'00" E a distance of 36.00 feet to a point; thence N 90°00'00" E a distance of 152.00 feet to a point on the west right of way line for said 31 Road; thence leaving said west right of way line N 90°00'00" E a distance of 33.00 feet to a point on the east line of the SE 1/4 NE 1/4 of said Section 16; thence N 00°00'00" E along the east line of said SE 1/4 NE 1/4 a distance of 405.74 feet to a point; thence leaving said east line S 89°49'10" W a distance of 25.00 feet to a point on the west right of way line for said 31 Road; thence along the west right of way line for said 31 Road the following 4 courses:

- 5) N 00°00'00" W a distance of 449.87 feet to a point on the south line of the NE 1/4 NE 1/4 of said Section 16;
- 6) S 89°49'10" W along the south line of said NE 1/4 NE 1/4 a distance of 5.00 feet to a point;
- 7) N 00°00'00" E a distance of 1259.57 feet to a point;
- 8) 31.47 feet along the arc of a curve to the left having a radius of 20.00 feet, a delta angle of 90°09'10" and a long chord bearing N 45°04'35" W a distance of 28.32 feet to a point on the south right of way line for E Road;

thence along the south right of way line for said E Road the following 5 courses:

- 6) S 89°50'50" W a distance of 348.52 feet to a point;
- 7) N 00°00'12" E a distance of 10.00 feet to a point;
- 8) S 89°50'50" W a distance of 262.38 feet to a point;
- 9) S 00°01'40" E a distance of 3.00 feet to a point;
- 10) S 89°50'50" W a distance of 660.96 feet to a point on the west line of the NE 1/4 NE 1/4 of said Section 16; thence N 00°03'17" W along the west line of said NE 1/4 NE 1/4 a distance of 33.00 feet to the point of beginning.

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

INTRODUCED on first reading on the 7th day January, 2001.

ADOPTED and ordered published this ____ day of _____, 2001.

Attest:

President of the Council

City Clerk

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 10 OF THE
CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO**

RECITALS: On December 6, 2000, the City Council adopted the 2000 International Building Code. Consequently, certain other sections of the Code of Ordinances must be updated to remain consistent with the newly adopted Building Code.

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

Section 10-87 of the Code of Ordinances of the City of Grand Junction, be amended as follows:

That subsection (b) (3) be repealed and reenacted to read:

Every Contractor shall be required to maintain at all times, Colorado employee's liability (or worker's compensation insurance), public liability insurance with minimum limits of not less than \$15,000 for one person and \$30,000 for any one accident, and property damage insurance with a minimum limit of less than \$10,000 and a license and permit bond in an amount as required by the Building Official consistent with and pursuant to the type and category of license held (or applied for) by every Contractor . If there are no employees, a waiver of Worker's Compensation, in a form as required by the Building Official, shall be permitted.

Automobile insurance, in any form, shall neither be offered in satisfaction nor found to satisfy these requirements.

Introduced this _____ day of _____, 2001.

Passed and adopted this _____ day of _____, 2001.

President of the Council

ATTEST:

City Clerk

**Attach 9
Feral Cats**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL</i>			
Subject:	Feral Cats		
Meeting Date:	January 17, 2001		
Date Prepared:	January 8, 2001		
Author:	Stephanie Rubinstein	Staff City Attorney	
Presenter Name:	Stephanie Rubinstein	Staff City Attorney	
	Workshop	xx	Formal Agenda

Subject: Feral Cats

Summary: This ordinance makes two changes to the City of Grand Junction Code of Ordinances. First, the Zoning and Development Code is being changed to permit registered participants of Community Cat Care to care for more than three cats, so long as these persons follow the requirements set forth by Community Cat Care. The second change is to the Animal Control Regulations to require that registered participants of Community Cat Care have the cats they are caring for vaccinated against rabies and spayed or neutered.

