

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

WEDNESDAY, MARCH 5, 2003, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation –Youth Pastor Brian Cook, River of Life Alliance
Church

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO NEWLY APPOINTED MEMBER OF THE GRAND JUNCTION FORESTRY BOARD
TO REAPPOINTED MEMBER OF THE COMMISSION ON ARTS AND CULTURE

CITIZEN COMMENTS

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

1. Minutes of Previous Meetings

[Attach 1](#)

Action: Approve the Summary of the February 19, 2003 Workshop and the Minutes of the February 19, 2003 Regular Meeting

2. Amending the Sewer Back-up Policy

[Attach 2](#)

The purpose of this policy is to respond to a Council request to consider other financial limits and processes when responding to sewer backup claims. This Policy is adopted via Resolution.

Resolution No. 22-03 – A Resolution Amending the Persigo Sewer System's Policy Regarding Payments for Sewer Back-Ups

**Action: Adopt Resolution No. 22-03*

This agenda is intended as a guideline for the City Council. Items on the agenda are subject to change as is the order of the agenda.

*** *Indicates New Item*

* *Requires Roll Call Vote*

Staff presentation: Mark Relph, Public Works and Utilities Director

3. **Commission on Arts and Culture Funding Recommendations for Arts and Cultural Events and Projects** [Attach 5](#)

Through an application and granting program, the GJ Commission on Arts and Culture makes funding recommendations to City Council to help support cultural events, projects, and programs throughout Grand Junction as a means of improving both the quality and quantity of cultural activities and opportunities for local citizens.

Action: Approve Recommendations as Presented

Staff presentation: Allison Sarmo, Cultural Arts Coordinator

4.*** **GOCO Grant Agreement** [Attach 19](#)

The City of Grand Junction applied for and has been awarded \$150,000 for Canyon View Park development. The resolution 1), authorizes the City Manager to sign the grant agreement and 2), authorizes the expenditure of funds as necessary to meet the terms and obligations of the grant agreement and application.

Resolution No. 28-03 – A Resolution Concerning the Agreement Between the City of Grand Junction and The State Board of the Great Outdoors Colorado Trust Fund and the Project Known as the Canyon View Park

**Action: Adopt Resolution No. 28-03*

Staff presentation: Joe Stevens, Parks and Recreation Director

5. **Application to Colorado Historical Society State Historical Fund for Historic Survey** [Attach 6](#)

Pursuant to the recently-adopted City of Grand Junction *Strategic Plan 2002-2012*, the community has identified a goal being to “facilitate efforts that sustain the historic character of the community”. To that end, Objective 26 of the *Plan* further states that “By 2004, complete Phase Three of the historic survey. The purpose of this application for a grant through the Colorado Historical Society State Historical Fund is to implement this objective. The total cost of the survey is \$100,000, \$60,000 from the State Historical Fund and \$40,000 match from the City.

Action: Authorize the City Manager to Sign the Application to the Colorado Historical Society State Historical Fund for the Historic Survey

Staff presentation: Kristen Ashbeck, Senior Planner

6. **Setting a Hearing for the Fruitvale Estates Annexation, South of E $\frac{1}{2}$ Road (Orchard Ave.), North of Hoover Drive (3083 E $\frac{1}{2}$ Road)** [File # ANX-2003-023]

[Attach 7](#)

The Fruitvale Estates Annexation is an annexation comprised of 1 parcel of land located on the south side of E $\frac{1}{2}$ Road, north of Hoover Drive, comprising a total of 4.3815 acres. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

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

Resolution No. 23-03 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Fruitvale Estates Annexation, Located at 3083 E $\frac{1}{2}$ Road

**Action: Adopt Resolution No. 23-03*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fruitvale Estates Annexation, Approximately 4.3815 Acres, Located at 3083 E $\frac{1}{2}$ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

Staff presentation: Pat Cecil, Development Services Supervisor

7. **Setting a Hearing for the World Harvest Church Rezone Located at 2826 F Road** [File # RZ-2002-236]

[Attach 8](#)

First reading of the rezone ordinance for the World Harvest Church property located at 2826 F Road, from RMF-8 to RMF-12. The Harvest Subdivision consists of 17.018 acres of land. Lot 2 is approximately 2.996 acres in size. The applicants request that Lot 2 of this subdivision be rezoned to a higher density to accommodate a multi-family, group living facility.

Proposed Ordinance Rezoning Lot 2, of the Harvest Subdivision Located at 2826 F Road from RMF-8 to RMF-12

Action: Adopt the Proposed Ordinance on First Reading and Set a Hearing for April 2, 2003

Staff presentation: Lori V. Bowers, Senior Planner

8. **Partial Vacation of a Sanitary Sewer Easement --- Lot 5, Mesa Mall Subdivision (Target) Located at 2424 U.S. Highway 6&50** [File # VE-2002-247] [Attach 9](#)

The applicant proposes to vacate a portion of a 20 ft. wide sanitary sewer easement located on Lot 5, Mesa Mall Subdivision. In order to allow the proposed 15,272 sq. ft. expansion of the present building as submitted, a portion of an existing sanitary sewer easement located on the north side of the building must be vacated and abandoned. A new easement will be dedicated by separate instrument and filed at the Mesa County Courthouse to show the new easement and rerouted sanitary sewer location which will be directly to the north of the proposed expansion. The Planning Commission recommended approval at its February 25, 2003 meeting.

Resolution No. 24-03 – A Resolution Vacating a Portion of a 20' Wide Sanitary Sewer Easement Located on Lot 5, Mesa Mall Subdivision, Known as: 2424 U. S. Hwy. 6 & 50 (Target)

**Action: Adopt Resolution No. 24-03*

Staff presentation: Scott D. Peterson, Associate Planner

9. **Setting a Hearing on Tobacco Ordinance** [Attach 10](#)

In February 1999, City Council adopted Ordinance No. 3095, addressing the problem of teenage smoking. The ordinance will sunset in February 2004 if no further action is taken by City Council. This ordinance will make the provisions of Ordinance No. 3095 permanent.

Proposed Ordinance Amending Chapter 24, Section 21, of the City of Grand Junction Code of Ordinances, Regulating Tobacco Products

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 2, 2003

Staff presentation: Stephanie Rubinstein, City Staff Attorney

10. **Award Contract for the Purchase of Event Marquee at Two Rivers Convention Center** [Attach 11](#)

Replace the Two Rivers Convention Center event marquee sign with a new event marquee sign and electronic reader board. The sign will display current and upcoming events at Two Rivers Convention Center, Avalon Theater and the Downtown Shopping Park. This project is a joint venture with the City of Grand Junction and the Downtown Development Authority. The design and construction materials will complement the remodeled convention center and the downtown area.

Action: Authorize the City Manager to Sign a Contract with Platinum Sign Company of Grand Junction in an Amount of \$81,777 plus a \$2,223 Contingency for Electrical Service for the Construction and Installation of Event Marquee at Two Rivers Convention Center

Staff presentation: Joe Stevens, Parks and Recreation Director

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

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

11.*** **Grand Junction Economic Partnership Incentive Request** [Attach 20](#)

Authorizing an incentive of \$600,000 to the Grand Junction Economic Partnership to be used for the creation of approximately 400 new jobs at Adam Aircraft over the next four years.

Resolution No. 29-03 – A Resolution Authorizing an Economic Development Incentive to Grand Junction Economic Partnership for \$600,000 for the Benefit of a New Manufacturing Facility Starting Up in Grand Junction

**Action: Adopt Resolution No. 29-03*

Presentation: Denny Granum, GJEP Board Member and Chair of Prospect Committee

12. **Award of Construction Contract for the Combined Sewer Elimination Project Phase I, Water Line Replacements** [Attach 3](#)

This project is the first of six Combined Sewer Elimination Project contracts and is proposed to replace over 21,400 feet of water lines ranging in size from 6" to 24" in the downtown area. On February 18, 2003, MA Concrete Construction of Grand Junction Colorado submitted a low, qualified, bid of \$1,534,747.70 to complete the work.

Action: Authorize the City Manager to Sign a Construction Contract for the Combined Sewer Elimination Project Phase I, Water Line Replacements with M.A. Concrete in the Amount of \$1,534,747.70

Staff presentation: Mark Relph, Public Works and Utilities Director

13. Award of Construction Contract for the Combined Sewer Elimination Project, Phase I, Basin 10 [Attach 4](#)

This project is the second of six contracts associated with the Combined Sewer Elimination Project. This contract will construct 2,685 feet of storm sewer and a storm water quality facility. On February 25, 2003, Mendez, Inc. of Grand Junction submitted a low, qualified, bid of \$386,239.05 to complete the work.

Action: Authorize the City Manager to Sign a Construction Contract for the Combined Sewer Elimination Project, Phase I, Basin 10 with Mendez, Inc. in an Amount of \$386,239.05

Staff presentation: Mark Relph, Public Works and Utilities Director

14. Award of Design Contract for Fire Station #5 [Attach 12](#)

Professional architectural services for the design and construction collaboration for the construction of the new Redlands Fire Station #5. Construction collaboration consists of the architect's participation with the City Fire Department, Public Works Department, Community Development Department and the hired Construction Management Firm to insure the final design and construction of the facility complies with the requirements of the Fire Department, is completed within budget and within the projected schedule. Four (4) top ranked firms were interviewed from the ten (10) qualification proposals received:

- TSP Five, Inc. Denver, Colorado
- Blythe Design + Grand Junction, Colorado
- RMW Architecture Denver, Colorado
- Vaught/Frye Architects Fort Collins, Colorado

Action: Authorize the City Manager to Sign a Design Contract with TSP Five, Inc. for Fire Station #5 in an Amount of \$143,600

Staff presentation: Ron Watkins, Purchasing Manager
Mike Curtis, Project Engineer

15. Request for Rehearing - Zoning the Red Tail Ridge Annexation, Located at the South End of Buena Vista Drive [File #ANX-2002-230] [Attach 13](#)

The petitioners for the Red Tail Ridge Annexation requested that a zoning of RSF-4 be applied to the 9.88 acres. The City Council zoned the property to the RSF-2 zone district on February 19, 2003 following the public hearing on the zoning associated with the annexation. The petitioner, who was not present at the hearing, is requesting a rehearing of the zoning request in order to present their justification for a RSF-4 zoning on the property.

Action: Consider Whether to Rehear the Zoning Request, and if a Rehearing is Granted, Provide Public Notice and Schedule a Public Hearing Date of April 16, 2003.

Staff presentation: Bob Blanchard, Community Development Director

16. Public Hearing –23 Road Right-of-Way Vacation and Conveyance of an Access Easement Across City Property [File #VR-2002-224] [Attach 14](#)

The applicant proposes to vacate the 23 Road right-of-way in conjunction with an administrative review of a simple subdivision. In order to prevent a parcel from becoming landlocked upon vacation of 23 Road, the applicant is required to secure an access easement across City property. The easement will be temporary. The parcel which would be accessed via the easement will likely be sold to the adjoining property owner to the west. The Planning Commission recommended approval concerning the right-of-way vacation on January 14, 2003.

a. Vacating Ordinance

Ordinance No. 3506 - An Ordinance Vacating 23 Road Right-Of-Way North of the Colorado River to River Road Known as 2301 River Road

**Action: Adopt Ordinance No. 3506 on Second Reading*

b. Easement Resolution

Resolution No. 25-03 – A Resolution Concerning the Granting of a Non-Exclusive Access Easement to the Bureau of Land Management Across City Property Located North of the Colorado River and West of Redlands Parkway

**Action: Adopt Resolution No. 25-03*

Staff presentation: Ronnie Edwards, Associate Planner

17. **Amendment to the Special Improvement District Between Grand Junction Rimrock General Improvement District and the Developer** [Attach 15](#)

This resolution amends the agreement between the City Council (acting as the Board of Directors for the Rimrock Marketplace General Improvement District (GID)) and THF Grand Junction, the owner and developer of Rimrock.

Resolution No. 26-03 – A Resolution Approving an Amendment to the Special Improvement District Agreement Between the City of Grand Junction Rimrock Marketplace General Improvement District and THF Grand Junction Development, LP

**Action: Adopt Resolution No. 26-03*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

18. **Downtown Partnership Agreement** [Attach 16](#)

The Downtown Development Authority (DDA) and the Downtown Association (DTA) are joining together in forming a Downtown Partnership to work together in building a program to promote vitality and economic activity in the downtown area. The City Council recently approved the expenditure of \$75,000 from the parking funds for 2003.

Action: Authorize the City Manager to Sign the Agreement with Downtown Development Authority and the Downtown Association for the Downtown Partnership

Presentation: Harold Stalf, DDA Executive Director

19. **Pollution Discharge Permit Application** [Attach 17](#)

The request is to authorize the City Manager to submit the National Pollution Discharge Elimination System (NPDES) Phase II permit application to the Colorado Department of Health and Environment. The permit application is in response to regulations that take effect March 10, 2003.

Resolution No. 27-03 – A Resolution of the City Council of the City of Grand Junction to Submit a NPDES Phase II Permit Application to the Colorado Department of Health and Environment

**Action: Adopt Resolution No. 27-03*

Staff presentation: Trent Prall, Utility Engineer

20. Guidelines Regarding Use of Grand Valley Canals for Recreational Purposes
[Attach 18](#)

City staff and the Urban Trails Board continue to communicate with the GVIC Board regarding the use of GVIC canals for recreational purposes. The attached can serve as a “first step” to continuing efforts to reach mutual agreement.

Action: Council’s Approval of City’s Continued Discussions with Grand Valley Irrigation Company as Pertains to Canals for Public Recreational Purposes

Staff presentation: Dan Wilson, City Attorney

21. NON-SCHEDULED CITIZENS & VISITORS

22. OTHER BUSINESS

23. ADJOURNMENT

**Attach 1
Minutes of Previous Meetings**

**GRAND JUNCTION
CITY COUNCIL WORKSHOP**

February 19, 2003

The City Council of the City of Grand Junction, Colorado met on Wednesday, February 19, 2003 at 6:38 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Reford Theobald and President of the Council Cindy Enos-Martinez. Absent was Councilmember Janet Terry. Councilmember Jim Spehar entered at 6:55 p.m.

Summaries and action on the following topics:

1. **REVIEW SMOKING ORDINANCE:** The ordinance adopted in 1999 that addressed teenage smoking required an update on the fourth anniversary of the ordinance. Staff City Attorney Stephanie Rubenstein, Sergeant Paul Quimby and Karen Milbanks of the Mesa County Health Department provided an update. Also present were Dr. Mike Pramenko, President of the Tobacco Education Council, and Dr. Teresa Coons, St. Mary's Saccomanno Research Institute.

Dr. Pramenko said he was pleased with the progress made with the ordinance. The Tobacco Council is looking at state budget cuts which will affect education programs but these are proven to help decrease use of tobacco. Two visible results are reduced smoking near schools and that tobacco products are now behind the counters at stores. He said Dr. Teresa Coons has a report on measurable results but Dr. Pramenko noted it is not just the measurable things, it's the message.

Dr. Coons gave an overview of the report and stated that there have been no negative effects of the ordinance. There has been a decrease in tardies at the high schools. She was not able to gather statistics on the affect on teen smoking comparing inside city limits versus outside city limits but she has received positive feedback from school administrators.

Sergeant Quimby echoed what Dr. Coons said. The Police Dept. does not track warnings so the statistics presented are only a small percentage of those contacted. Minors in possession of tobacco are not proactively approached, but if they come across a situation where a ticket is warranted, it will be issued.

Staff City Attorney Rubenstein said a renewal of the ordinance would be brought before Council next year if the Staff is so directed.

Action summary: Council directed Staff to bring the renewal ordinance back before them immediately rather than waiting until next year.

2. **REVIEW OF SEWER BACK-UP POLICY:** Staff is proposing a change to the City's sewer back-up policy. City Manager Kelly Arnold advised that if there are no objections to this policy it will come before Council on their March 5th agenda. The development of the policy is the result of the way Grand Junction does business. It is very difficult and emotional to deal with a sewer back up. There will be an immediate response to those occurrences under this policy, plus there will be a single point of contact.

Public Works & Utilities Director Mark Relph reviewed the proposal. The current policy is \$150 maximum payout. The new proposal is for \$750 clean-up assistance and a maximum of \$2,500 damages payout (less the \$750 clean-up payout). The policy includes an education campaign for how to prevent and also handle such a situation.

Councilmember Spehar felt the new policy is reasonable and urged that it go forward. Councilmember Kirtland agreed but also wanted to make sure the fee is reevaluated on a regular basis to ensure it stays in line with what is reasonable. Councilmember Spehar added that the problem will be reduced substantially once the combined sewer elimination project is completed.

Action summary: Staff was directed to place the Resolution adopting the policy on the March 5th agenda.

ADJOURNED at 7:12 p.m.

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

February 19, 2003

The City Council of the City of Grand Junction convened into regular session on the 19th day of February 2003, at 7:32 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Bill McCurry, Dennis Kirtland, Jim Spehar, Reford Theobold, and President of the Council Cindy Enos-Martinez. Councilmember Janet Terry was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Tuin.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember Butler led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Scott Hogue of the First Baptist Church.

PROCLAMATIONS / RECOGNITIONS

There were none.

APPOINTMENTS

GRAND JUNCTION FORESTRY BOARD OF DIRECTORS

Councilmember Theobold moved to appoint Ian H. Gray to fill an unexpired term on the Grand Junction Forestry Board until November 2003. Councilmember McCurry seconded. Motion carried.

COMMISSION ON ARTS AND CULTURE

Councilmember Theobold moved to reappoint Pamela Blythe and Janet Prell to the Commission on Arts and Culture for three-year terms. Councilmember Kirtland seconded. Motion carried.

SCHEDULED CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember Kirtland, seconded by Councilmember McCurry, and carried to approve Consent Items #1 through 9.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the February 3, 2003 Workshop, Minutes of the February 3, 2003 Special Meeting, and the Minutes of the February 5, 2003 Regular Meeting

2. **Mesa County Animal Control Contract**

The City of Grand Junction has had an ongoing, annually renewable agreement with Mesa County for the control of animals within the city limits. The City pays Mesa County a percentage of the Animal Control budget based upon the City's percent of total calls for service. The City's share for 2003 is 39.1% or \$187,163.08. The contract calls for four quarterly payments of \$46,790.77. In 2002 the City paid \$181,072 for Animal Control Services. The 2003 amount of \$187,163.08 represents a 3.4 percent increase over the 2002 amount paid.

Action: Authorize the City Manager to Sign the Contract with Mesa County for Animal Control Services for 2003 in the Amount of \$187,163.08

3. **Setting a Hearing for the 23 Road Right-of-Way Vacation** [File #VR-2002-224]

The applicant proposes to vacate the 23 Road right-of-way in conjunction with an administrative review of a simple subdivision. In order to prevent a parcel from becoming landlocked upon vacation of 23 Road, the applicant will be required to secure an access easement across City property. The resolution granting the access easement will be considered with the second reading of the ordinance to vacate 23 Road right-of-way. The proposed easement will be temporary. The parcel, which would be accessed via the easement, will likely be sold to the adjoining property owner to the west. The Planning Commission recommended approval concerning the right-of-way vacation on January 14, 2003.

Proposed Ordinance Vacating 23 Road Right-Of-Way North of the Colorado River to River Road Known as 2301 River Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 5, 2003

4. **Setting a Hearing for the Hubbartt Annexation located at 2976 Gunnison Avenue**

The Hubbartt Annexation is comprised of 1 parcel of land consisting of 1.2731 acres located at 2976 Gunnison Avenue. The owner is seeking annexation in anticipation of constructing a 5,000 square foot auto body repair shop, pursuant to the 1998 Persigo Agreement with Mesa County.

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

Resolution No. 14-03 - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Hubbartt Annexation Located at 2976 Gunnison Avenue and Including a Portion of Gunnison Avenue Right-of-Way

Action: Adopt Resolution No. 14-03

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hubbartt Annexation, Approximately 1.2731 Acres, Located at 2976 Gunnison Avenue and Including a Portion of Gunnison Avenue Right-of-Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

5. **Setting a Hearing for Fairway Pines Annexation Located at 2970 B Road** [File # ANX-2003-021]

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

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

Resolution No. 16-03 - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Fairway Pines Annexation, Located at 2970 B Road

Action: Adopt Resolution No. 16-03

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fairway Pines Annexation, Approximately 6.4295 Acres Located at 2970 B Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

6. Setting a Hearing for the Grand Meadows South Annexation Located at 466 30 Road [File #ANX-2003-010]

The 4.8995-acre Grand Meadows South Annexation area consists of one parcel with a single-family residence. The owner of the property has signed a petition for annexation.

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

Resolution No. 17-03 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Grand Meadows South Annexation Located at 466 30 Road

Action: Adopt Resolution No. 17-03

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Grand Meadows South Annexation, Approximately 4.8995 Acres Located at 466 30 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 16, 2003

7. **Setting a Hearing for the Seriani Annexation No. 1 & 2 Located at 2986 Gunnison Avenue** [File #ANX-2003-025]

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

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

Resolution No. 18-03 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Seriani Annexation No. 1 & 2, a Serial Annexation Comprising Seriani Annexation No. 1 and Seriani Annexation No. 2 Located at 2986 Gunnison Avenue

Action: Adopt Resolution No. 18-03

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

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

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

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for April 16, 2003

8. **Setting a Hearing for the Summit Meadows West Annexation Located at 3134 and 3138 D ½ Road** [File #ANX-2003-016]

The 10.8266-acre Summit Meadows West Annexation is a serial annexation consisting of two parcels. There are two single-family residences and various agricultural buildings on both of the parcels being annexed. Both of the property owners have signed a petition for annexation.

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

Resolution No. 19-03 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Summit Meadows West Annexation Located at 3134 and 3138 D ½ Road

Action: *Adopt Resolution No. 19-03*

b. Setting a Hearing on Proposed Ordinance

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

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

Action: *Adopt Proposed Ordinances on First Reading and Set a Hearing for April 16, 2003*

9. Kresin Annexation Located at 2052 South Broadway

The Kresin Annexation is an annexation comprised of one parcel of land located at 2052 South Broadway, comprising a total of 8.2013 acres. The petitioner, at the September 18, 2002 hearing requested that the annexation request be placed on hold, while he decided whether to proceed with a preliminary plat for the property or to pursue a lot line adjustment with Mesa County.

The petitioner decided to process a lot line adjustment with the County, and is requesting to be allowed to withdraw his annexation request.

Action: *Approval of the Request to Withdraw the Annexation*

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

Public Hearing - North Avenue Center Annexation and Zoning the North Avenue Center Annexation Located at 2938 North Avenue [File #ANX-2002-243]

The North Avenue Center Annexation consists of 5.44 acres of land that is located at 2938 North Avenue and is currently vacant. The petitioner's intent is to annex and then subdivide the property into two (2) lots through the Simple Subdivision Plat process and develop the area as commercial lease retail/office space that would be named Palace Pointe Market Place. The proposed annexation lies within the Persigo 201 sewer district. The petitioner requests acceptance of the Annexation Petition and Second Reading of the Annexation Ordinance.

The proposed zoning is C-1, Light Commercial. The Planning Commission recommended approval at its January 28, 2003 meeting.

The public hearing was opened at 7:37 p.m.

Scott D. Peterson, Associate Planner, reviewed this item and the zoning request in one presentation.

Councilmember Spehar asked if this zoning request is premature since the Growth Plan Amendment is pending. City Attorney Wilson replied that Council can approve the current request since the zoning request is consistent with the current County Zoning and with the Growth Plan.

Bill Oswald, who lives at 27 and G Road and who is representing the petitioner, had nothing to add.

There were no public comments.

The public hearing was closed at 7:40 p.m.

a. Accepting Petition

Resolution No. 20-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as North Avenue Center Annexation is Eligible for Annexation Located at 2938 North Avenue

b. Annexation Ordinance

Ordinance No. 3497 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, North Avenue Center Annexation, Approximately 5.44 Acres Located at 2938 North Avenue

c. Zoning Ordinance

Ordinance No. 3498 – An Ordinance Zoning the North Avenue Center Annexation to Light Commercial (C-1) Located at 2938 North Avenue

Councilmember Theobold moved to adopt Resolution No. 20-03 and Ordinance No. 3497 on Second Reading. Councilmember McCurry seconded. Councilmember Theobold amended his motion to include adoption of Ordinance No. 3498. Councilmember McCurry agreed to the amendment. Motion carried by a roll call vote.

Public Hearing – Red Tail Ridge Annexation No. 1 & 2, South End of Buena Vista Drive [File #ANX-2002-230]

The Red Tail Ridge Annexation is an annexation comprised of two parcels of land located at the south end of Buena Vista Drive, comprising a total of 13.5199 acres and includes portions of the Highway 50 South right-of-way. The petitioner is seeking annexation as part of a request for Preliminary Plan approval pursuant to the 1998 Persigo Agreement with Mesa County.

The public hearing was opened at 7:41 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item. He pointed out that the zoning request would be addressed separately.

Linda Sparks, who lives at 141 Buena Vista Drive, referred to a letter she wrote to the Community Development Department. The letter outlined her concerns in regards to the annexation, zoning, and the affect the proposed subdivision would have on the land adjacent to her home. She said Buena Vista Drive supposedly would be the only entrance into the Red Tail Ridge Subdivision.

When Ms. Sparks voiced her concern regarding the proposed density, Council asked her to please wait and come forward at the public hearing when the zoning request would be discussed. Council said the zoning request is the next agenda item.

The applicant was not present.

Edward Krummel, who lives at 2953 Highway 50, also stated his concerns with access, egress, and that there is only one way in and out of the proposed subdivision, and he

would like a secondary road serving the development. Council asked him to come back to the podium when the floor is open to the public discussing the zoning request.

There were no other comments relative to the annexation.

The public hearing was closed at 7:46 p.m.

a. Accepting Petition

Resolution No. 21-03 – A Resolution Accepting a Petition for the Annexation, Making Certain Findings, Determining that the Property Known as the Red Tail Ridge Annexation No. 1 & 2 Located at the South End of Buena Vista Road and Including Portions of the Highway 50 South Right-Of-Way

b. Annexation Ordinances

Ordinance No. 3499 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Red Tail Ridge Annexation No. 1, Approximately 3.1399 Acres Located within the Highway 50 South Right-Of-Way

Ordinance No. 3503 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Red Tail Ridge Annexation No. 2, Approximately 10.38 Acres Located within the Highway 50 South Right-Of-Way

Upon motion made by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by a roll call vote, Resolution No. 21-03 was adopted and Ordinances No. 3499 and No. 3503 were adopted on Second Reading and ordered published.

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

The Red Tail Ridge Annexation is requesting that a zoning of RSF-4 be applied to the 9.88 acres. The Planning Commission at its January 28, 2003 hearing recommended approval of the zone of annexation.

The public hearing was opened at 7:47 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item and noted that the requested zone designation is consistent with the Growth Plan. The Planning Committee agreed and recommended approval at its January meeting. He referred to four letters received by the Planning Department from concerned neighbors from the adjacent areas. He told the Councilmembers that the letters are included in their packages for their review. Mr. Cecil said he felt that many of the homeowners concerns

would be addressed at the Preliminary Plan process. He next reviewed the surrounding property sizes. He noted that there would be two accesses to the development.

Linda Sparks, who lives at 141 Buena Vista Drive, which is adjacent to the proposed development, addressed Council and referred to her letter she had sent voicing her concerns. She told Council that she has no problem with development but the current proposal is requesting too high a density for the site. She said there is no place for the children to play, only a small detention area, and 38 houses are just too many for the 9.88 acres. She said she would rather have two houses per acre, especially since it looks like her driveway will become a street into the new development and will have an affect on the Buena Vista Subdivision. Ms. Sparks reiterated that she is not opposed to changes to the surrounding area, but she is opposed to such a high density as requested by the petitioner. She also pointed out the developer is proposing a split-rail fence to separate the two subdivisions. She said she is afraid that this would result in her lot becoming the neighborhood playground.

Councilmember Kirtland replied that many of these items of concern would be brought up at Planning Commission meetings during the Preliminary Plan process. He said he felt the proposal is consistent with the Growth Plan and the area.

Councilmember Spehar wanted Mr. Cecil to clarify if Council is being asked to zone the parcel RSF-4. Mr. Cecil replied Council has the authority to zone for two to four units per acre under the RSF-4 zoning.

Councilmember Theobold said the next lowest density would be RSF-2, which states a minimum density of two units per acre. He next asked Mr. Cecil how much open space would be required for the development.

Mr. Cecil replied that no open space area is required in a straight zone and on a site this small the City will probably require the developer to pay a fee in lieu of the open space.

Councilmember Theobold wanted to know if the Orchard Mesa Irrigation District is using the adjacent property.

Mr. Cecil replied that the Orchard Mesa Irrigation District has lines on the property but plan to divest itself of that property in the future.

Council President Enos-Martinez wanted to know why the applicant isn't present. Mr. Cecil said he didn't know why the applicant wasn't present.

Councilmember Spehar wanted to know from City Attorney Dan Wilson what options Council has to make this development more compatible with the surrounding properties.

Mr. Wilson talked about an ordinance (which is not yet on the books), which would allow Council to assign the density within the range of the Growth Plan. He said the other possibility is to take advantage of the statute that allows zoning requests to be made 90 days after the annexation of the annexed parcel. He said this time could be used by Staff to talk further with the developer. In addition Council has the option to zone the property RSF-2, which translates to two units per acre. Since exactly two units per acre may not be possible, some rounding is allowed.

Council President Enos-Martinez said she felt there was no hurry to adopt the ordinance tonight since the applicant was not present.

Councilmember Theobold asked Mr. Wilson if Council had 90 days from this date or from the effective date of the annexation. Mr. Wilson said from the effective date which per State Statutes, the effective date is 60 days after publication of the Ordinance (including the appeal period.¹)

Councilmember Spehar said he didn't want to delay voting on the zoning on one 9-acre parcel.

Councilmember Theobold suggested Council could zone the parcel RSF-4, four units per acre, but tell Staff that Council really would like to see three units per acre, and that Staff should communicate this request to the developer. Councilmember Theobold said he felt two units per acre were too restrictive.

Council President Enos-Martinez said she felt it is unfair to put Staff in a position to negotiate the lower density with the developer. Councilmember Spehar agreed.

The public hearing was closed at 8:13 p.m.

Ordinance No. 3504 – An Ordinance Zoning the Red Tail Ridge Annexation to the Residential Single Family – 4 Dwelling Units Per Acre (RSF-4) District Located at Southerly End of Buena Vista Road

Councilmember Spehar moved to adopt Ordinance No. 3504 as amended to RSF-2 on Second Reading. Councilmember McCurry seconded. The motion carried by a roll call vote with Councilmember Kirtland voting **NO**.

¹ Added for clarification by the City Clerk.

Public Hearing – Grand Valley Circulation Plan Revisions (Formerly the Major Street Plan) [File #PLN-2002-161]

A request to approve a District Map, as a part of the Grand Valley Circulation Plan, bounded by 25 ½ Road, 26 Road, F ¾ Road, and G Road.

The Planning Commission reviewed the proposed District Map on January 28, 2003 and recommended approval.

Council President Enos-Martinez recused herself from this item saying she has worked with a developer who is participating in a development related to this item. She said she had recused herself the last time an item in this vicinity was brought before Council. She said even though the City Attorney told her he does not feel it is necessary for her to recuse herself, she said she wants to be consistent in her actions and eliminate any perception of impropriety.

Mayor Pro Tem Kirtland took over the meeting.

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

Tim Moore, Public Works Manager, reviewed this item. He explained the revision of the Grand Valley Circulation Plan and that it is a separate issue from the zoning of Valley Meadows North.

Mr. Moore referred to the 25 ½ Road areas, the anticipated development in that area, and how streets should be developed. He explained the purpose of having a District Map, as part of the Grand Valley Circulation Plan. He explained that the streets being presented on the map would not be built by the City, but by the developers developing those areas in the future. He informed Council that there are no deadlines associated with adoption of a District Map for this area, as the construction of streets would be driven by development in the area.

Mr. Moore said Council is under no obligation to adopt a plan and if Council chooses not to adopt a plan at this time, the effect would be to limit future development in this area.

Councilmember Theobald asked about the cost of the roadways.

Mr. Moore replied that the Department has not yet assessed the cost, but it probably would be about \$146 per running foot.

Councilmember Theobald said he thought the developer would have to bear the cost of the road construction, and he thought it would be a substantial amount, perhaps \$150,000.

Councilmember Spehar pointed out that part of Council's job is to encourage development at the level of the Growth Plan rather than to prevent development, but development may be delayed due to market conditions, and it did not mean that development would be at the upper limit under the Growth Plan.

City Attorney Wilson said that in the past Council has authorized reimbursement agreements for roads, which allow for prorating of the infrastructure cost so the next developer pays their just portion. He said the Burnell property is currently not developable because there is only a small 15-foot access that would not serve more than one house.

Mayor Pro Tem Kirtland asked about the property north of G Road, which is not shown on the map, and how the roads were planned for the Elvira area.

Bob Blanchard, Community Development Director, and Dan Wilson, City Attorney, answered his question and explained the different layout of the area in question.

Councilmember Spehar said the objective is just trying to develop a circulation plan for the area to help current and future landowners envision how future developments could be interconnected. He said Council is not trying to encourage development or plan roads but to look at a long-term perspective for the area.

Councilmember Theobald said Council is nevertheless telling developers when the roads have to be built, which is when they submit plans and apply for development of a property in the area.

Mayor Pro Tem Kirtland pointed out that the objective for this evening's meeting is to discuss and have a motion on the circulation plan. He acknowledged the many people attending the meeting hoping to voice their input. He next opened the floor to the public requesting comments be kept specific to the circulation plan.

Judy Golden, who lives at 679 26 Road, pointed out to Council and the audience the location of her mother's and her property in the proposed general layout of streets in the District Map Area. She said she hoped Council received her letter that she mailed to the City and preceded to read that letter (*see attached letter as Exhibit "A"*). In general, her family objects to the street plan as it bisects their properties and they have no intention of developing. She closed her presentation with the request for Council to vote against the proposed Circulation Plan.

Councilmember Spehar explained to Ms. Golden that the construction of the portion of the proposed road going through her, her mother's, and the Watkinson's property would only be required if and when the property owners decide to develop their properties, and that the adjacent owners can develop their properties and the proposed associated roads when needed.

Councilmember Theobald added to Councilmember Spehar's explanation saying that if the family wanted to divide the farm property and deed a part of the property to each child, the road requirement would be automatically triggered.

Helen Dunn who lives at 2557 McCook Avenue, in the Valley Meadows East Subdivision, addressed Council and started to read her letter (*see attached letter, Exhibit "B"*). Mayor Pro Tem Kirtland interrupted her, stating her comments were not directly relative to the circulation plan but rather to the development of the Valley Meadows North Subdivision, the JUST Companies parcel.

Ms. Dunn asked for assurance that the plan was a conceptual plan only. Councilmember Spehar said the issues she addressed will be dealt with before the development of the north parcel.

Ms. Dunn said if the road is built into the new subdivision and the other roads in the area are not built until the future, then still the only access will be through the Valley Meadows East Subdivision. She said she is afraid that if Council adopts the "conceptual" plan, the only "actual" street is the extension of Kapota.

John Chapman, who lives at 666 Kapota Street, in the Valley Meadows East Subdivision, read his statement into the record (*see attached statement, Exhibit "C"*). It was Mr. Chapman's argument that the planned extension of Kapota Street into the Valley Meadows North Subdivision will breach a berm, create a storm water hazard, and again flood the Valley Meadows East Subdivision. He showed a picture of last year's flooded area.

John Burnell, who lives at 2575 G Road, stated the berm is not a berm, but only a covered up drainage pipe, which does not stop the drainage. He said he had consulted a water attorney fearing liability issues due to drainage problems and designed a pipe underneath that directs the drainage water south. He said he had asked that the conceptual road through his property cross more southerly and then head north over the hill along the same alignment of his driveway. He reiterated that he does not want any roads and he did not buy the property to develop it, but rather to build his new home on the hill. He said he might want to keep the existing house, which they are living in during construction of the new house, and later split the property, which then would trigger the construction of an additional lot and road.

Brian Mahoney, who lives at 2567 G Road, said that since 1990, there has been an increase in that area from 1,600 to 8,000 people. He said Moonrise East is a development built by Mr. Seligman and is zoned RSF-4, and that the east-west easement was never followed through. Mr. Mahoney stated that if a road were to be created it might solve some of the traffic problems. He said he thinks a conceptual plan is a good idea but doesn't think the proposed plan is appropriate, and he would like more preservation of green space.

Larry Ball, who lives at 2577 Galley Lane, said he hoped Council received his letter and therefore will not read it now. He wanted to point out to Council that F ¾ Road does not

exist as shown on the District Map. He said it is only a driveway for the Watkinson's, Caruthers', and Veale's parcels. He said there is a short stretch of F $\frac{3}{4}$ Road east of 1st Street (26 Road) and he hopes the "driveway" will never become a road, and will remain a green space. He asked Council to remove F $\frac{3}{4}$ Road from the District Map. He suggested discussing G Road from Horizon Drive to Highway 6 & 50 as a major thoroughfare, since he heard it would become a five-lane road.

Councilmember Spehar told Mr. Ball that there is no plan to expand G Road to five lanes. Mr. Ball was happy to hear that the rumors weren't true and said he felt the proposal of the circulation plan was laid out as such to serve the Valley Meadows North Subdivision plan only.

Ed Lenhart, of JUST Companies, told Council that this District Map was not included in the design of the Valley Meadows North Subdivision. He said the way the roads will actually be built will depend on how the properties are developed. He said the points may be set but the alignments will depend on the layout of the developments.

Councilmember Spehar said the plan identifies general street layouts, access, and connectivity that could serve the area while meeting City development plans. Connectivity will be required between properties, and it is true the actual location of the roads can vary from the circulation plan.

Tim Moore, Public Works Manager, confirmed Councilmember Spehar's comments and said that this is the intent of the plan and it is just a concept.