Background Information: Community Cat Care approached City Council at a recent Workshop regarding their program and asked the Council to amend the City of Grand Junction Code of Ordinances as described above. The purpose of these changes is to manage the feral cat population in our community by requiring persons who feed these cats to have the cats vaccinated and spayed or neutered. On October 10, 2000, the Planning Commission recommended approval of the amendment to the Zoning and Development Code. At the November 1, 2000, a request was made by Dr. Debbie Miller and Jim Bennett from the Division of Wildlife to allow other groups to add input to the proposed ordinance. This meeting was held on November 30, 2000. At the meeting, Dr. John Heideman, Jim Bennett, Jim Grady, Sally Porter, Ivy Williams, Barb Metzger, Suzanne Hart, and Glenda Heideman met to discuss the ordinance. We added in more specificity as to the requirements for care of the feral cats, specifically vaccination against rabies and spaying or neutering. The group also gave input about what items the City Council should use to gauge a successful project, at the end of two years.

Budget: None

Action Requested/Recommendation: Approval of Ordinance on Second Reading

Citizen Presentation:	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Yes	If Yes,
Name:	Barb Metzger				
Purpose:	Information regarding Community Cat Care				

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

AN ORDINANCE AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO

RECITALS: The City of Grand Junction Zoning and Development Code, Section 4.3.A.4.a provides that “In all districts, a maximum of three (3) adult (four month or older) household pets, e.g. dogs and cats, per species, shall be allowed.” Under the City of Grand Junction Code of Ordinances, responsibility for an animal is triggered when a person “owns, keeps, or harbors” an animal. “Harboring” is defined in Section 6-57 as “the act of keeping or caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of at least three (3) consecutive days.” Persons who feed feral cats would be in violation of the Zoning Code, even if the cat did not live with those persons, if the cats return for food to that residence. A feral cat is a cat which is the wild offspring of stray or abandoned cats. Community Cat Care is a non-profit group which seeks to end the suffering and inhumane treatment of feral cats to a caretaker to encourage the stabilization of the feral cat population. Unmanaged feral cat populations put the public at increased risk of exposure to rabies, other diseases and parasites and can become a nuisance in residential areas. A person registered with Community Cat Care will feed cats who have been screened and determined to be feral and unowned. The animals will also be vaccinated and spayed or neutered.

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

Chapter 33, Section 4.3.A.4.a of the Code of Ordinances of the City of Grand Junction, is amended as follows to add:

- d. Persons who are registered participants of the Community Cat Care program shall be exempt from the requirements of subsection (a) above, with regard to cats only. This exemption shall apply to cats which have been screened by Community Cat Care and have been determined to be unowned and feral. Additionally, these cats shall minimally be spayed or neutered and vaccinated against rabies. Community Cat Care shall keep all current vaccination records.
- e. Persons found to be in violation of any of the requirements of subsection (d) above may be prosecuted under any applicable City of Grand Junction ordinance.
- f. Within eighteen (18) months of the effective date of this ordinance, Community Cat Care shall report to Planning Commission on the effectiveness of this ordinance and otherwise report problems, successes and related issues. Without further action by the City Council, the terms and

provisions of this ordinance shall expire on the second anniversary of the effective date of this ordinance.

Introduced this 18th day of October, 2000.

Passed and adopted this _____ day of _____, 2001.

President of the Council

ATTEST:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO

RECITALS: The City of Grand Junction Zoning and Development Code, Section 4.3.A.4.a provides that "In all districts, a maximum of three (3) adult (four month or older) household pets, e.g. dogs and cats, per species, shall be allowed." Under the City of Grand Junction Code of Ordinances, responsibility for an animal is triggered when a person "owns, keeps, or harbors" an animal. "Harboring" is defined in Section 6-57 as "the act of keeping or caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of at least three (3) consecutive days." Persons who feed feral cats would be in violation of the Zoning Code, even if the cat did not live with those persons, if the cats return for food to that residence. A feral cat is a cat which is the wild offspring of stray or abandoned cats. Community Cat Care is a non-profit group which seeks to end the suffering and inhumane treatment of feral cats to a caretaker to encourage the stabilization of the feral cat population. Unmanaged feral cat populations put the public at increased risk of exposure to rabies, other diseases and parasites and can become a nuisance in residential areas. A person registered with Community Cat Care will feed cats who have been screened and determined to be feral and unowned. The animals will also be vaccinated and spayed or neutered.

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

Chapter 6, Section 6-58 (a) of the Code of Ordinances of the City of Grand Junction, is amended as follows to add after the first sentence:

No person, except a registered Community Cat Care participant shall, own, keep or harbor in the City any feral cat which has been screened and accepted by Community Cat Care. Community Cat Care shall minimally ensure that such cats have been vaccinated against rabies and the cats have been spayed or neutered. Community Cat Care shall keep records of such vaccinations. Community Cat Care shall indemnify and hold the City harmless from any legal action that may be taken or result from its program.

Introduced this 18th day of October, 2000.

Passed and adopted this _____ day of _____, 2001.

ATTEST:

President of the Council

City Clerk

**Attach 10
CHC Cellular Annexation**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	CHC Cellular Annexation		
Meeting Date:	January 17, 2001		
Date Prepared:	December 12, 2000		
Author:	Patricia Parish	Associate Planner	
Presenter Name:	Patricia Parish	Associate Planner	
	Workshop	X	Formal Agenda

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

Continued from the Dec. 6, 2000 City Council hearing.

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. **At the hearing on December 6, 2000, the Petitioner asked for the Annexation to be withdrawn because of inability to complete development permit. The City Council continued the request to allow the applicant additional time to further negotiate the lease. – See attachment #4 (#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"/> Yes	<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

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.

ANNEXATION SCHEDULE	
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- hearing continued until Jan. 17, 2001
Feb. 18, 2001	Effective date of Annexation and Zoning

RECOMMENDATION:

Approval

NOTE: The applicant is now asking to withdraw the annexation petition because the owner did not finalize an agreement with the lessee to locate an additional antennae on the tower. In accordance with the Persigo Agreement, the owner signed an annexation petition to enable the applicant to go through the site plan review process for the development. The additional antennae has been tentatively approved through the City's review process, pending the completion of the annexation. However, the applicant has indicated they will not be proceeding with the project.

Section D, paragraph 16 of the Intergovernmental Agreement between the City and County states: "... any proposed non-residential use or development which fits at least partially any one or more of the following criteria shall first annex to the City prior to, or concurrent with, review and approval of the development proposal. Even if the developer or applicant would experience a delay, the City shall require that annexation shall occur forthwith so that the City has complete land use authority over the proposed development from its initial planning and review stages."

At the September 19, 2000 annual meeting of the City Council and County Commissioners regarding the joint sewer system, the Council and Commissioners agreed that, if a development was annexed and the development was denied or did not go through to completion of the process, there would be no de-annexation. It was also agreed that staff can advise applicants that if an annexation petition is signed in

conjunction with a development application, the annexation will likely proceed, regardless of the outcome of the development request (as per the meeting minutes).

Attachments:

1. Resolution Accepting Petitions for Annexation
2. Ordinances of Annexation (2)
3. Summary Sheet
4. Letter from Petitioner asking for Withdraw of Annexation
5. 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 17th day of January, 2001; 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 17th day of January , 2001.

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 17th day of January, 2001; 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 17th day of January, 2001.

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 17th day of January, 2001; 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 17th day of January, 2001.

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

(CHC.doc)

**Attach 11
CHC Cellular Annexation - Zoning**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	CHC Cellular Annexation - Zoning		
Meeting Date:	January 17, 2001		
Date Prepared:	December 12, 2000		
Author:	Patricia Parish	Associate Planner	
Presenter Name:	Patricia Parish	Associate Planner	
	Workshop	X	Formal Agenda

Subject: Public Hearing for Zoning the CHC Cellular Annexation, #ANX-2000-186
Continued from the December 6th City Council Hearing.