Mayor Pro Tem Kirtland questioned Mr. Moore if the property owners (i.e. the Burnells, the Joneses, the Goldens, etc.) were included in the discussions. Mr. Moore replied that according to the engineer, the property owners were not included during the planning, but he certainly is open to that suggestion.

Councilmember Theobald said the Joneses and Burnells would have to build a roadway if their properties are developed, and asked if the road development depended on the density of the property.

City Attorney Wilson explained that the Code requires access to the street system, and Council could change the plan and the density would make no difference, since the plan's concept is connecting the major streets.

Chris McAnany, an attorney representing JUST Companies, said this wouldn't have been an issue with the Valley Meadows North Subdivision development if there had been a Circulation Plan in place. He stated that JUST Companies supports the adoption of the Circulation Plan. He thought it was a good idea and would serve as a template for the big picture in urbanizing an area, ultimately benefiting all.

Councilmember Theobold asked how this plan benefits JUST Companies.

Mr. McAnany said the benefit would be the gain of a possible second access road.

Ed Lenhart, of JUST Companies, said it is correct, there was a street stub in that location, and that he doesn't benefit now, but it gives him the assurance that there will be a tie-in to G Road and 26 Road. He said it also forces cooperation with adjoining property owners.

Carol Bergmann, who lives at 628 Sage Court, warned Council not to be deceived by the connectivity from 25 ½ Road to 26 Road. She questioned why the connection was necessary. She said the connection was not long term because Mr. Lenhart wants to develop his property and the second access might not be needed for another 20 years. She felt the Circulation Plan is for the benefit of JUST Companies, and she suggested the City look for different solutions that won't funnel traffic down through the Valley Meadows East Subdivision.

The public hearing was closed at 10:00 p.m.

Councilmember Spehar said this proposed plan is trying to avoid a repeat of that same problem which was generated by the Moonrise East Subdivision development. He said if JUST Companies is required to have a second access, then that property will be approved for development. He said he felt that too much is being made of what this Circulation Plan is, instead of remembering that this is just an attempt to do long-term planning to avoid future problems.

Councilmember Theobold acknowledged the area's growth, stated this area has a much lower density, and said he hasn't heard any testimony yet that convinces him of the need for a street plan on any of these properties. He said stubbing streets is done all the time, and adjacent owners are not asked for their input to the plan, and he feels that once the plan is adopted it will be impossible to make changes to it. He said adopting the proposed plan won't help anyone and therefore he will vote no on this item.

Councilmember McCurry agreed with Councilmember Theobold.

Mayor Pro Tem Kirtland said he thinks a Circulation Plan should be done, but Councilmember Theobold's suggestion is not the right solution. He said he agrees with Councilmember Spehar that the City needs a plan but that this is not the right solution. He suggested referring the plan back to Staff to develop and plan other options and solutions.

Councilmember Butler was concerned with the increased traffic down Kapota Street. He felt drainage was a problem and that a better plan was needed.

Resolution No. 22-03 – A Resolution Amending the Grand Valley Circulation Plan to Provide for a District Map for the Area Bounded on the East by 26 Road, on the West by 25 ½ Road, on the North by G Road and the South on F ¾ Road

Upon motion made by Councilmember Theobold, seconded by Councilmember Spehar, and voted by a roll call vote, Resolution No. 22-03 failed, by a 4 to 1 vote. Councilmembers Kirtland, McCurry, Theobold, and Butler voted **NO** and Councilmember Spehar voted in favor of the resolution.

Public Hearing – The City Manager’s Salary for 2003

Article VII, Section 57 of the Charter states the City Manager’s salary is to be fixed by the Council by ordinance. The City Council has determined the salary for the Grand Junction City Manager shall be increased the same as the pay plan for most city employees for 2003, 2.7%.

The Mayor took her place back at the dais.

The public hearing was opened at 10:15 p.m.

Mayor Enos-Martinez presented this item and stated that Council met and agreed to increase the City Manager’s salary 2.7 percent.

Brian McElhiney, who lives at 2512 Texas Avenue, wanted to know what the City Manager’s new salary is.

Councilmember Theobold said the new annual salary, after adopting the ordinance, would be \$112,970.

There were no other public comments.

Ordinance No. 3505 – An Ordinance Amending Ordinance 3481, Section 3, Setting the Salary of the City Manager

Upon motion made by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, Ordinance No. 3505 was adopted on Second Reading and ordered published.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

City Council President Enos-Martinez called for the meeting to be adjourned. The meeting was adjourned at 10:19 p.m.

Stephanie Tuin, CMC
City Clerk

Exhibit "A"

RECEIVED
FEB 18 2003
COMMUNITY DEVELOPMENT
DEPT.

Judy L. Golden
679 26 Road
Grand Junction, CO 81506
(970) 241-4212
February 14, 2003

To The City of Grand Junction,

As a concerned citizen and property owner of the Grand Valley, I am responding to the "Land Use Application" sign that sits at the end of my driveway that exemplifies the encroachment of unnecessary development.

The property that is in consideration for proposed F $\frac{3}{4}$ Road development is farmland that was purchased by my parents in the 1950's. Instead of investing in stocks and other financial expenditures, my parents invested in land. My father and mother worked assiduously to establish a home and farm to raise their children and grandchildren. My father enjoyed working to preserve a heritage of tilling the soil and reaping its bounty. That focus remains today- my mom, sister, our children, and myself continue to value agriculture and open space. We are in the process of making improvements to increase the productivity and uniqueness of the property.

As of March 2002, plans were proposed to improve the three farms that are located on the *private* drive West of 26 Road (Patterson, Watkinson, Sholes/Golden). Working with the Natural Resource Conservation Service (NRCS), these landowners and neighbors on the lateral in the area of Galley Lane (South), 26 Road (East) recently approved financial support to improve this area. Grand Valley Irrigation and the City of Grand Junction also approved the plans for improvement of this irrigation lateral that will benefit all in the area. Included in the plans for improvement of irrigation is the establishment of a wild bird habitat on the Northwest section of the Sholes/Golden property. With the recent influx of housing developments, wildlife in this area has been greatly impacted. In hopes to create a refuge, the NRCS will help establish a refuge for several birds and animals that are facing a diminishing habitat.

I know that in the recently published Strategic Plan for 2002-2003 the City of Grand Junction included several statements that support my concerns for the development of F $\frac{3}{4}$ Road:

- Balance of Character, Economy and Environment

- Open and Beautiful Spaces- maintain the attractiveness and character of our city by protecting open space, including surrounding agriculture lands...
- Key Issues- Balance of growth and character/open space/agriculture

I am aware that the property owners to the East and North wish to develop, and I do not object to their development if it is well thought out. BUT I do object to the property owners' proposals when they infringe on my rights and beliefs. Burnells and the Just Company bought properties knowing the inadequacies of the properties. Aware of their properties characteristics, each of those owners should work with their means to accept what they purchased. It's disrespectful on their part to infringe on neighboring land to compensate for their decisions to buy property that would not fulfill their future plans. If the Just Company and Burnells desire access, they should work together to seek access to G Road or 25 1/2 Road that will be improved by the City in the near future.

I am asking the City of Grand Junction to honor their value and action statements as published. And as elected citizens visit the properties, talk to the citizens, and plan to preserve this unique and beautiful area that will be lost if the F 3/4 Road proposal is passed. Please remember that many people want to live in the Grand Valley for the recreation opportunities, but also for the life style*that is diverse and well planned.

Exhibit "B"

GRAND JUNCTION
CITY COUNCIL PRESENTATION
February 19, 2003

Mayor ---Members of the City Council

My name is Helen Dunn. I still live in Valley Meadows East at 2557 McCook Avenue and have lived there since November 1999. I am President of the Valley Meadows East Home Owners Association. As such, I represent the views of the majority of the residents of Valley Meadows East.

As stated at the meeting of the Grand Junction Planning Commission, members of the Valley Meadows East Homeowners Association are encouraged that the City is seeking a suitable access to the undeveloped properties to the North of Valley Meadows East. However, we are upset and disappointed that the Planning Commission has approved a Major Street Plan which disturbs the berm at the end of Kapota Street and extends Kapota Street for the proposed development of Valley Meadows North. As stated in the Planning Commission meeting, the streets, which eventually would connect Kapota Street to G ROAD and to 26 Road, are in the distant future and may never be developed. We heard comments from property owners to the North and East stating they do not plan to sell or develop their property. In response to their questions, the Planning Commission stated that the land would not be condemned and the streets would be built by developers when they developed the property. It was stated that it could be as long as 50 years before these streets are developed. We have no problems with the Conceptual Streets to the North and East but conceptual streets **do not move traffic** and will not provide the required secondary access for Valley Meadows East to meet the fire code. As designed, all traffic from the development of the land to the North and East would flow through Valley Meadows East. We do have a problem with this concept.

As I stated in the Planning Commission meeting, there are four corrections which I wish to make to the Circulation and Connectivity Needs section of

the proposed District Map of Adopted Major Street Plan which we reviewed in advance of the meeting.

These are:

- 1) Valley Meadows East has 44 homes (residential lots) not 45.
- 2) Valley Meadows North proposed 26 homes (residential lots) not 24. This would result in 70 residential lots with one access not 69.
- 3) Extending Kapota Street will not bring Valley Meadows East into compliance with Grand Junction Fire Department Standards. It will compound the problem by having 70 homes (residential lots) with one access.
- 4) Kapota Street was stubbed to the undeveloped land to the North because at that time the City required developments which were adjacent to undeveloped property to stub a street so these parcels would not be boxed in without an access road.

In response to Commissioner Cole's question, it was stated that if an access were extended to 25 1/2 Road through Moonrise East subdivision, a number of Valley Meadows East homes would be faced with double-frontaged lots. This would be no different from the homes in Valley Meadows East and several other subdivisions which borders 25 1/2 Road which have traffic from 25 1/2 Road on one side and a subdivision road on the other side of their homes.

As we have previously stated, Valley Meadows East residents have a major concern about the potential damage to this subdivision should the berm at the end of Kapota Street be breached as it would be if Kapota Street were extended to provide an access into the Just Company Parcel. The berm provides a detention benefit for Valley Meadows East from storm water and irrigation wastewater. The pictures on the last page of this presentation shows clearly what happens when the berm is breached and there is a large influx of water flowing down from the North.

Of equal concern is the large number of homes proposed with only one access to a major arterial road. Allowing 24 to 26 additional homes to be built with the only access through Valley Meadows East would be hazardous to both subdivisions in an emergency situation. The Fire Department was aware of this when they adopted the following Access Code:

“Two Points of Access”

“The Grand Junction Fire Department does not allow the second access point limited to use by emergency responders only. The second access must always be available for public use in case the other access is blocked”

“One or Two Family Residential Developments”

“Developments where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus roads.”

To extend Kapota Street without a suitable drainage plan or an acceptable access to the properties to the North is **premature** and would create unnecessary problems. As proposed, all construction equipment and materials would be forced to drive through Valley Meadows East. This involves four right angle turns in a short distance and would be difficult for heavy equipment to negotiate, as well as, jeopardize the safety of residents in the area. Until a more desirable access is in place this should not even be considered and I believe you should deny this Street Plan until a more adequate conceptual design is in place.

When making your decision concerning the proposed street plan, we hope you will take into consideration that, if this is approved, when the developer is finished with this project he will move on to another project and the residents in Valley Meadows East are the only ones who will live with your decision on a daily basis.

Thank you for giving us the opportunity to review and comment on the proposed District Map of Adopted Major Street Plan. The residents of Valley Meadows East are confident that the City planners will find a solution to access to the undeveloped lands to the North without destroying the quality of life in Valley Meadows East. As Grand Junction grows all of this area will develop. Our desire is that the growth will be in a responsible manner and will support and enhance the homes already in existence. Grand Junction offers a desirable life style and is a good place to live. Our goal is that this will continue.

I will be happy to answer any questions you might have.

End of Kapota Street---Berm which would be removed
when extending Kapota Street



April 5, 2002 Flood where Berm breached by McCook Avenue



Exhibit "C"

Presentation to the Grand Junction City Council
February 19, 2003
Re: Proposed Road System 25 1/2 Road to 26 Road

My name is John Chapman, I live at 667 Kapota in Valley Meadows East. I believe that those City Employees who work in the Community Development Department are honest, hard-working and dedicated. And I believe the same about those who serve on the Planning Commission. But the appearance is that something is not right.

At the Planning Commission Meeting of January 28th, there were many persons present who were concerned about the Proposed Road Plan for 25 1/2 Road to 26 Road between F 3/4 and G road. According to the minutes, 15 persons voiced opposition and 4 filed opposition by letter. Only one person, the owner of the Just Companies, a developer, supported the plan in the public hearing. Yet with all this opposition to the plan, the Commission unanimously approved it, leaving many questions vaguely answered or with no answer at all. The appearance is that the Commission is bending over backwards to accommodate the Just Companies while ignoring the public input.

During my presentation before the Commission, I was cut off by the Chairman, when I was explaining the berm which crosses Kapota Street and will be breached with this Road Plan. The chairman cut me off saying that I did not know that the berm would be breached and that discussion of the berm at this time was not proper. After the Chairman closed the Public part of the hearing, he asked Mr. Dorris, the Community Development Engineer, about the ramifications of breaching the berm. Mr. Dorris explained that there was a lot he did not yet know about it but would tell what he did know. He then gave his version of the problem saying that the berm would indeed need to be breached and that a storm sewer connection from Kapota to 25 1/2 road would probably be needed. Thus the Commission got the City's version of the problems associated with the berm but no public input on this subject.

Here the appearance is that the Commission acted with incomplete knowledge of problems associated with disturbing the berm. I believe that the Commission has never received a complete picture of the many problems, both engineering and legal, associated with drainage of the Just Companies' property.

Mr. Dorris explained the need for long term planning. This I understand. But in adopting a conceptual long term plan, as was done here, don't you think that all of the problems that are known to exist should be examined and be at least, understood beforehand?

In the case of Kapota and the berm, a long term planning decision was made when the Valley Meadows East stub to the north was located where it is on Kapota. A little investigation at that time would have told one that this was a very poor place for the stub. At this location the berm is the highest and on the north side it is marsh-like during the irrigation season. Had this been understood in 1996, the Road Plan at issue here would probably be quite different.

The berm, which is about 700 feet long, straddles the property line between Valley Meadows East and the Just Companies' land. It is the backbone of the Valley Meadows East drainage system. It now acts as a detention structure. The Road Plan would breach the berm and destroy its value as a detention structure. The prudent thing to do would be to re-study the Road Plan and to delay a decision on it until the berm problems and those other problems raised by the eighteen other objecting land owners are thoroughly examined. The connection to Kapota is critical to the Road Plan. If this is not practical, for reasons of engineering problems, cost or legal obstacles, it should be known prior to locking in this key connection to any Road Plan.

I would appreciate your careful consideration of this. I would be glad to answer any questions.

Thank you.



Standing on the Berm
Looking North at the
Just Companies Parcel
During Flood Time

Attach 2
Amending the Sewer Back-up Policy
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Sewer Back-up Policy							
Meeting Date		March 5, 2003							
Date Prepared		February 25 2003				File #			
Author		Greg Trainor			Utility Manager				
Presenter Name		Mark Relph			Public Works Director				
Report results back to Council		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When			
Citizen Presentation			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name			
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input checked="" type="checkbox"/>	Consent	<input type="checkbox"/>	Individual Consideration

Summary:

The purpose of this policy is to respond to a Council request to consider other financial limits and processes when responding to sewer backup claims. This Policy is adopted via the attached Resolution.

Budget:

The proposed Sewer Back-Up Policy increases the amount of emergency cleanup assistance from \$150 to an amount not to exceed \$750 and establishes an amount for damage claims, beyond emergency clean-up, to be one-half the actual cash value of the damages up to a total of \$2,500 (excluding the \$750). "Actual cash value" is defined as replacement cost less depreciation.

Action Requested/Recommendation:

Adopt Resolution amending the Sewer Back-up Policy (Attached).

Attachments:

Sewer Back-Up Policy

Sewer Back-Up Procedure

Background data on costs and what other municipal sewer providers are doing

Resolution Adopting the Amended Sewer Back-Up Policy

Background Information:

Section 1, (b) of the Regulations for the Joint Sewer System, Process to Adopt Existing and New Regulations, requires that proposed sewer regulations be considered by City Council after the Manager of the Joint System publishes in a newspaper of general circulation a notice and the text of the proposed Policy. Notice of the March 5, 2003 meeting and the text of the policy was published in the Daily Sentinel no later than 10 days prior to March 5, 2003.

The result of Council's action will be an amendment to the Regulations for the Joint Sewer System, Section 6, Collection System Operations and Treatment Service Operations, adding a paragraph (t), Sewer Back-Up Policy.

The purpose of the amended sewer back-up policy is to increase the current not-to-exceed amount of \$150 for emergency cleanup costs to an amount not to exceed \$750 and to provide a ceiling for damage costs beyond emergency clean-up costs. This amount is established at one-half ($\frac{1}{2}$) the actual cash value up to \$2,500. The policy also provides for increased inspection by Wastewater staff and public information efforts.

SEWER BACK-UP POLICY

Introduction

The City of Grand Junction is an owner and operator of the Persigo Wastewater System. It operates and maintains over 350 miles of sewage collection lines, interceptors and lift stations. These systems are jetted and cleaned in a rotational basis every three years. However, even in the best maintained systems, there are instances where blockages occur. In order to assist its sewer customers in dealing with back-ups caused by blockages, the following Sewer Back-Up Policy is adopted.

Sewer Back-Up Policy

The City will reimburse the costs of immediate, professional clean-up service up to \$750 (normally not to exceed \$750, unless approved by the Wastewater Superintendent).

Claims for damages beyond the emergency clean-up shall be forwarded to the City's Risk Manager. Once any adjustments for depreciation, prior conditions and cause are made, and if the owner of the property signs the waiver form, the City will pay one-half (1/2) of the actual cash value of the damage, up to a maximum City cost of \$2,500. Actual cash value is defined as replacement cost less depreciation.

Public Awareness:

This amended Policy shall be implemented with extensive public information to sewer customers that even in the best maintained sewage collection systems, blockages occur for many reasons; tree roots, grease, disposed items thrown into manholes which can cause blockages.

Because blockages may occur without anyone being "at fault", the City recommends:

- That every owner who is concerned about back-ups make sure their insurance policy covers sewer back-up damages; AND,
- That the owner pay to install an approved backflow device

The information shall be posted on the City's web site and provided through utility bill stuffers.

End of Policy

SEWER BACK-UP PROCEDURE

(This procedure is not part of the amended Sewer Back-Up Policy, but provides guidance to Persigo staff in implementing this Policy.)

A. Blockages in service laterals owned by the property owner. (The 4" pipe from the building to the sewer main).

After responding to a call of a sewer back up and determining that the cause of the back-up is in the property owner's service lateral, collection system maintenance staff will inform the resident/homeowner that the City is not responsible for damage or repair of privately owned lateral blockages. The resident/homeowner will be given a copy of the City's written policy. It is the policy of the City that homeowners, whenever possible, to call the City *first* in the case of a blockage so that it can be determined whether the blockage is in the main or the service lateral. This helps the property owner from having to call a private sewer service to make this determination.