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

ANNEXATION SCHEDULE	
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 - Continued to the Jan. 17, 2001 hearing.
Feb. 18, 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:

City Clerk

President of the Council

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)

**Attach 12
Colonial Heights Rezone**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL			
Subject:	Colonial Heights Rezone		
Meeting Date:	January 17, 2001		
Date Prepared:	December 28, 2000		
Author:	Joe Carter	Associate Planner	
Presenter Name:	Joe Carter	Associate Planner	
	Workshop	X	Formal Agenda

Subject: Colonial Heights Rezone

Summary: The petitioner is requesting approval of a Rezone of 46.8 acres parcel located on the southeast corner of 25 Road and G Road. The current zoning is PD 4.4. The petitioner is requesting a zoning of RMF-8, Residential Multi-family 8 units per acre. The Planning Commission forwarded a recommendation of denial to the City Council. The applicant's appeal of the Planning Commission's decision will be heard at the time of Second Reading of the Zoning Ordinance. **NOTE: This project was continued from the January 3, 2001 hearing.**

Background Information: See Attached Staff Report.

Budget: N/A

Action Requested/Recommendation: Second Reading of the Ordinance for Colonial Heights.

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

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

MEETING DATE: January 3, 2001

CITY COUNCIL

STAFF PRESENTATION: Joe Carter

AGENDA TOPIC: Rezone, File # RZ-2000-179, Colonial Heights Subdivision.

SUMMARY: The petitioner is requesting approval of a Rezone of 46.8 acres parcel located on the southeast corner of 25 Road and G Road. The current zoning is PD 4.4 units per acre. The petitioner is requesting a zoning of RMF-8. The Planning Commission forwarded a recommendation of denial to the City Council. The applicant's appeal of the Planning Commission's decision will be heard at the time of Second Reading of the Zoning Ordinance. **NOTE: This project was continued from the January 3, 2001 hearing.**

ACTION REQUESTED: Second Reading of the Zoning Ordinance

BACKGROUND INFORMATION					
Location:		Southeast Corner of 25 Road and G Road			
Applicants:		Alan Parkerson, Petitioner Rich Livingston, Representative			
Existing Land Use:		Vacant			
Proposed Land Use:		Residential Subdivision			
Surrounding Land Use:	North	Residential, large lot residential			
	South	Residential, 4.52 units per acre			
	East	Residential, 2.3 units per acre			
	West	Residential, large lot residential			
Existing Zoning:		PD 4.4, Planned Development 4.4 du/acre			
Proposed Zoning:		RMF-8, Residential Multi-family, 8 du/acre			
Surrounding Zoning:	North	RSF-4 (City)			
	South	RMF-8, (City) Garrett Estates			
	East	PD-2.3(City) Moon Ridge Falls			
	West	RMF-8 (City)			
Growth Plan Designation:		Residential Medium, 4 to 8 du/acre			
Zoning within density range?		x	Yes		No

PROJECT ANALYSIS

This project was continued from the January 3, 2001 hearing.

The petitioners are requesting a Rezone of 46.8 acres located on the southeast corner of 25 Road and G Road. The parcel is currently zoned Planned Development, 4.4 dwelling units per acre. The applicants are requesting an RMF-8 designation, Residential Multi-family 8 dwelling units per acre.

The Growth Plan designates this parcel as Residential Medium 4 to 8 units per acre. This proposal meets the intent of the Growth Plan.

The parcel was originally proposed as the Country Crossing development. Under the Country Crossing Development, the prior applicants successfully rezoned the property from PR-3.8 to PR-4.4. Staff does not know the reasons for the Country Crossing proposal abandonment. The Planned Development designation remained with the adoption of the new zoning map in April 2000.

As stated above, the applicant is requesting a rezone from PD to RMF-8. The applicant proposes a density of 4.6 dwelling units per acre or 184 units on 39.81 acres. The remaining 7.03 acres will be dedicated to the HOA as open space.

The 7.03 acres is not suitable for development and can be eliminated from the 'Net Developable Area' calculation. As proposed, the subdivision would consist of 140 single-family residential lots and 22 duplex lots.