B. Blockages in main sewer lines (the larger lines in alleys and streets owned by the City)

If the sewer back-up is caused by a blockage in the City's main sewer line, the collection system staff will clear the blockage. If sewage backed-up into a building or residence as a result of the blockage, the staff will inform the resident/owner that the City will reimburse the costs of immediate, professional clean-up service up to \$750 (normally not to exceed \$750, unless approved by the Wastewater Superintendent).

To be eligible for reimbursement, City staff must be able to inspect the home or property, take pictures of the damage. The on-site City staff will provide emergency clean-up claim forms and instructions for reimbursement of emergency clean-up costs. The City crews must notify their supervisor for an inspection of the damage

The Wastewater Superintendent or his Maintenance Supervisor must inspect the damaged property as soon as possible. The purpose of these procedures is to give the customer an immediate and single point of contact with the City, facilitate a speedy clean-up, and inform the customer about the City's policies on emergency clean-up and other damage claims.

Crews shall clear blockages and arrange for the main to be TV'd as soon as practicable, make a written report of the cause of the back-up, and any need for further maintenance or repair. City staff should be careful to provide evidence of cause.

Residents/owners shall be told that claims beyond emergency clean-up should be sent or forwarded to the City's Risk Manager. Once any adjustments for depreciation, prior conditions, cause, are made, and if the owner of the property signs the waiver form,

the City will pay one –half (1/2) of the actual cash value (replacement cost less depreciation) of the damage, up to a maximum City cost of \$2,500. All claims for damage, however, will be evaluated.

Additional Background

To date when back-ups occur, if the blockage is in the City main, the city staff cleans out the line, determines the cause, and informs the resident that the City will pay up to \$150 for emergency clean-up. If the owner claims additional damages, they are directed to make a claim with the City's Risk Manager. The emergency clean-up payment is "no-fault" and goes to pay for the clean-up contractor.

Between 1988 and 2001 there were 43 claims made for damage due to sewer back-up. In those 4 years the City paid a total of \$83,978; an average of \$1,952 per claim. The average includes 10 claims for which nothing was paid. The payments range from a low of \$57.50 to a high of \$16,940.

Based on national averages (according to EPA, ASCE) the City is on par regarding sewer line cleaning and maintenance being done once every three (3) years. The City's average is 38.7% of the system cleaned every year, thus 100% of the system is cleaned every 2.58 years. Before 1998 the standard was once every 6-years. The City employs three trucks and employees to clean at this rate.

In 2001, there were a total of 204 sewer back-ups from a variety of reasons. Of these, 37 (18%), could have resulted in clean-up and damages. Assuming an average payment of \$1,952, costs would have been \$72,224. However, of the 43 claims paid by the City between 1988 and 2001, 33% of those were greater than \$2,000, with an average of \$5,217 each. If we paid this average to the 37 that could have sustained damages, the total cost to the system would have been \$193,029. If the City adopts a policy of paying for all sewer back-up claims, we could see annual costs nearing one million dollars.

Colorado's public policy, endorsed by the Colorado Governmental Immunity Act, limits the City's liability for sewer system failures. The public policy of accepting responsibility for back-ups when your maintenance procedures meet and exceed national standards is also an important question.

Most Colorado cities have some form of a "no-fault" emergency clean-up policy like the City of Grand Junction's. Our limit has remained at \$150 since the late 1980's. However, on occasion, the City has paid more after a supervisor reviewed the situation. "No fault" clean-up assistance have ranged from \$150 to \$500.

Most cities have debated the cost of paying for long-term damages versus facing customers with serious repair costs. The "mid-stream" approach seems to be a dollar cap (\$1,900 in St. Louis) or a cost-share (50% of the damage cost up to \$2,500 in Champaign, Ill.). A middle approach such as ours, combined with extensive public

information coupled with emphasis on sewer insurance & backflow preventers, seems the best approach.

Resolution No. __-03

A Resolution Amending the Persigo Sewer System's Policy Regarding Payments for Sewer Back-Ups

Recitals.

Section 1 (b) of the Regulations for the Joint Sewer System, "Process to Adopt Existing and New Regulations," provides that "... the manager may propose changes to the existing procedures, rules and policies which are legislative in nature."

Now, therefore, be it resolved by the City Council for the City of Grand Junction that :

Section 6. Collection system operations and treatment service operations is amended by the addition of a new Subsection (t) which shall read as follows:

The City will reimburse the costs of immediate, professional clean-up service up to \$750 (normally not to exceed \$750, unless approved by the Wastewater Superintendent).

Claims for damages beyond the emergency clean-up shall be forwarded to the City's Risk Manager. Once any adjustments for depreciation, prior conditions and cause are made, and if the owner of the property signs the waiver form, the City will pay one-half (1/2) of the actual cash value of the damage, up to a maximum City cost of \$2,500. Actual cash value is defined as replacement cost less depreciation.

Public Awareness:

This amended Policy shall be implemented with extensive public information to sewer customers that even in the best maintained sewage collection systems, blockages occur for many reasons; tree roots, grease, disposed items thrown into manholes which can cause blockages.

Because blockages may occur without anyone being "at fault", the City recommends:

- That every owner who is concerned about back-ups make sure their insurance policy covers sewer back-up damages; AND,
- That the owner pay to install an approved backflow device

The information shall be posted on the City's web site and provided through utility bill stuffers.

Adopted by the City Council this _____ day of _____, 2003.

President of the Council

Attest: _____
City Clerk

**Attach 3
CSEP Phase I, Water Line Replacements
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Award of Construction Contract for Combined Sewer Elimination Project Phase I Water Line Replacements.						
Meeting Date	March 5, 2003						
Date Prepared	February 21, 2003						
Author	Trent Prall		City Utility Engr				
Presenter Name	Trent Prall		City Utility Engr				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: This project is the first of six Combined Sewer Elimination Project contracts and is proposed to replace over 21,400 feet of water lines ranging in size from 6" to 24" in the downtown area. On February 18, 2003, MA Concrete Construction of Grand Junction Colorado submitted a low, qualified, bid of \$1,534,747.70 to complete the work.

Budget: This project was budgeted for 2003 construction. \$3.5 million was secured for both phases of the water line replacement work through the Colorado Water Revolving Fund Loan through the Colorado Water Resources & Power Development.

Project Costs (Both CSEP Waterline Replacement Phases):

Design both phases (contracted with Sear-Brown / Rolland Eng)	\$321,775
Construction Phase I (M.A. Concrete)	\$1,534,748
Construction Phase II (To be determined, 2004)	\$1,474,267
Inspection (contracted w/ Sear-Brown)	\$142,010
As-builts (contracted w/ Sear-Brown)	\$12,200
City Administration	\$15,000
Totals	<u>\$3,500,000</u>

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a Construction Contract for the CSEP – 2003 Water Line Replacements with M.A. Concrete in the amount of **\$1,534,747.70**.

Attachments: N/A

Background Information:

This is the first of six contracts proposed over the next 2 years to complete the Combined Sewer Elimination Project. This contract is for replacement of water lines in the same general area as the Combined Sewer Elimination Project.

Work is scheduled to begin on or about March 31, 2003 and continue for 180 calendar days with an anticipated completion date of September 27, 2003.

The following bids were received for this project:

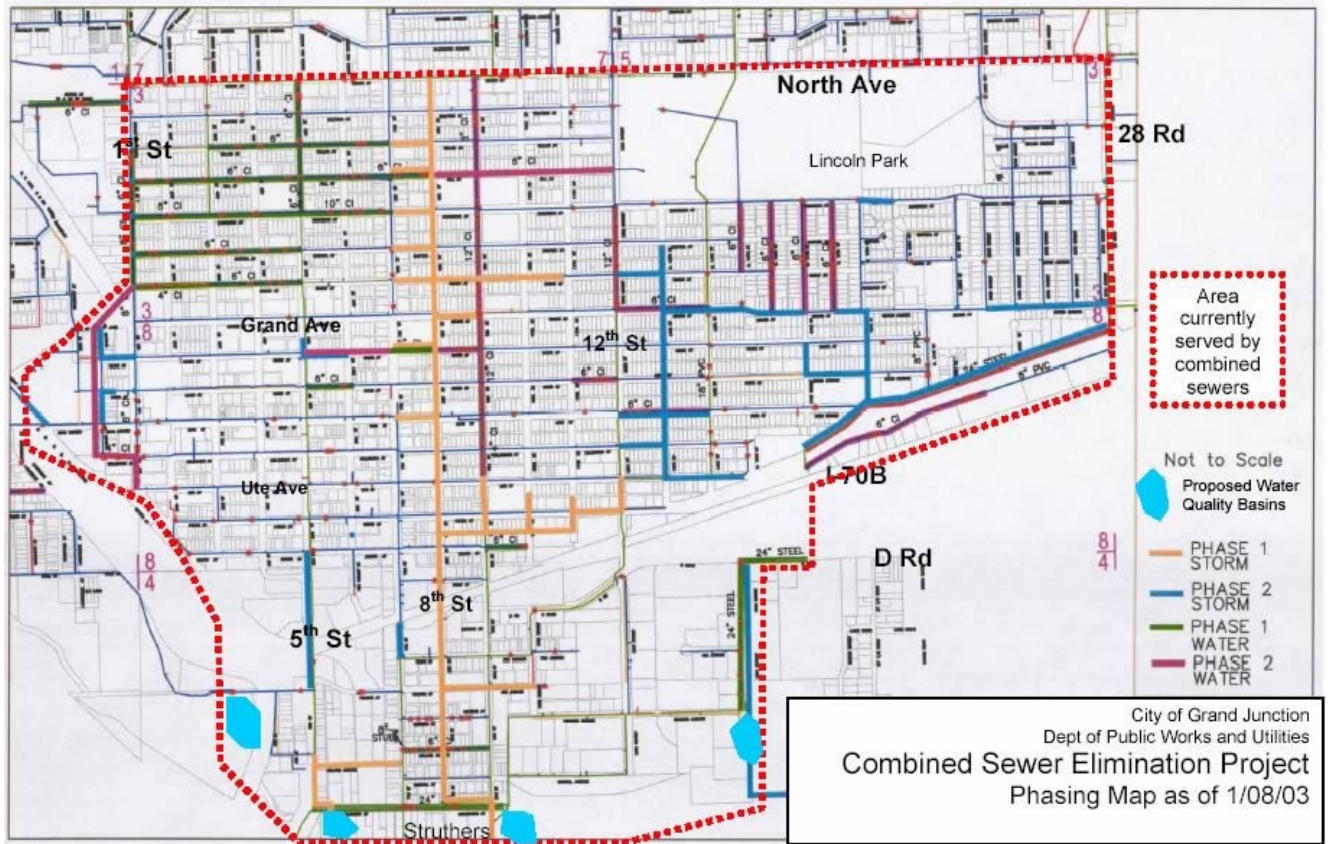
<u>Contractor</u>	<u>From</u>	
M.A. Concrete	Grand Jct.	\$1,534,747.70
Skyline Construction	Grand Jct.	\$1,760,070.90
Mendez Construction	Grand Jct	\$1,830,230.70
Parker Excavating	Pueblo, CO	\$2,663,663.60
Engineer's Estimate		\$1,908,337.00

Project Location:

More project information in regards to project locations and project phasing is available on the City's web site at the following address:

<http://www.gjcity.org/CityDeptWebPages/PublicWorksAndUtilities/Engineering/CSEP.htm>

Water lines proposed for replacement under this contract are shown in Green on the map below



**Attach 4
CSEP Phase I, Basin 10**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Award of Construction Contract for Combined Sewer Elimination Project Phase I Basin 10.					
Meeting Date	March 5, 2003					
Date Prepared	February 21, 2003					
Author	Trent Prall		City Utility Engr			
Presenter Name	Trent Prall		City Utility Engr			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: This project is the second of six contracts associated with the Combined Sewer Elimination Project. This contract will construct 2,685 feet of storm sewer and a storm water quality facility. On February 25, 2003, Mendez, Inc. of Grand Junction submitted a low, qualified, bid of \$386,239.05 to complete the work.

Budget: This project was budgeted for 2003 construction. \$3.5 million was secured for both phases of the Combined Sewer Elimination Project through the Colorado Water Pollution Control Revolving Fund Loan through the Colorado Water Resources & Power Development.

Project Costs (All CSEP Phases):

Design both phases (contracted with Sear-Brown / Rolland Eng)	\$736,749
Construction Phase I Basin 10 (\$386,239.05)	\$386,239
Construction Phase I Basin 8 (To be awarded in May 2003)	\$3,500,000
Construction Phase II (To be determined, 2004)	\$3,472,500
Inspection (contracted w/ Sear-Brown)	\$228,474
As-builts (contracted w/ Sear-Brown)	\$18,500
City Administration	\$30,000
Totals	<u>\$8,372,462</u>

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a Construction Contract for CSEP Phase I Basin 10 with Mendez, Inc. in the amount of **\$386,239.05**.

Attachments: N/A

Background Information:

This is the second of six contracts proposed over the next 2 years to complete the Combined Sewer Elimination Project. This contract will construct 2,685 feet of storm sewer, 1 new inlet, and reconnection of existing inlets to the new sewer system. A storm water quality facility will also be constructed adjacent to the existing Western Colorado Botanical Society pond. The work has been closely coordinated with the Society.

Work is scheduled to begin on or about March 31, 2003 and continue for 150 calendar days with an anticipated completion date of August 22, 2003.

There is a short section of work that will be within 5th Street that will require night time construction in order to minimize traffic delays.

The following bids were received for this project:

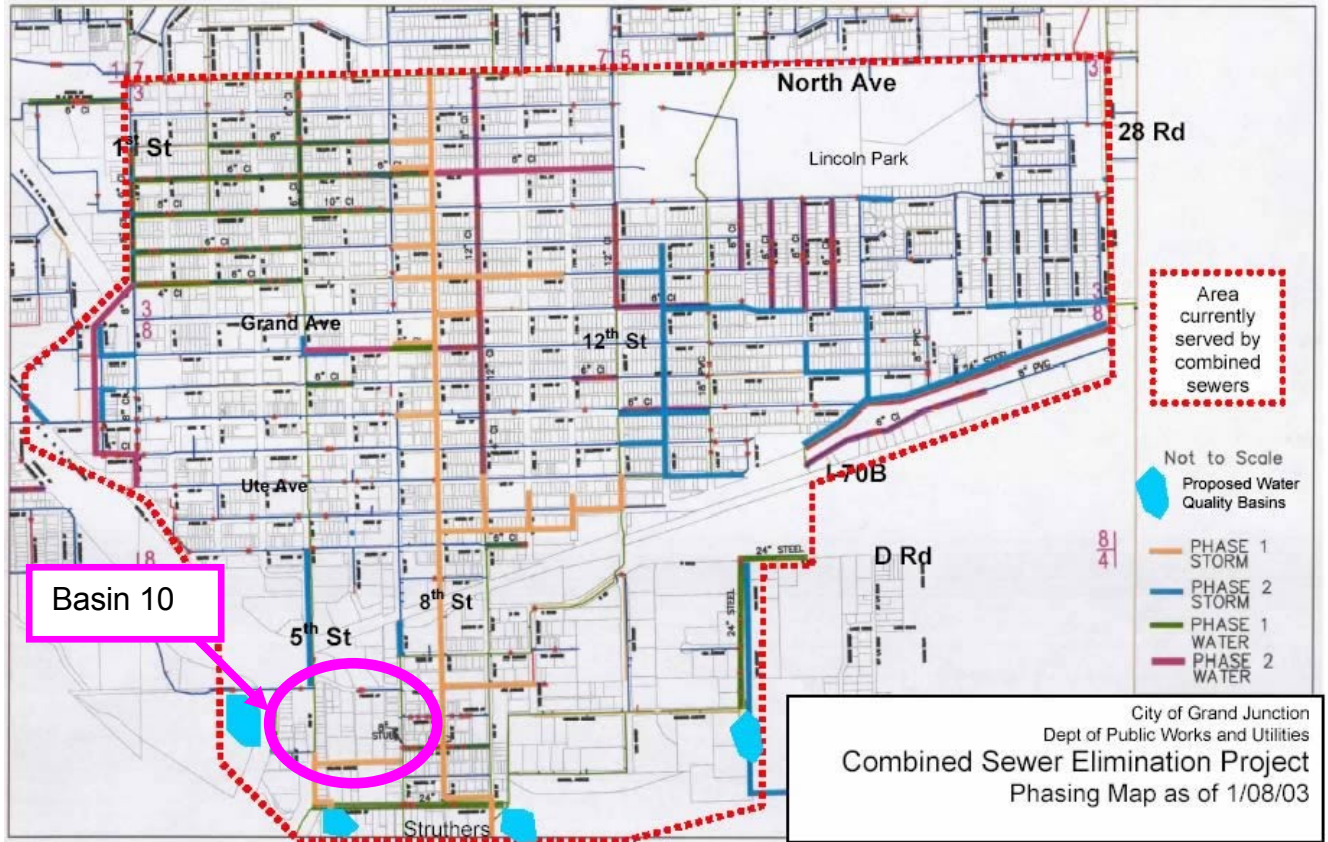
<u>Contractor</u>	<u>From</u>	
Mendez, Inc.	Grand Jct.	\$386,239.05
Skyline Contracting, Inc.	Grand Jct.	\$400,000.00
Sorter Construction	Grand Jct	\$448,404.75
Downey Excavating	Montrose, CO	\$469,430.00
M.A. Concrete Construction	Grand Jct	\$575,764.50
Engineer's Estimate (Sear-Brown)		\$455,390.60

Project Location:

More project information in regards to project locations and project phasing is available on the City's web site at the following address:

<http://www.gjcity.org/CityDeptWebPages/PublicWorksAndUtilities/Engineering/CSEP.htm>

The work proposed under this contract is shown in Pink on the map below:



Attach 5
Arts & Cultural Funding Recommendations
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Grand Junction Commission on Arts and Culture funding recommendations for arts and cultural events and projects.					
Meeting Date	March 5, 2003					
Date Prepared	February 14, 2003				File #	
Author	Allison Sarmo		Cultural Arts Coordinator			
Presenter Name	Allison Sarmo		Cultural Arts Coordinator			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop		Formal Agenda	X	Consent	Individual Consideration

Summary: Through an application and granting program, the GJ Commission on Arts and Culture makes funding recommendations to City Council to help support cultural events, projects, and programs throughout Grand Junction as a means of improving both the quality and quantity of cultural activities and opportunities for local citizens.

Budget: \$26,000

Action Requested/Recommendation: Approve recommendations.