The Parks and Recreation Department has requested an additional 10% gross land area dedication to the City of Grand Junction for a neighborhood park as per the Parks Master Plan. With the neighborhood park dedication, the number of lots will be reduced. The density might fluctuate slightly with the neighborhood park designation but will not exceed 8 units per acre or go below the 4 dwelling unit per acre density. The applicant is requesting the RMF-8 designation in order to reduce the lot size and minimize setbacks. The applicant has stated that there is no market demand for an 8 unit per acre development at this time.

The applicant sent notices to all adjacent property owners within 500 feet requesting their attendance at a required neighborhood meeting. The meeting was held on July 12, 2000 at 7:00 PM. Eight people were listed as attendees on the sign-in sheet. The density was discussed and the conceptual plan was shown to the attendees. The minutes for this neighborhood meeting, sign-in sheet and list of notified property owners are attached to this staff report.

The applicant is requesting only a rezone for the property under this application. Traffic, streets, access, drainage, lot configuration, irrigation and utilities will be reviewed at the time the Preliminary Plan is submitted for review. Attached to this staff report are Agency Review Comments that pertain more to a Preliminary Plan review. While these comments are valid, most were not considered for this rezoning request.

This rezone must be evaluated using the criteria noted in Sections 2.6 of the Zoning and Development Code, as follows:

1. **Was the existing zone an error at the time of adoption?** No., The underlying zone for this parcel is PD and was adopted with the new zoning map in April 2000.
2. **Has there been a change in character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.?** The parcels directly to the south and west of this parcel are zoned RMF-8, as adopted by the City Council in April 2000.
3. **Is the proposed rezone 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?** The proposed rezone is compatible with the surrounding zoning and densities. The applicant for this project is the same applicant that is now constructing Garrett Estates subdivision, directly south of this parcel. The Growth Plan designation for this parcel is Residential Medium 4 to 8 units per acre and the zoning is RMF-8. Although the zoning for this parcel is RMF-8, the developer was approved with a density of 4.52 units per acre.

There is a Traffic Impact Study required for the Preliminary Plan submittal. The applicant is aware of the site improvement requirements for storm water and drainage. While water, air, noise and light pollution are very real concerns, the proposed development is consistent with the developed area on the east and south sides, which were approved by the Community Development Department. These items will be addressed at time of Preliminary Plan review.

4. **Is the proposal in conformance with the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Zoning and Development Code and other City regulations and guidelines?** Yes, the proposed development has been designed to be compliant with the Growth Plan. The Growth Plan designates this parcel as Residential Medium 4 to 8 units per acre.
5. **Are adequate public facilities and services available or will be made available concurrent with the projected impacts of the proposed development?** Adequate facilities are available in the area and could reasonably be extended.
6. **Is there an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs?** There is adequate supply of land in the area. The Growth Plan designates this property for residential development at densities of 4 to 8 units per acre that indicates a community need.
7. **Will the community or neighborhood benefit from the proposed zone?** Yes. The proposed development can be considered in-fill due to the extent of surrounding development and the proposed zone is consistent with the surrounding zoning and densities. The parcel of land is in close proximity to the regional shopping mall and a

regional park. The close proximity to these amenities would be beneficial to the community by reducing trip length to these destination areas.

STAFF RECOMMENDATION:

Approval

PLANNING COMMISSION ACTION:

The Planning Commission unanimously denied the request in a 0 – 6 vote. The Planning Commission agreed that, in this instance, a specific plan should have been submitted along with the rezone request.

The applicant has submitted an appeal to the Planning Commission's recommendation to City Council. This appeal will be heard at time of Second Reading of the Zoning Ordinance.

Attachments:

- d. Ordinance
- e. General location map (aerial)
- f. Site Plan
- g. Neighborhood Meeting Minutes

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

**ORDINANCE REZONING A PARCEL OF LAND LOCATED ON THE SOUTHEAST
CORNER OF 25 ROAD AND G ROAD FROM PD 4.4 TO RMF-8.**

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 Residential Multi-family 8 units per acre (RMF-8) zone district to these parcels for the following reasons:

- RMF-8 zone district meets the recommended land use categories as shown on the future land use map of the Growth Plan, and the Growth Plan's goals and policies.
- RMF-8 zone district meets the criteria found in Sections 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 zone district be established.

The City Council finds that the RMF-8 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following parcels shall be zoned Residential Multi-family 8 units per acre (RMF-8) zone district:

LEGAL DESCRIPTIONS

PARCEL 1

Beginning at the Northwest Corner of the SW ¼ NW1/4 of Section 3, Township 1 South, Range 1 West of the Ute Meridian,
thence South 89d31' East 1319.00 feet to the Northeast Corner of said SW1/4 NW1/4
thence South 00d01' East 147.3 feet,
thence South 74d27' West 1084.6 feet,
thence South 64d16' West 141.0 feet,
thence West 147.2 feet to the West line of said SW ¼ NW1/4,
thence North 510.4 feet to the Point of Beginning,
Tax Schedule # 2945-032-00-199

PARCEL 2

That part of the NW ¼ NW1/4 and the W1/2 NE1/4 NW1/4 of Section 3, Township 1 South, Range 1 West of the Ute Meridian, lying Westerly and Southerly of the centerline of the Grand Valley Canal,

EXCEPT Beginning at the Northwest Corner of Section 3, Township 1 South, Range 1 West of the Ute Meridian,

thence East along the North line of said Section 3 a distance of the 220.0 feet,

thence South parallel to the West line of said Section 3 a distance of 180.0 feet,

thence West parallel to the North line of said Section 3 a distance of 220.0 feet,

thence North along the West line of said Section 3 a distance of 180.0 feet to the Point of Beginning,

PARCEL 3:

That part of the NW1/4 NW1/4 and the W1/2 NE1/4 NW1/4 of Section 3, Township 1 South, Range 1 West of the Ute Meridian lying Westerly and Southerly of the Easterly and Northerly right of way line of the Grand Junction and Grand River Railway, AND lying Northerly and easterly of the centerline of the Grand Valley Canal,

EXCEPTING THEREFROM that portion conveyed in Deed recorded May 13, 1997, in Book 2325 at Page 110, said portion being described as follows:

All that part of the following described property lying East of the centerline of the Grand Valley Canal:

A parcel of land located in the NE¼ NW¼ of Section 3, Township 1 South Range 1 West of the Ute Meridian further described as the following:

Beginning at the Southwest Corner of said NE1/4 NW1/4 of Section 3, whence the

Northwest Corner of said NE1/4 NW1/4 of Section 3 bears North 00d02'09" West, a

distance of 1332.54 feet for a basis of bearing with all bearings contained herein relative

thereto; thence along the West line of said NE1/4 NW1/4 of Section 3 North 00d02'09"

West, a distance of 371.96 feet, thence along the Easterly right-of-way line of a 40.00 foot

wide right of way for the Grand Junction and Grand River Valley Railway as recorded in

Book 125, Pages 286 through 288 of the Mesa County Records the following three (3)

courses: (1) South 13d59'29" East, a distance of 3.11 feet, (2) along a curve to the left,

having a delta angle of 76d33'20", with a radius of 454.62 feet, an arc length of 607.44

feet, a chord bearing of South 52d16'09" East, and a chord distance of 563.25 feet, (3)

North 89d27'11" East, a distance of 213.18 feet, thence South 00d03'24" East, a distance

of 20.00 feet to a point on the South line of said NE1/4 NW1/4 of Section 3, thence South

89d27'11" West, a distance of 659.21 feet along said South line to the Point of Beginning,

ALL IN MESA COUNTY, COLORADO.

Introduced on first reading this 20th day of December, 2000.

PASSED and ADOPTED on second reading this _____ day of _____, 2001.

President of the Council

ATTEST:

City Clerk