Attachments: None

Background Information: This annual granting program has been in place since 1992 and was instituted in lieu of the Arts Commission presenting or producing its own cultural events. The Commission reviewed requests from 18 cultural groups on February 25 and 26 and recommends that the following organizations receive funding to help underwrite arts and cultural events/projects as follows:

Mesa State College Grand Mesa Summer Dance Festival	\$3,600
Mesa Co. Valley School District #51 Artists-in-Residence Program	\$3,500
Western Colorado Center for the Arts Charles Hardy exhibit	\$2,500
KRMJ Public Television "Western Bounty" programs	\$2,400
KAFM Public Radio "Arts & Entertainment Calendar"	\$2,000
Grand Junction Musical Arts Association symphony music	\$1,800
Reader's Festival	\$1,700

MESA Youth "Sound of Music" musical	\$1,500
Mesa County Public Library District puppeteer	\$1,500
Performing Arts Conservatory "Hello Dolly" musical	\$1,500
St. Andrews Ren. Guild Grand Valley Renaissance Festival	\$1,000
DTA Arts & Jazz Festival	\$1,000
Mesa County Community Concert Association school programs	\$1,000
JABOA (Just a Bunch of Artists) Studio Tour	\$ 500
Bookcliff Barbershop Harmony Chorus service club performances	\$ 500

(Total \$26,000)

Attach 6

State Historic Fund for Historic Survey

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Application to Colorado Historical Society State Historical Fund for Historic Survey					
Meeting Date	March 5, 2003					
Date Prepared	February 26, 2003				File #	NA
Author	Kristen Ashbeck		Senior Planner			
Presenter Name	Kristen Ashbeck		Senior Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Pursuant to the recently-adopted City of Grand Junction *Strategic Plan 2002-2012*, the community has identified a goal being to “facilitate efforts that sustain the historic character of the community”. To that end, Objective 26 of the *Plan* further states that “By 2004, complete Phase Three of the historic survey”. The purpose of this application for a grant through the Colorado Historical Society State Historical Fund (SHF) is to implement this objective. The total cost of the survey is \$100,000, \$60,000 from the SHF and \$40,000 match from the City.

Budget: The City’s match of \$40,000.00 has already been included in the current working budget for 2003-2004.

Action Requested/Recommendation: It is recommended that City Council approve the application to the Colorado Historical Society State Historical Fund and authorize the City Manager to sign the application.

Background: Areas proposed to be included in this survey are shown on the maps in Attachment B. Maps 1 and 2 are areas south of Lincoln Park and on Orchard Mesa that were identified in the previous survey as having a significant number of eligible structures. Map 3 identifies areas that were annexed and generally developed in the post-World War II era (1940 to 1960) that have become or will become historic in the near future (50 years or older). Map 3 also includes areas that have been recently annexed to the City that may have scattered, rural structures of significance. Only selective structures in these areas would be inventoried in detail.

Attachments:

- A. Grant Application as completed thus far (due April 1, 2003)
- B. Proposed Project Maps

ATTACHMENT A
SHF Grant Application

(As Completed Thus Far – Due April 1, 2003)

COVER LETTER

(To Be Included With Grant Submittal on April, 1, 2003)

ORGANIZATION SUMMMARY

ORGANIZATION NAME: City of Grand Junction

ADDRESS: 250 North 5th Street Grand Junction CO 81501

EMPLOYER ID: 84-6000592

CONTACT PERSON: Kristen Ashbeck AICP Senior Planner

PHONE: Office: 970.244.1437 **Fax:** 970.256.4031

E-Mail: kristena@ci.grandjct.co.us

PROJECT TYPE: Acquisition and Development Education Survey & Planning

NAME OF PROPERTY/PROJECT: Grand Junction Historic Survey (Phase III)

PROJECT LOCATION: City-Wide

BRIEF DESCRIPTION OF REQUEST: This phase of the Grand Junction Historic Survey will document the areas of the City that were previously identified as potentially having a high concentration of historic resources but that were unable to be included in the previous phase as well as peripheral areas that have now become or will soon become historic (post-World War II and 1950s) and outlying areas with scattered rural structures which have been or will soon be annexed to the City of Grand Junction.

AMOUNT OF REQUEST:

Grant Request: \$60,000.00
\$100,000.00

Cash Match: \$40,000.00

Total:

Signature of Legally Authorized Representative

Date

Signature of Municipal or County Authorized Representative

Date

Signature of Legal Owner

Date

NARRATIVE

1. Applicant Information

Mission Statement. The City of Grand Junction City Council recently adopted a Strategic Plan 2002-2012. The mission stated by the Plan is “to create a great community”, through continued support of the strong services and programs residents expect from the City and the superior service standards the City expects of itself. One of the six solutions defined by the Plan is “Open and Beautiful Spaces”. Under this solution, the City has outlined specific goals, objectives and action strategies. A specific goal is stated: “Facilitate efforts that sustain the historic character of the community” with an objective that, by the year 2004, the next phase of a historic survey shall be completed -- thus, the impetus behind this grant application to the Colorado Historical Society State Historical Fund.

History. The original Grand Junction townsite was established in 1881 at the confluence of the Gunnison and Colorado Rivers. Comprised of a 640-acre section of land, the original site was bounded by North Avenue to the north, South Avenue to the south, 1st Street to the west and 12th Street to the east. In early 1882, work began on the Pioneer Canal that diverted water from the Colorado River to the Grand Junction area. Homesteaders soon turned the valley into a green and fertile area blossoming with orchards, farms and ranches. In 1887, the arrival of the Denver & Rio Grande Railroad provided the impetus for population growth and Grand Junction began to thrive. In the early decades of the twentieth century, annexations into the City occurred on all four sides of the original square-mile site and encompassed 854 acres. Following World War II, Grand Junction experienced another boom related to uranium mining in western Colorado. During the 1950s and 1960s, over 1,160 acres (1.8 square miles), located primarily to the north and east, were annexed into the city for development.

Although the uranium activity declined, Grand Junction maintained a steady growth rate through the 1970s. The national energy crisis brought renewed interest to oil shale exploration on the Western Slope, which spurred further expansion until the oil shale bust in 1982. During the boom, large areas were annexed to accommodate growth: the development of Mesa Mall, Walker Field Airport and new residential areas south of the Colorado River. Between 1980 and 2000, the population of Grand Junction grew from 27,956 persons in 1980 to 41,986 in 2000, just over a 50 percent increase. As the city continued to expand, annexations have tended to involve enclave parcels as well as outlying parcels in developing areas. In the same twenty-year period, 14,052.648 acres, or 21.95 square miles, were annexed into the city; between 2000 and 2001, an additional 195.375 acres were added, bringing the city's total land area to 32.40 square miles as of the end of 2001.

Current Activities. As previously stated, the City has just completed a planning process to develop the Strategic Plan 2002-2012. Outlined in the Plan are the Solutions, Goals, and Objectives and the specific Action Items that the City will undertake in the short- and long- terms to implement the Plan. Currently, along with this Historic Survey, the City is initiating the following actions: implement recommendations for expanded design standards, develop a process through which neighborhood-based plans can be generated, identify and prioritize the entrances and gateways appropriate for beautification, develop guidelines for City participation in open space preservation and review guidelines with regional partners, prioritize Parks Master Plan projects and identify at least two neighborhood parks for acquisition, create a “youth council” model for Grand Junction, and develop guidelines for a neighborhood program, identify potential funding sources and staff requirements. In addition, there are some on-going projects/studies that include the Westside Downtown Redevelopment Study (D&RGW Railroad Depot area) and an update to the City-County Growth Plan.

Historic Preservation Projects. The City's most recently-completed project through grants from the State Historical Fund is the restoration of the Avalon Theatre. The dramatic enhancement of this structure on a prominent corner along Main Street has served as a catalyst for other, private preservation projects and re-established the theatre as an anchor on the east

end of the historic Downtown Shopping Park. The Avalon Theatre is one of the successful preservation projects showcased in the current "High Stakes Preservation" exhibition at the Colorado History Museum. Currently, the City, with financial assistance from the State Historical Fund, is undertaking restoration of the façade of the Reed Building which is owned by the City of Grand Junction Downtown Development Authority. Again, located on a prominent corner along Main Street, its restoration will serve to stimulate other preservation and redevelopment projects downtown and the City's ongoing efforts to revitalize its downtown.

- 2. Purpose of Grant/Importance of Project.** Twenty years ago, a survey of the historical resources of the Grand Junction area was done. Many areas of Mesa County were covered that were outside the City's jurisdiction and recordation of structures in the downtown area was incomplete. Consequently, the City of Grand Junction, with the assistance of grants from the State Historical Fund, completed two, more comprehensive intensive surveys in the mid-1990s (Phase I – Winter & Company; Phase II – The Museum Group). These surveys included the areas which had the highest concentration of historic resources – the original square mile townsite platted in 1881 and adjacent areas developed prior to World War II (refer to Attachment 5 – Proposed Project Map).

Presently, for the purposes of strategic and comprehensive planning efforts, the City of Grand Junction would like to complete a survey of 1) areas identified in the previous surveys as having a high concentration of resources but were unable to be included in the previous survey; 2) post-World War II era areas that are now becoming historic; and 3) peripheral areas of rural resources that have been or will soon be annexed to the City since the previous surveys. The post-World War II era areas are of particular interest because of the boom period experienced by the community at that time due to uranium mining, both along the primary commercial corridor at the time (North Avenue) and residential neighborhoods.

It is important and timely that this survey be conducted at this time since it is an integral part of the City's strategic planning goals. Information gained from this survey project would provide the necessary documentation that can be used in the neighborhood planning efforts to be undertaken through the Strategic Plan.

Project Goals and Objectives. The overall goals and objectives of this survey are to continue to add to the database of information available for the community's historic resources. This will be accomplished through completion of the State's *Preliminary Property Evaluation Form* for each structure or site, identification of potentially eligible districts and individual sites/structures, and development of a work plan for future steps in the preservation planning process.

Public Benefits. The public benefits of this type of this project are primarily long-term, indirect and somewhat intangible. Ultimately, the results of this project will begin to be used towards the preservation and improvement of the historic resources of the community. And, if successful, the public benefit will be that the community will realize its goal stated in the recently-adopted *Strategic Plan* as discussed in number 1 above. Use of the results is more specifically addressed in number 3 below.

Timetable. In order to complete the project, the following methodology and schedule will be used by a qualified consultant selected by the City through a competitive bid process.

1) Complete an intensive survey in the areas where background information indicates a likely high concentration of contributing historic resources - approximately 1,200 properties (Sept 2003 – March 2004); 2) Complete a selective survey in outlying areas - approximately 60 properties (February 2004-April 2004); 3) Produce a project map (April-May 2004); 4) Prepare a survey report (April-May 2004); 4) Identify potential eligible districts and individual structures/sites (April-May 2004); 5) Determine future steps for preservation planning in Grand Junction and develop a work plan with a possible time line for completion of each element (May-June 2004).

Other Organizations. The City will be the primary agency involved in the project however; other institutions/agencies may be consulted during the research and work program elements of

the project. These institutions/agencies might include: Mesa State College, the Downtown Development Authority, the Museum of Western Colorado and Mesa County.

Long Term Strategies. This survey will add to the information on resources contributing to the character of Grand Junction through historical and architectural development. This information can be used to establish priorities and assist in planning for conservation, restoration and rehabilitation efforts, all of which will help the City meet its goal to “Facilitate efforts that sustain the historic character of the community”. In addition to this overall goal of the *Strategic Plan*, the City’s adopted *Growth Plan* includes more specific action items as listed:

- Maintain and update the inventory of historic structures.
- Adopt codes to encourage retention and rehabilitation of historic structures throughout the urban area.
- Expand the use of specialized pavers, landscaping, street furniture and lighting fixtures which are appropriate to the character of the historic neighborhoods.

To these ends, the City will utilize the information obtained from this survey to continue to build its historic preservation program. Some areas that the City would continue to explore include implementation strategies such as planning and zoning overlays and design guidelines, obtaining Certified Local Government status, providing more community education and outreach, and developing incentive programs for preservation projects. A product of this survey to be included in the resulting report would be a recommended work plan of future steps for preservation planning in Grand Junction.

3. Evaluation/Results/Measures/Use of Results. The immediate and tangible results of this project will be the products of the intensive survey themselves. This includes the completed survey forms with photographs and sketch maps, a survey report, a project map, and a preservation planning work plan. While these are useful documents in themselves, the more visible and tangible results are those that are indirect and not immediate—the preservation and improvement of the historic resources of the Grand Junction community. It is these results which have the most impact on the quality of the historic commercial areas and residential neighborhoods. The indirect results which will be made to these areas through planning efforts based on the survey will be positive improvements which will preserve the community’s heritage, thereby increasing property values within the project area (and potentially within surrounding areas). Such long-term indirect results will not be possible without the completion of a comprehensive, intensive survey of historic resources.

ATTACHMENT 1: SCOPE OF WORK

I. PROJECT PURPOSE

The purpose of this project is to survey and identify potential historic sites, structures and districts within areas of Grand Junction that are likely to have a high number of historic resources as well as outlying areas within which more rural resources, although scattered, are known to exist.

II. SPECIFICATION OF WORK

In order to complete the project, the following methodology will be used (refer to Attachment 5 – Proposed Project Map for area locations):

Selective Survey Areas

- A. Perform a “windshield” survey in the areas where fewer contributing resources are expected but that the resources could be eligible for designation in order to carry out preservation goals of the neighborhood plans
- B. Identify sites, structures and districts which could be eligible for local, State or National Register designation
- C. As funding allows, complete the *Preliminary Property Evaluation Form* (including digital and 35mm photography) for properties identified in item B above with the following prioritization of areas (approximately 60 properties):
 - 1) Outlying areas already within the Grand Junction city limits
 - 2) Potentially annexable outlying areas

Intensive Survey Areas

- A. Perform a “windshield” survey in the areas where background research and existing documentation indicates a likely high concentration of contributing historic resources
- B. Identify sites, structures, districts which could be eligible for local, State or National Register designation
- C. Complete the *Preliminary Property Evaluation Form* (including digital and 35mm photography) for the properties identified in B above (may include up to 1,200 properties)

Other Steps

- A. Produce an electronic and hard copy of a project map outlining the boundaries of the survey areas, indicating properties that were documented in detail and those that are potentially eligible for designation, and outlining boundaries of potential districts.
- B. Recommend future steps for preservation planning in Grand Junction (e.g. refinement of the historic preservation ordinance, obtain Certified Local Government status, establishment of additional historic districts, further analysis of these districts/neighborhoods, development of applicable design guidelines and/or neighborhood conservation guidelines, and establishment of a financial incentive program). Prioritize these actions and suggest a work plan with a possible time line for completion of each element.

- C. Complete a Survey Report that presents findings of the survey project as outlined in the *Survey Manual and How to Complete Colorado Cultural Resource Inventory Forms*. This includes information on the project areas, project objectives and methodology, the historic context(s), an explanation of the results, and a bibliography.
- D. Provide an organized catalog of negatives for all photography required for the project.

PRODUCTS

The following products will be delivered to the City and the Colorado Historical Society:

- A. Detailed Project Work Plan / Scope of Work
- B. Interim Project and Financial Status Reports
- C. Hard Copy Originals of Completed *Preliminary Property Evaluation Forms* including photographs
- D. Project Map(s) indicating areas included in intensive and selective surveys
- E. Survey Report
- F. Final Project and Financial Status Report
- G. CDs containing electronic files for items C, D and E above

NAME OF APPLICANT
NAME OF PROJECT
PROJECT NUMBER

City of Grand Junction
Historic Resources Survey

ATTACHMENT 2: PROJECT BUDGET

TASK	Grant Request	Cash Match	Total
Survey	\$ 54,000	\$ 36,000	\$ 90,000
Supplies	\$ 4,200	\$ 2,800	\$ 7,000
Travel	\$ 900	\$ 600	\$ 1,500
Other Expenses Report/Map Reproduction	\$ 900	\$ 600	\$ 1,500
TOTALS	\$ 60,000	\$ 40,000	\$100,000

ATTACHMENT 3: NAMES/QUALIFICATIONS OF KEY STAFF

Project Manager

Kristen Ashbeck, AICP

Senior Planner – Community Development Department

Kristen's twenty years of planning work include experience in both the public and private sectors. As a planner in Douglas County and Grand Junction, Colorado she has been responsible for the review of on-going development, public assistance, and long-range comprehensive planning. As a private sector consultant, she has served as Senior Planner on numerous master planning and design guideline projects in Alaska, Arizona, California, Kansas and Germany. Ms. Ashbeck's diversified training and experience enable her to work effectively in a multidisciplinary team, and relate to overall planning concepts as well as details of a project simultaneously.

Kristen also has expertise in historic preservation planning with experience in survey and recordation of structures, preparation of design guidelines for exterior upgrade, economic feasibility analysis, and overall programming for development of historic resources. She has completed the National Trust's Preservation Leadership training course and participates on statewide review committees representing the Western Slope. Her current position as Senior Planner with the City of Grand Junction includes serving as the City's historic preservation planner and is staff to the Historic Preservation Board.

Grants Management

Kim Martens, CPA

Accounting Supervisor – Administrative Services Department

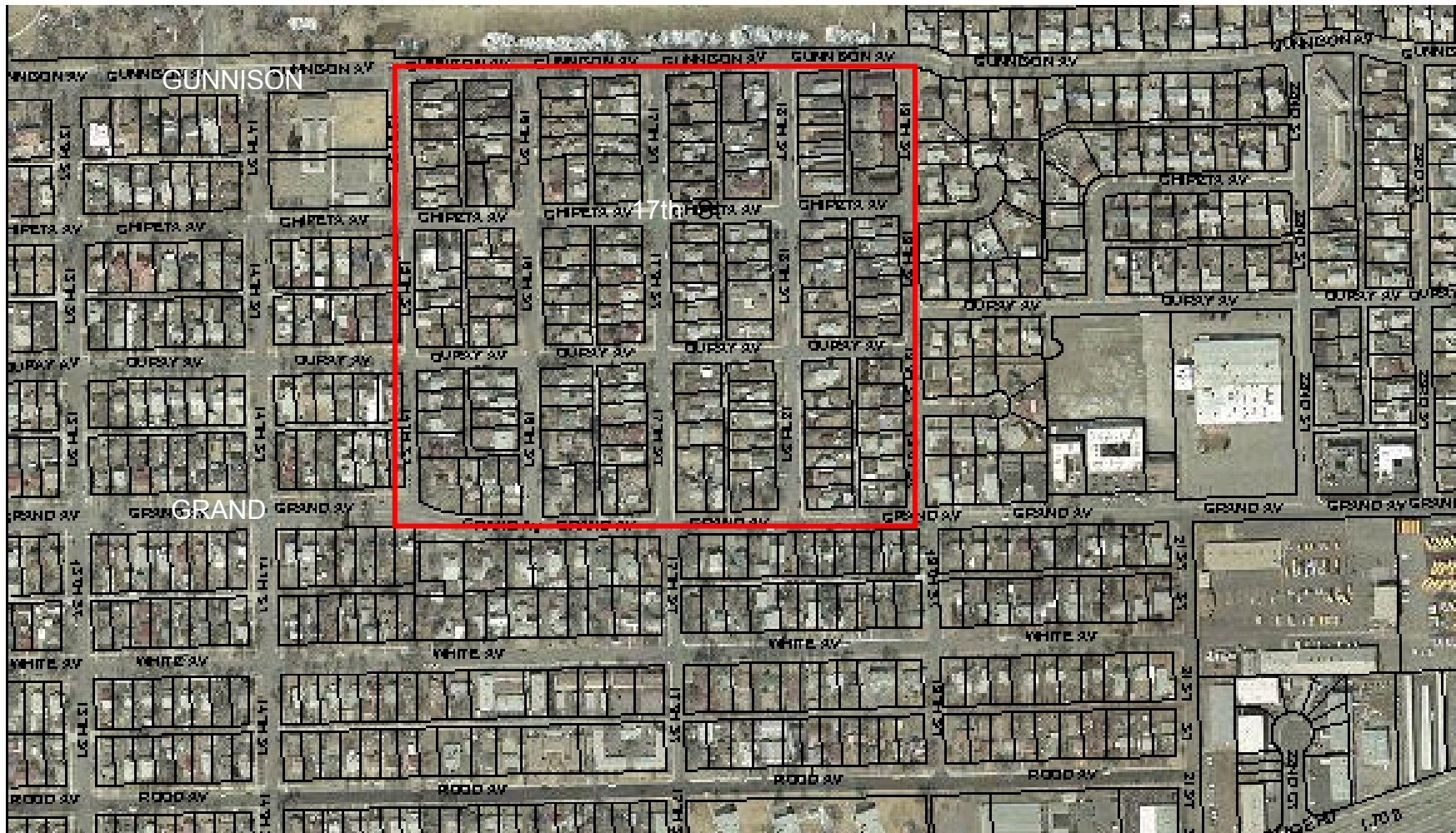
Kim has been a Certified Public Accountant (CPA) for ten years, which makes her highly qualified to perform the duties of current position with the City of Grand Junction as Accounting Supervisor.

In this position, Ms. Martens is expected to perform analytical duties, supervise and coordinate work in support of the City's professional accounting functions; to maintain financial records and prepare a variety of financial statements and documents in an accurate and timely manner in conformance with generally accepted accounting principles and procedures; and to provide responsible staff assistance to the Budget and Accounting Manager; and to perform a variety of duties relative to assigned areas of responsibility. One of her specific, primary duties is to coordinate grant management functions and monitor compliance with grant policy and that of agencies with which the City may be involved. Relative to this duty, Kim has attended several grants management classes and has experience with overseeing the management of not only grants that the City has received, but also grants that the City awards through its Community Development Block Grant (CDBG) program.

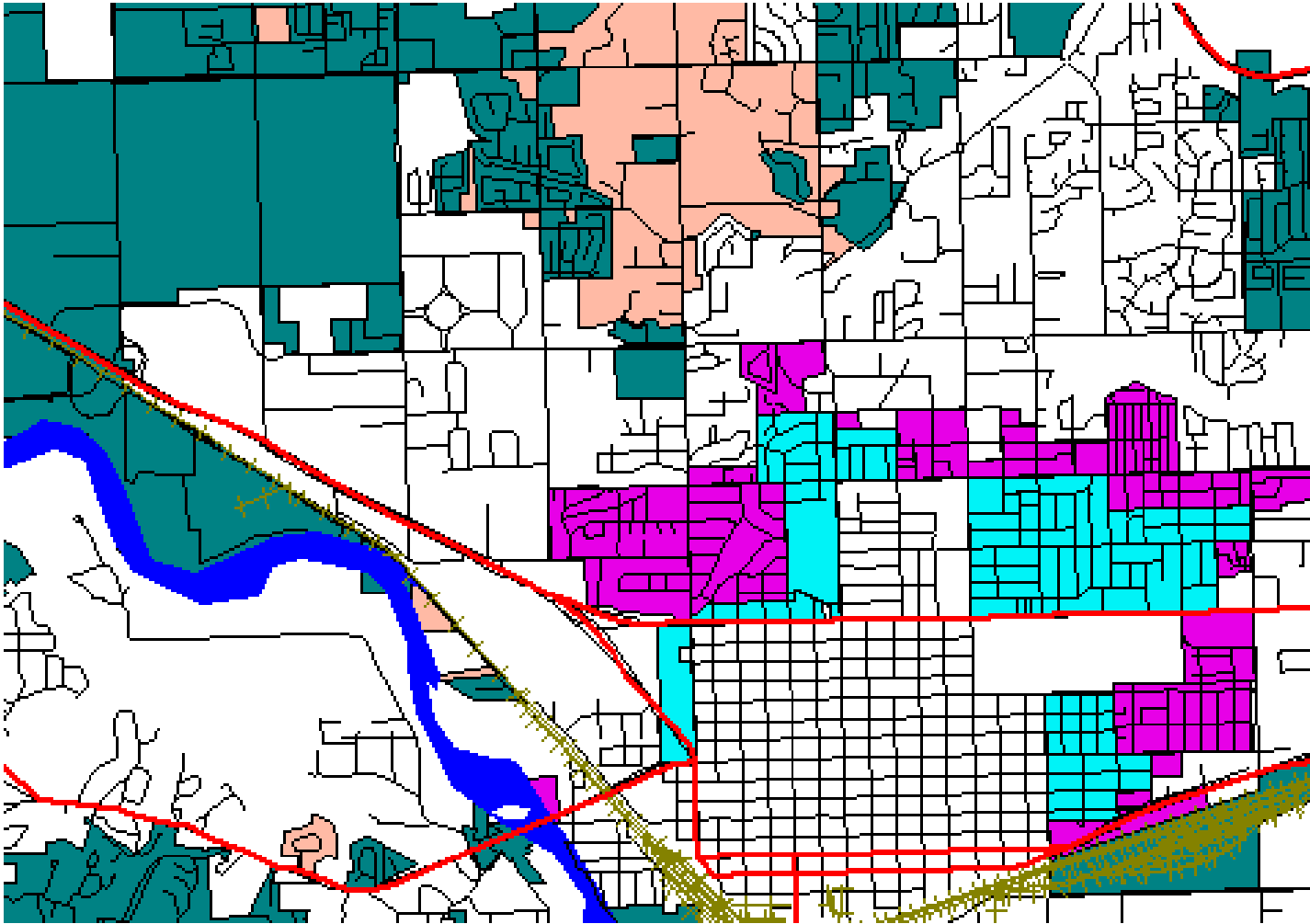
ATTACHMENT 4: LETTERS OF SUPPORT

(To Be Included With Grant Submittal On April 1, 2003)

ATTACHMENT B
Proposed Project Maps



PROPOSED PROJECT MAP 1 – INTENSIVE SURVEY AREA IDENTIFIED IN PREVIOUS SURVEY



PROPOSED PROJECT MAP 3

Intensive Survey Areas – Areas Annexed/Developed 1940 to 1960 (Pink and Light Turquoise)

Selective Survey Areas – Areas Recently Annexed with Scattered Rural Structures (Dark Turquoise and Peach)

Attach 7
Fruitvale Estates Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Fruitvale Estates Annexation, south of E½ Road (Orchard Ave.), north of Hoover Drive (3083 E ½ Road)						
Meeting Date	March 5, 2003						
Date Prepared	February 26, 2003			File #ANX-2003-023			
Author	Pat Cecil		Development Services Supervisor				
Presenter Name	Pat Cecil		Development Services Supervisor				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

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

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, first reading of the Annexation Ordinance, exercise land use immediately and set hearing for April 16, 2003.

Attachments:

1. Staff report/Background information
2. General Location Map
3. Aerial Photo
4. Future Land Use Map
5. Zoning Map
6. Annexation map
7. Resolution of Referral Petition
8. Annexation Ordinance

Background Information: See attached Staff Report/Background Information

Staff Report/ Background Information

BACKGROUND INFORMATION			
Location:	3083 E ½ (Orchard Ave.) Road		
Applicants:	Disraeli Development, Inc. – Petitioner Thompson-Langford Corp. - Representative		
Existing Land Use:	Undeveloped		
Proposed Land Use:	Residential subdivision		
Surrounding Land Use:	North	Residential	
	South	Commercial	
	East	Residential and Commercial	
	West	Residential	
Existing Zoning:	RSF-4 (County)		
Proposed Zoning:	Resf-4 (City)		
Surrounding Zoning:	North		
	South		
	East		
	West		
Growth Plan Designation:	Residential Medium Low 2-4		
Zoning within density range?	X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 4.3815 acres of land. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide. 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 Fruitvale Estates 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.

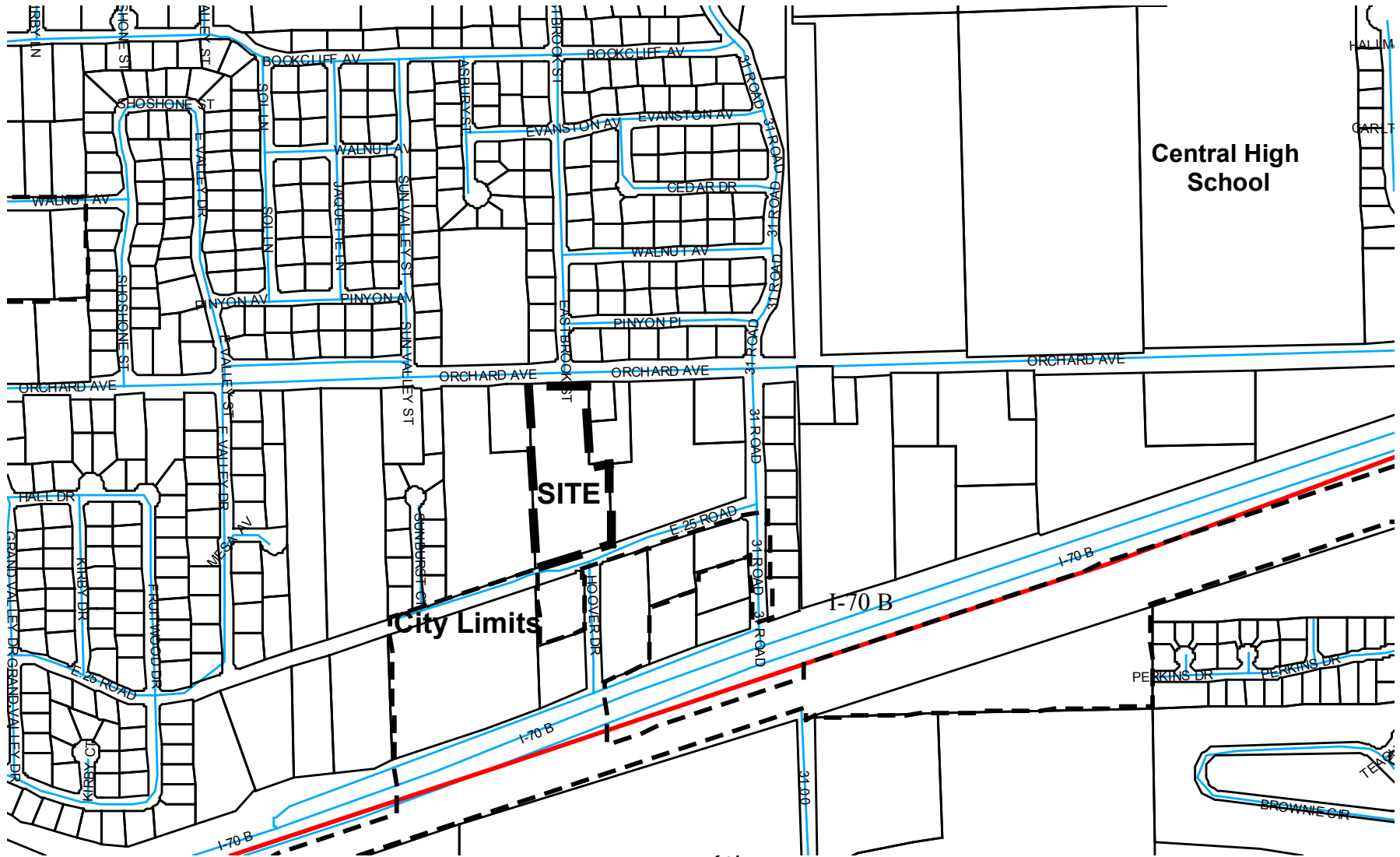
<u>ANNEXATION SCHEDULE</u>	
3-5-03	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
3-25-03	Planning Commission considers Zone of Annexation
4-2-03	First Reading on Zoning by City Council
4-16-03	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
5-18-03	Effective date of Annexation and Zoning

FRUITVALE ESTATES ANNEXATION SUMMARY

File Number:		ANX-2003-023
Location:		3083 E ½ Road (Orchard Avenue)
Tax ID Number:		2943-094-00-135
Parcels:		1
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		0
Acres land annexed:		4.3815 acres
Developable Acres Remaining:		4.3815 acres
Right-of-way in Annexation:		0
Previous County Zoning:		RSF-4
Proposed City Zoning:		RSF-4
Current Land Use:		Undeveloped
Future Land Use:		Residential Medium Low 2-4
Values:	Assessed:	\$11,680
	Actual:	\$40,280
Address Ranges:		
Special Districts:	Water:	Ute Water District
	Sewer:	Orchard Mesa
	Fire:	GJ Rural Fire District
	Drainage:	Orchard Mesa
	School:	District 51
	Pest:	N/A

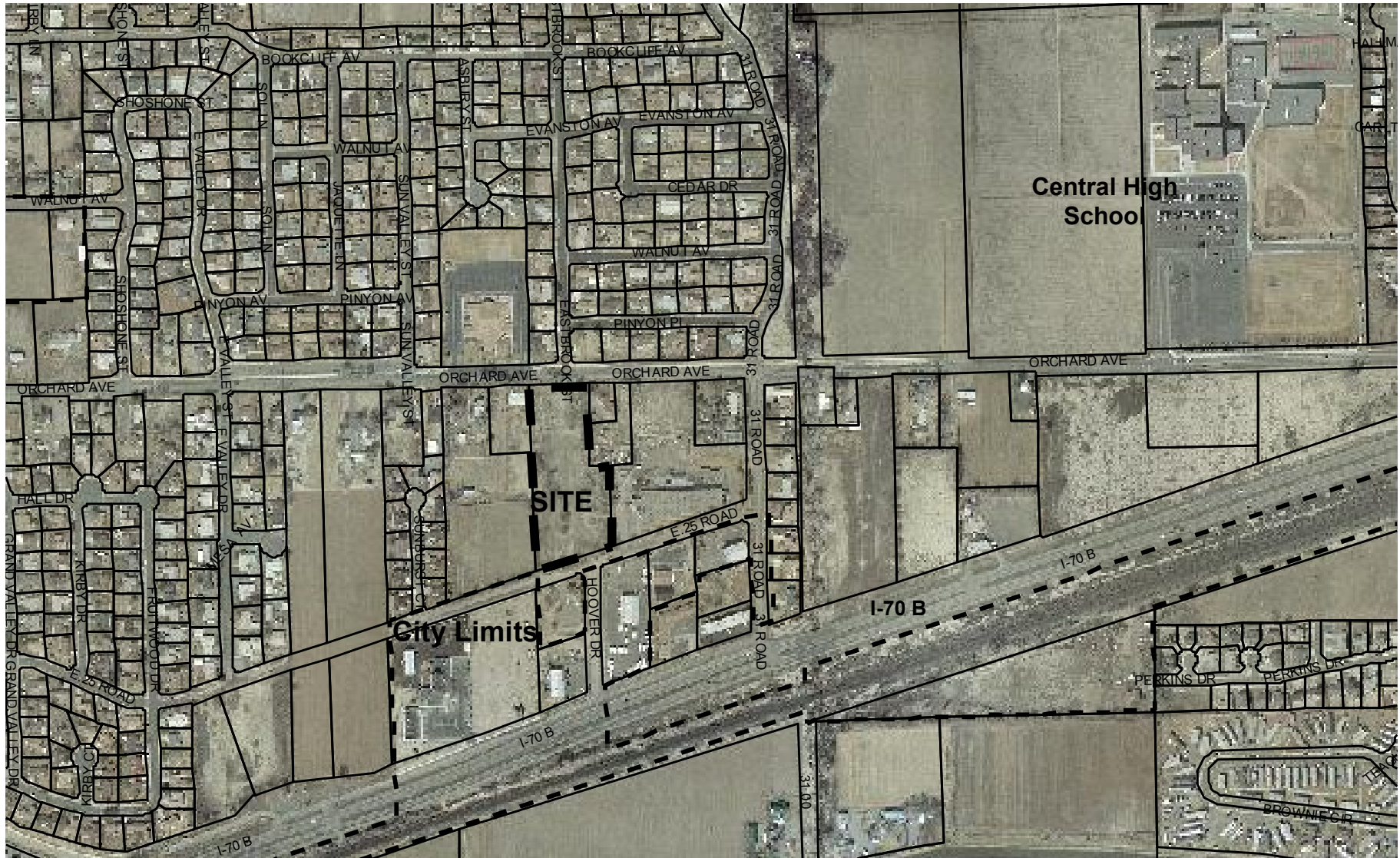
Site Location Map

Figure 1



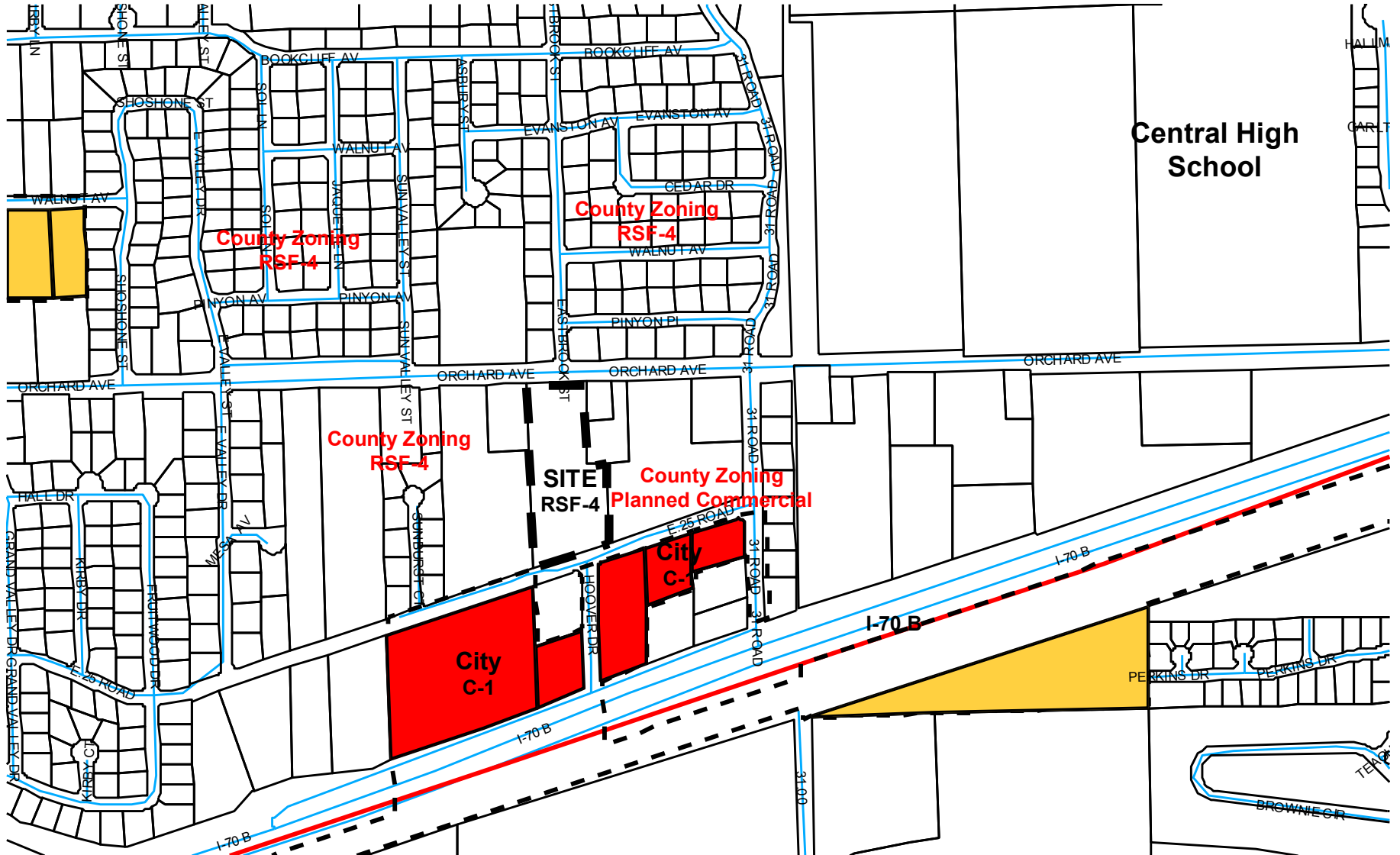
Aerial Photo Map

Figure 2



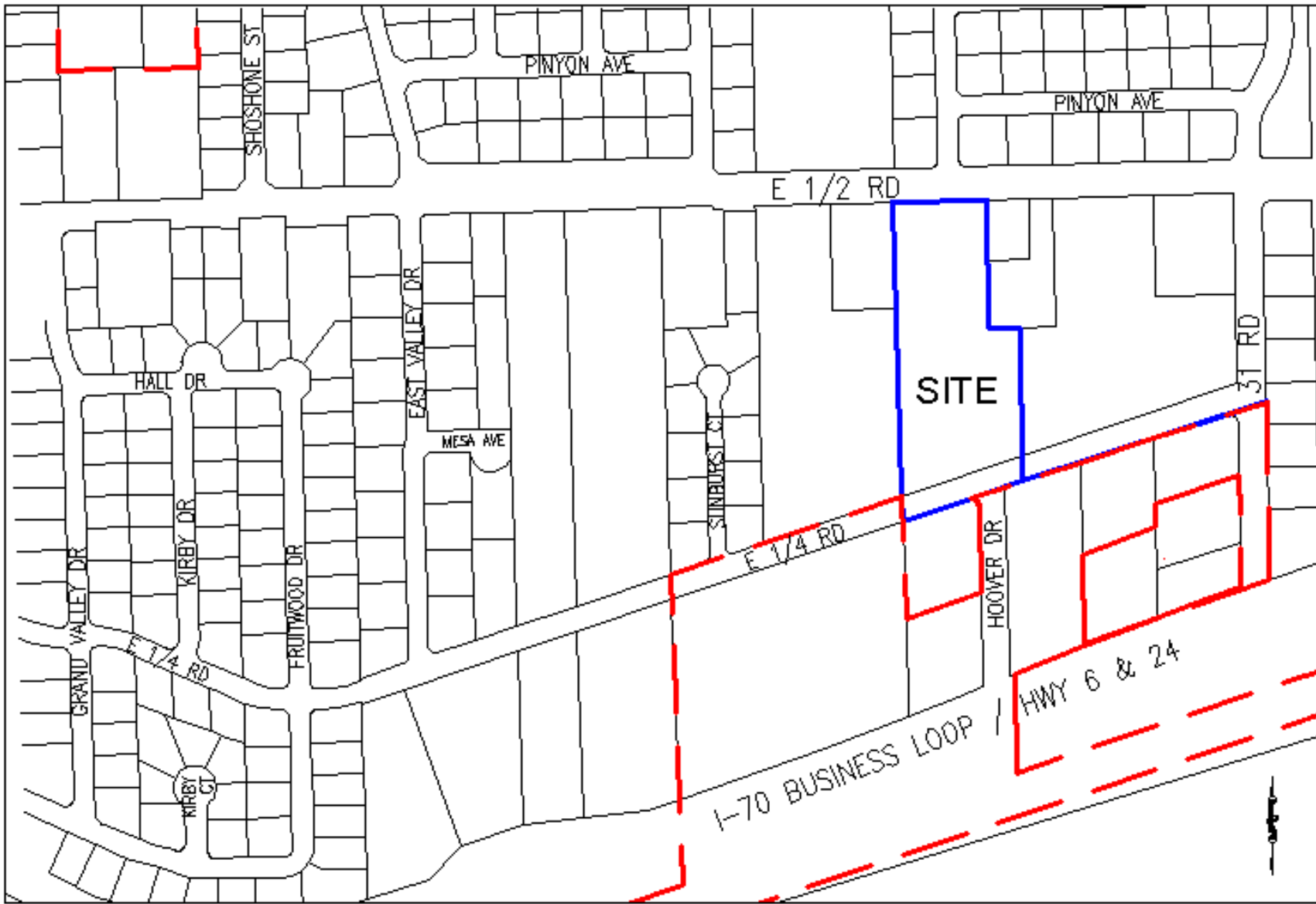
Existing City and County Zoning

Figure 4



FRUITVALE ESTATES ANNEXATION

Figure 5



--- City Limits — Annexation Boundary

**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 5th day of March, 2003, the following Resolution was adopted:

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**

FRUITVALE ESTATES ANNEXATION

LOCATED at 3083 E 1/2 ROAD.

WHEREAS, on the 5th day of March, 2003, 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 certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of the SE 1/4 of said Section 9, and assuming the North line of the SE 1/4 of said Section 9 bears N 89°57'41" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°57'41" W along the North line of the SE 1/4 of said Section 9, a distance of 776.57 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°02'19" W a distance of 335.59 feet; thence S 89°57'41" E a distance of 77.74 feet; thence S 00°07'41" E a distance of 367.81 feet; thence N 73°05'04" E along a line 1.00 feet North of and parallel with, the South right of way for E 1/4 Road, as same is recorded in Plat Book 9, Page 41, Public Records of Mesa County, Colorado, a distance of 608.96 feet to a point on the East right of way for 31 Road, as same is shown on the Plat of East Park, as recorded in Plat Book 11, Page 173, Public Records of Mesa County, Colorado; thence S 00°09'02" E along said East right of way, a distance of 1.04 feet; thence S 73°05'04" W along the South right of way for said E 1/4 Road, a distance of 911.57 feet to a point being the Northwest corner of Lot 4, Plat of 31 Road Business Park, as same is recorded in Plat Book 12, Page 353, Public Records of Mesa County, Colorado; thence N 00°02'50" E along the East line of the Gamble/Sage Annexation, Ordinance Number 3347, City of Grand Junction, Colorado, a distance of 62.70 feet to a point on the North right of way for said E 1/4 Road; thence N 73°05'04" E along said North right of way, a distance of 0.90 feet; thence N 00°07'41" W a distance of 729.73 feet, more or less, to a point on the North line of the SE 1/4 of said Section 9; thence S 89°57'41" E along the

North line of the SE 1/4 of said Section 9, a distance of 212.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.3815 Acres (190,857.07 Sq. Ft.), more or less, as described.

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 16th day of April, 2003, 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 5th day of March, 2003.

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>
March 7, 2003
March 14, 2003
March 21, 2003
March 28, 2003

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

FRUITVALE ESTATES ANNEXATION

APPROXIMATELY 4.3815 ACRES

LOCATED AT 3083 E 1/2 ROAD

WHEREAS, on the 5th day of March, 2003, 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 16th day of April, 2003; 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 situated in Mesa County, Colorado, and described to wit: ,
A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of the SE 1/4 of said Section 9, and assuming the North line of the SE 1/4 of said Section 9 bears N 89°57'41" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°57'41" W along the North line of the SE 1/4 of said Section 9, a distance of 776.57 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°02'19" W a distance of 335.59 feet; thence S 89°57'41" E a distance of 77.74 feet; thence S 00°07'41" E a distance of 367.81 feet; thence N 73°05'04" E along a line 1.00 feet North of and parallel with, the South right of way for E 1/4 Road, as same is recorded in Plat Book 9, Page 41, Public Records of Mesa County, Colorado, a distance of 608.96 feet to a point

on the East right of way for 31 Road, as same is shown on the Plat of East Park, as recorded in Plat Book 11, Page 173, Public Records of Mesa County, Colorado; thence S 00°09'02" E along said East right of way, a distance of 1.04 feet; thence S 73°05'04" W along the South right of way for said E 1/4 Road, a distance of 911.57 feet to a point being the Northwest corner of Lot 4, Plat of 31 Road Business Park, as same is recorded in Plat Book 12, Page 353, Public Records of Mesa County, Colorado; thence N 00°02'50" E along the East line of the Gamble/Sage Annexation, Ordinance Number 3347, City of Grand Junction, Colorado, a distance of 62.70 feet to a point on the North right of way for said E 1/4 Road; thence N 73°05'04" E along said North right of way, a distance of 0.90 feet; thence N 00°07'41" W a distance of 729.73 feet, more or less, to a point on the North line of the SE 1/4 of said Section 9; thence S 89°57'41" E along the North line of the SE 1/4 of said Section 9, a distance of 212.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.3815 Acres (190,857.07 Sq. Ft.), more or less, as described as described be and is hereby annexed to the City of Grand Junction, Colorado.

INTRODUCED on first reading on the 5th day of March, 2003.

ADOPTED and ordered published this ___ day of _____, 2003.

Attest:

President of the Council

City Clerk

Attach 8
Rezone World Harvest Church
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	World Harvest Church property rezone.						
Meeting Date	March 5, 2003						
Date Prepared	February 21, 2003				File # RZ-2002-236		
Author	Lori V. Bowers			Senior Planner			
Presenter Name	Lori V. Bowers			Senior Planner			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary: First reading of the rezone ordinance for the World Harvest Church property located at 2826 F Road, from RMF-8 to RMF-12.

Budget: N/A

Action Requested/Recommendation: First reading of the rezone ordinance.

Attachments:

- Staff report
- Vicinity Map
- Aerial Photo
- Growth Plan Map
- Zoning Map
- Subdivision Plat
- Ordinance

Background Information: Please see the attached Staff report.

BACKGROUND INFORMATION				
Location:		2826 F Road		
Applicant:		petitioner, World Harvest Church, John Cappetto, president. Brian Hart, Landesign, representative		
Existing Land Use:		Vacant land		
Proposed Land Use:		Multi-family / group living facility		
Surrounding Land Use:	North	Vacant land		
	South	Vacant land		
	East	Vacant land		
	West	Vacant land		
Existing Zoning:		RMF-8		
Proposed Zoning:		RMF-12		
Surrounding Zoning:	North	CSR		
	South	CSR and PD		
	East	CSR		
	West	PD		
Growth Plan Designation:		Residential Medium High (8 to 12 du/acre)		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: The Harvest Subdivision consists of 17.018 acres of land. Lot 2 is approximately 2.996 acres in size. The applicants request that Lot 2 of this subdivision be rezoned to a higher density to accommodate a multi-family, group living facility.

RECOMMENDATION: Approval

ANALYSIS:

The northeast corner of F Road and 28 ¼ Road is the proposed area for Lot 2 of the Harvest Subdivision. The Harvest Subdivision is currently under review by the Community Development Department. The proposed JEA Senior Living project is a 56-bed assisted living facility geared towards the needs of the elderly afflicted with Alzheimer’s disease. The facility will provide 24-hour supervision, security, meals, assistance with activities of daily living, social activities and other specialized care for its residents. The facility is defined as an “Unlimited Group Living Facility” in the Zoning and Development Code, Section 4.3.Q. If a Group Living Facility does not exceed the density of the zone in which it is located, then a Conditional Use Permit is not required. By granting the rezone request, a Conditional Use Permit will not be required for this property. The group home must register with the City and renew it’s registration annually.

1. Background

The subject property was annexed into the City in 1999. It was acknowledged at that time that the church may not need the entire 17 acre site and may wish to further subdivide the property in the future. An application for a simple subdivision has been submitted. The "Harvest Subdivision" consists of 2 lots. Lot 1, is 13.989 acres and will be reserved for the church. Lot 2, which is just slightly under 3 acres is proposed for a group living facility.

2. Consistency with the Growth Plan

The Growth Plan for this area recommends Residential Medium High, (8 to 12 dwelling units per acre). The request for the re-zone to the higher designation of RMF-12 from RMF-8 is consistent with the Growth Plan. The proposal further satisfies Policy 1.7 and 1.11, of the Plan. Policy 1.7 states that, "The City and County will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed residential and non-residential development is compatible with the planned development of adjacent property." Policy 1.11 states, "The City and County will ensure that medium-high and high density residential projects have adequate usable public or private open space incorporated into the project or linked to the project on adjacent parcel." Currently, the property to the east is reserved for a future park site, thus meeting this policy.

3. Section 2.6.A of the Zoning and Development Code

Rezone requests must meet all of the following criteria for approval:

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

The existing RMF-8 zoning is not in error because the zoning conforms to the Growth Plan.

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 transition, etc

The area surrounding the subject property can be described as partially developed. Recently built subdivisions are located to the west such as Cody Subdivision, Grand View Subdivision and Village Park Subdivision, which is currently under construction. Vacant land is located to the north and east of the subject property. The area located south of the property can be described as partially developed with a Fire Station, assisted living facility, The Falls Subdivision and The Legends Subdivision. The proposed zone of RMF-12 will not affect the character of the area.

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

The requested rezone conforms to the Growth Plan. The proposed requested zone will not create adverse impacts to the existing street network. 28 ¼ Road is classified as a collector street and F Road is located ¼ mile south and is classified as a principal arterial. The proposed rezone will not create adverse impacts such as parking problems; any future development application must address parking issues. The requested zone will not create adverse impacts such as storm water or drainage problems. The subject property is not located within an established floodplain. In addition, future development applications must address how storm water will be

controlled and will be required to conform to the City's Stormwater Management Manual. The proposed zone will not create adverse impacts such as storm water, air or noise pollution. As mentioned above, storm water must be controlled in a manner that conforms to the City's Stormwater Management Manual, which among other items, addresses water quality. In addition, all construction in the State of Colorado must obtain a General Stormwater Discharge Permit Associated with Construction Activity which addresses both water and air quality. Any noise violations are subject to the City's Code Enforcement department. The requested zone will not create adverse impacts such as excessive nighttime lighting. Future development applications must address the topic of street and parking lighting. The proposed rezone to RMF-12 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized.

Staff has determined that public infrastructure can address the impacts of any development consistent with the RMF-12 zone district, therefore this criterion is met.

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.

As mentioned earlier, the requested RMF-12 zone is consistent with the Growth Plan designation of RMH, Residential Medium High Density, 8 – 12 units per acre. In addition, the City's Zoning and Development Code has been consulted in conjunction with the preparation of this application.

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

All utilities including, sanitary sewer, domestic water, and dry utilities are located near the property and are available for use. Adequate public facilities are currently available and can address the impacts of development consistent with the RMF-12 zone district.

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

There is vacant land in the area that is designated RMH, however, this land is located further to the east. The subject property presents an excellent opportunity to provide property zoned land that can be used for an assisted living facility.

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

The community will benefit from the proposed zone because it conforms to the Growth Plan designation of RMH, Residential Medium High.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the World Harvest Church request for re-zone application, RZ-2002-236, for a rezone, staff makes the following findings of fact and conclusions:

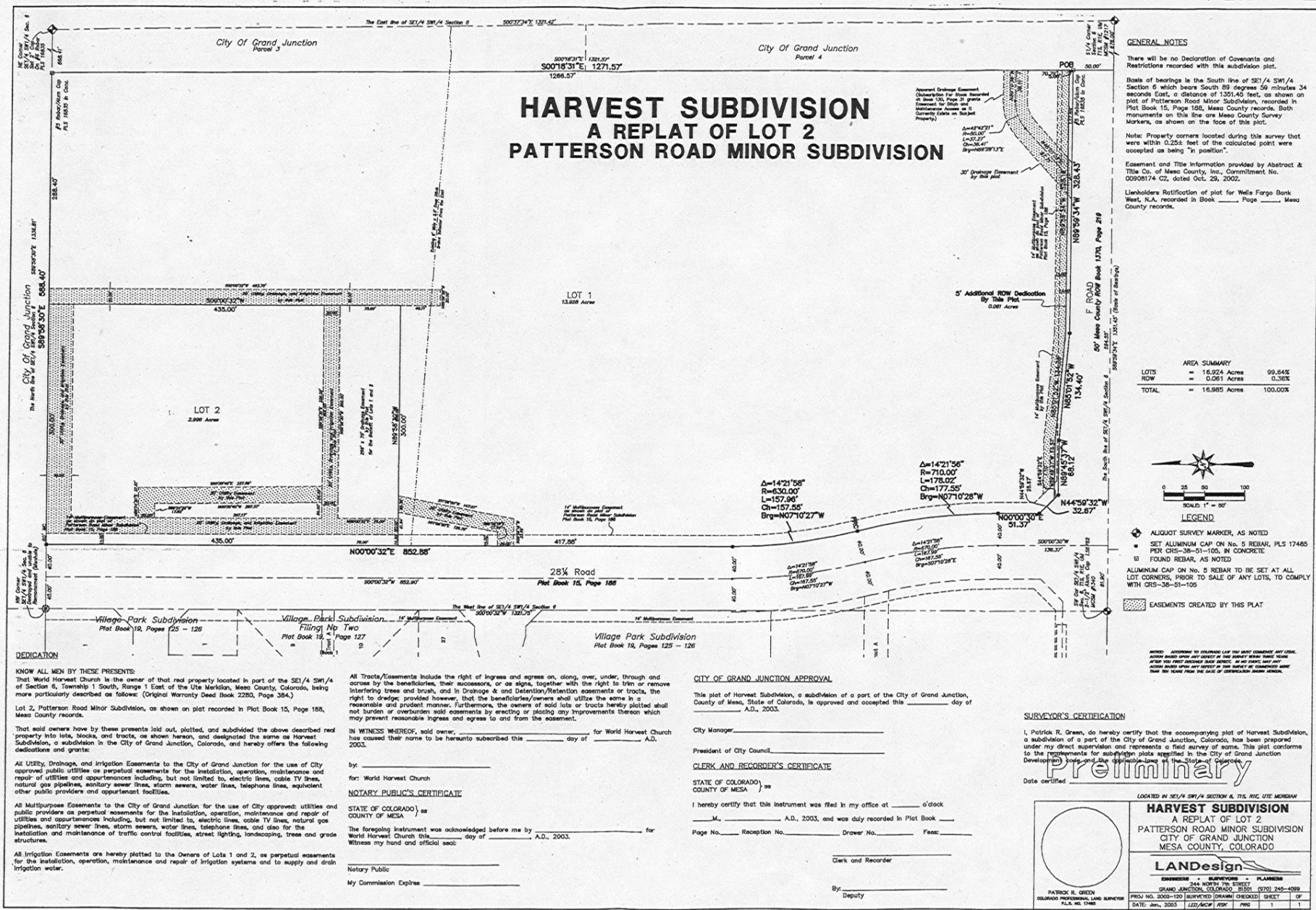
1. The requested rezone is consistent with the Growth Plan
2. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission forwards a recommendation of **approval** of the requested rezone, RZ-2002-236, to the City Council with the findings and conclusions listed above.

Future Land Use Map

Figure 3





HARVEST SUBDIVISION A REPLAT OF LOT 2 PATTERSON ROAD MINOR SUBDIVISION

GENERAL NOTES

There will be no Declaration of Covenants and Restrictions recorded with this subdivision plat.

Basis of bearings is the South line of SE1/4 SW1/4 Section 6 which bears South 89 degrees 59 minutes 34 seconds East, a distance of 1301.65 feet, as shown on plat of Patterson Road Minor Subdivision, recorded in Plat Book 15, Page 168, Mesa County records. Both monuments on this line are Mesa County Survey Markers, as shown on the face of this plat.

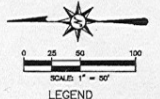
Note: Property corners located during this survey that were within 0.25± feet of the calculated point were accepted as being "in position".

Easement and Title Information provided by Abstract & Title Co. of Mesa County, Inc., Commitment No. 00908174 C2, dated Oct. 29, 2002.

Lienholders Ratification of plat for Wells Fargo Bank, West, N.A., recorded in Book _____ Page _____ Mesa County records.

AREA SUMMARY

LOTS	= 16.924 Acres	99.64%
RDW	= 0.061 Acres	0.36%
TOTAL	= 16.985 Acres	100.00%



- LEGEND**
- ALLOT SURVEY MARKER, AS NOTED
 - SET ALUMINUM CAP ON No. 5 REBAR, PLS 17485 PER CRS-38-01-100, IN CONCRETE
 - FOUND REBAR, AS NOTED
 - ALUMINUM CAP ON No. 2 REBAR TO BE SET AT ALL LOT CORNERS, PRIOR TO SALE OF ANY LOTS, TO COMPLY WITH CRS-38-01-100
 - EASEMENTS CREATED BY THIS PLAT

KNOW ALL MEN BY THESE PRESENTS:

That World Harvest Church is the owner of that real property located in part of the SE1/4 SW1/4 of Section 6, Township 1 South, Range 1 East of the 10th Meridian, Mesa County, Colorado, being more particularly described as follows: (Original Warranty Deed Book 2260, Page 384.)

Lot 2, Patterson Road Minor Subdivision, as shown on plat recorded in Plat Book 15, Page 168, Mesa County records.

That said owners have by these presents laid out, platted, and subdivided the above described real property into lots, blocks, and tracts, as shown hereon, and designated the same as Harvest Subdivision, a subdivision in the City of Grand Junction, Colorado, and hereby offers the following dedications and grants:

All Utility, Drainage, and Irrigation Easements to the City of Grand Junction for the use of City approved public utilities on perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, equivalent other public providers and appurtenant facilities.

All Multipurpose Easements to the City of Grand Junction for the use of City approved utilities and public providers on perpetual easements for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, and also for the installation and maintenance of traffic control facilities, street lighting, landscaping, trees and grade structures.

All Irrigation Easements are hereby platted to the Owners of Lots 1 and 2, as perpetual easements for the installation, operation, maintenance and repair of irrigation systems and to supply and drain irrigation water.

All Tracts/Easements include the right of ingress and egress on, along, over, under, through and across by the beneficiaries, their successors, or as signs, together with the right to trim or remove interfering trees and brush, and in Drainage & Detention/Retention easements or tracts, the right to dredge, provided however, that the beneficiaries/owners shall utilize the same in a reasonable and prudent manner. Furthermore, the owners of said lots or tracts hereby platted shall not burden or overburden said easements by erecting or placing any improvements thereon which may prevent reasonable ingress and egress to and from the easement.

IN WITNESS WHEREOF, said owner, _____ for World Harvest Church has caused their name to be hereunto subscribed this _____ day of _____ A.D., 2003.

by: _____
for: World Harvest Church

NOTARY PUBLIC'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF MESA) ss

The foregoing instrument was acknowledged before me by _____ for World Harvest Church this _____ day of _____, A.D., 2003.

Witness my hand and official seal:

Notary Public _____
My Commission Expires _____

CITY OF GRAND JUNCTION APPROVAL

This plat of Harvest Subdivision, a subdivision of a part of the City of Grand Junction, County of Mesa, State of Colorado, is approved and accepted this _____ day of _____ A.D., 2003.

City Manager _____

President of City Council _____

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF MESA) ss

I hereby certify that this instrument was filed in my office at _____ o'clock _____ M., _____ A.D., 2003, and was duly recorded in Plat Book _____ Page No. _____ Reception No. _____ Drawer No. _____ Fees: _____

Clerk and Recorder _____

By: _____ Deputy

SURVEYOR'S CERTIFICATION

I, Patrick R. Green, do hereby certify that the accompanying plat of Harvest Subdivision, a subdivision of a part of the City of Grand Junction, Colorado, has been prepared under my direct supervision and represents a field survey of same. This plat conforms to the requirements for subdivision plats as specified in the City of Grand Junction Development Code and the applicable laws of the State of Colorado.

Date certified _____

Preliminary

LOCATED IN SE1/4 SW1/4 SECTION 6, T1S, R1E, 10th MERIDIAN

HARVEST SUBDIVISION

A REPLAT OF LOT 2
PATTERSON ROAD MINOR SUBDIVISION
CITY OF GRAND JUNCTION
MESA COUNTY, COLORADO

LANDesign

ENGINEER SURVEYOR PLANNER
744 W. 7th STREET
GRAND JUNCTION, COLORADO 81501 (970) 245-4099
PROJ. NO. 0003-100 (SURVEYED) (DRAWN CHECKED) (DRET) OF
DATE: Jan, 2003 LRD/ACW/RSR/PAC 1 1

CITY OF GRAND JUNCTION, COLORADO
ORDINANCE NO. _____

AN ORDINANCE REZONING LOT 2, OF THE HARVEST SUBDIVISION LOCATED
AT 2826 F ROAD FROM RMF-8 TO RMF-12

Recitals.

A rezone from the Residential Multi-family, not to exceed 8 dwelling units per acre (RMF-8) district to the Residential Multi-family, not to exceed 12 dwelling units per acre (RMF-12) district has been requested for the property located on Lot 2, Harvest Subdivision, for the purpose of developing a group living facility. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (Residential Medium High, 8 to 12 dwelling units per acre). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its February 11, 2003 hearing, recommended approval of the rezone request from the RMF-8 zoning district to the RMF-12 zoning district.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED TO THE RESIDENTIAL MULTI-FAMILY, NOT TO EXCEED 12 DWELLING UNITS PER ACRE (RMF-12) DISTRICT:

LOT 2, HARVEST SUBDIVISION

INTRODUCED for FIRST READING and PUBLICATION this 5th day of MARCH, 2003.
PASSED on SECOND READING this **** day of ****, 2003.

ATTEST:

City Clerk

President of Council

**Attach 9
Vacation of a Sewer Easement (Target)**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Partial Vacation of a Sanitary Sewer Easement – Lot 5, Mesa Mall Subdivision – Target – 2424 U.S. Hwy. 6 & 50					
Meeting Date		March 5, 2003					
Date Prepared		February 26, 2003			File #VE-2002-247		
Author		Scott D. Peterson		Associate Planner			
Presenter Name		Scott D. Peterson		Associate Planner			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary: The applicant proposes to vacate a portion of a 20' wide sanitary sewer easement located on Lot 5, Mesa Mall Subdivision. In order to allow the proposed 15,272 sq. ft. expansion of the present building as submitted, a portion of an existing sanitary sewer easement located on the north side of the building must be vacated and abandoned. A new easement will be dedicated by separate instrument and filed at the Mesa County Courthouse to show the new easement and rerouted sanitary sewer location which will be directly to the north of the proposed expansion. The Planning Commission recommended approval at its February 25, 2003 meeting.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution vacating a portion of a 20' wide sanitary sewer easement located on Lot 5, Mesa Mall Subdivision, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

Attachments:

1. Background Information/Staff Analysis
2. Site Location Map
3. Aerial Photo Map
4. Future Land Use Map
5. Existing City Zoning Map
6. Resolution & Exhibit A

BACKGROUND INFORMATION				
Location:		2424 U. S. Hwy. 6 & 50		
Applicants:		Target Corporation, Owner		
Existing Land Use:		Commercial Retail Store		
Proposed Land Use:		15,272 sq. ft. expansion to present building		
Surrounding Land Use:	North	Commercial		
	South	Commercial		
	East	Commercial		
	West	Commercial		
Existing Zoning:		C-1		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	C-1		
	South	C-1		
	East	C-1		
	West	C-1		
Growth Plan Designation:		Commercial		
Zoning within density range?	N/A	Yes		No

Staff Analysis:

Target Corporation is proposing an expansion and remodel to their existing store which is located at 2424 Hwy. 6 & 50 in the Mesa Mall. The existing store is 101,678 sq. ft. and is located on Lot 5, Mesa Mall Subdivision and consists of 9.31 acres of land which is owned by Target. The proposed expansion of the store would involve expansion to the north side of the building for more sales area and also an upgrade to the store entrance. Total expansion square footage would be 15,272 sq. ft. for a total building square footage of 116,950 sq. ft. A Conditional Use Permit (CUP) is required for the project since the total square footage of the building is over 80,000 sq. ft. (Section 3.4 D. 3. c.) which will be reviewed by the Planning Commission at a later date.

The current sewer line serves portions of the Mesa Mall properties and will be rerouted to the north of the proposed building expansion and a new legal description filed.

Consistency with the Growth Plan:

The site is currently zoned C-1, Light Commercial with the Growth Plan Future Land Use Map also showing this area as Commercial.

Section 2.11 C. of the Zoning and Development Code:

Requests to vacate any public right-of-way or easement must conform to all of the following:

- a. The Growth Plan, major street plan and other adopted plans and policies of the City.

Granting this request to vacate a portion of the existing sanitary sewer easement does not conflict with the Growth Plan, major street plan and other adopted plans and policies of the City of Grand Junction.

- b. No parcel shall be landlocked as a result of the vacation.

No parcel will be landlocked as a result of this easement vacation.

- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

Access to any parcel is not restricted.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

There are no adverse impacts on the general community and the quality of public facilities and services provided will not be reduced due to the vacation request.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Zoning & Development Code as the existing sewer line will be rerouted on the property, away from the proposed building expansion area. No adverse comments were received from the utility review agencies.

- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Maintenance requirements to the City will not change as a result of the proposed partial vacation, as the existing sewer line will be rerouted, away from the proposed expansion.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Target Store application, VE-2002-247 for the partial vacation of a sanitary sewer easement, the Planning Commission at their February 25, 2003 meeting made the following findings of fact and conclusions:

3. The requested partial vacation of an existing sanitary sewer easement is consistent with the Growth Plan.
4. The review criteria in Sections 2.11 C. of the Zoning and Development Code have all been met.

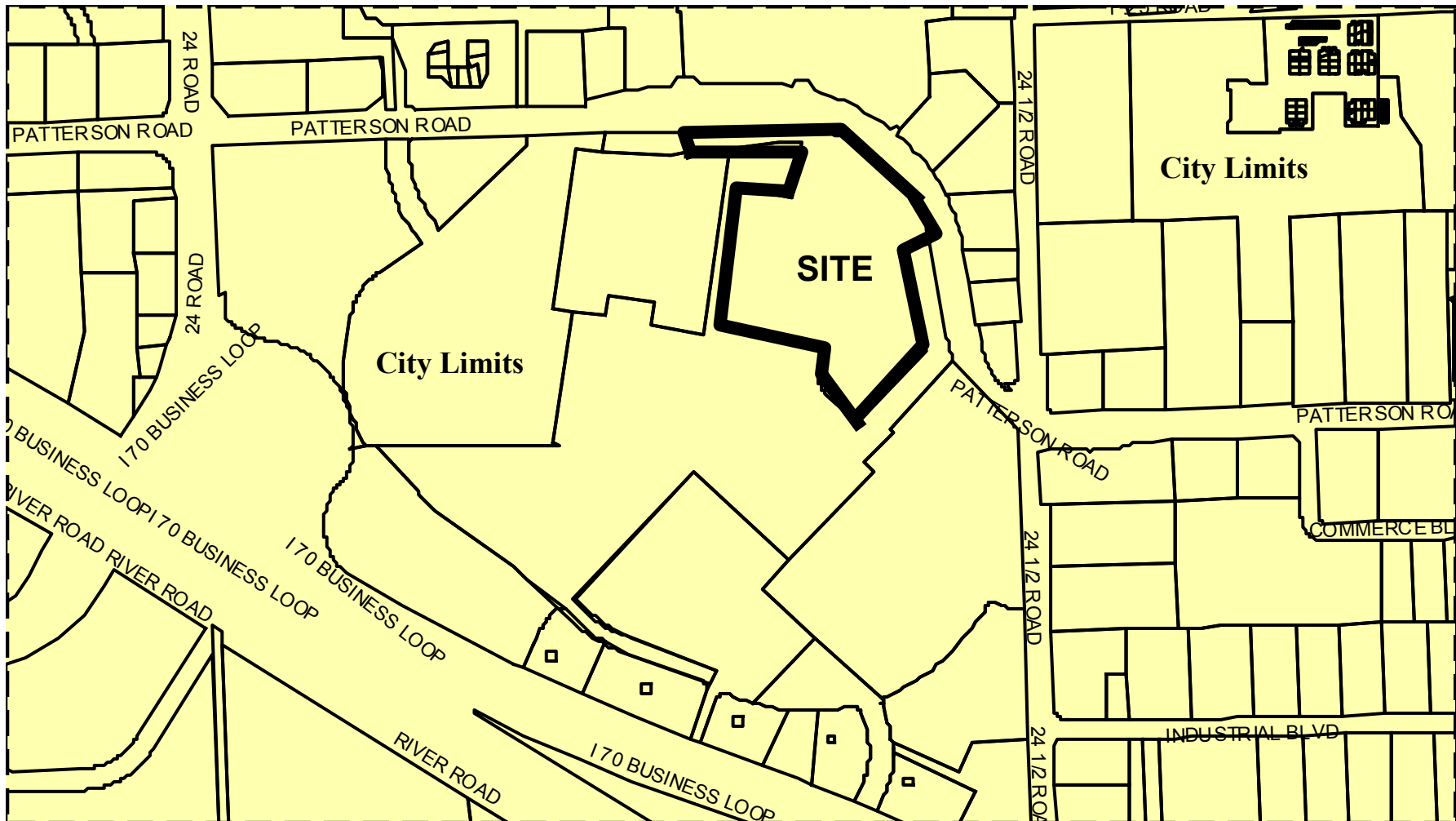
Action Requested/Recommendation: Approval of the Resolution vacating a portion of a 20' wide sanitary sewer easement located on Lot 5, Mesa Mall Subdivision, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

Attachments:

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City Zoning Map
5. Resolution & Exhibit A

Site Location Map

Figure 1



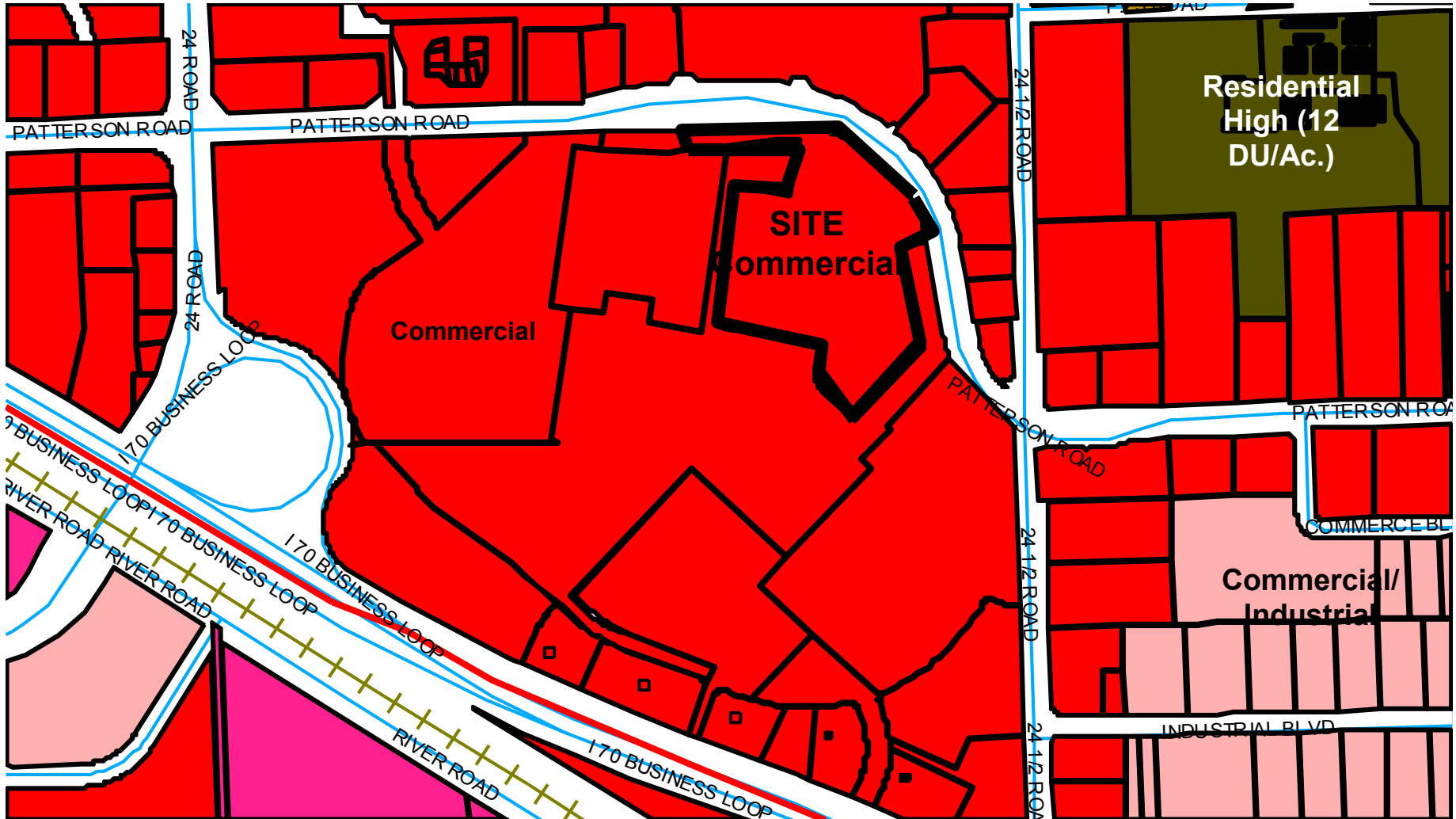
Aerial Photo Map

Figure 2



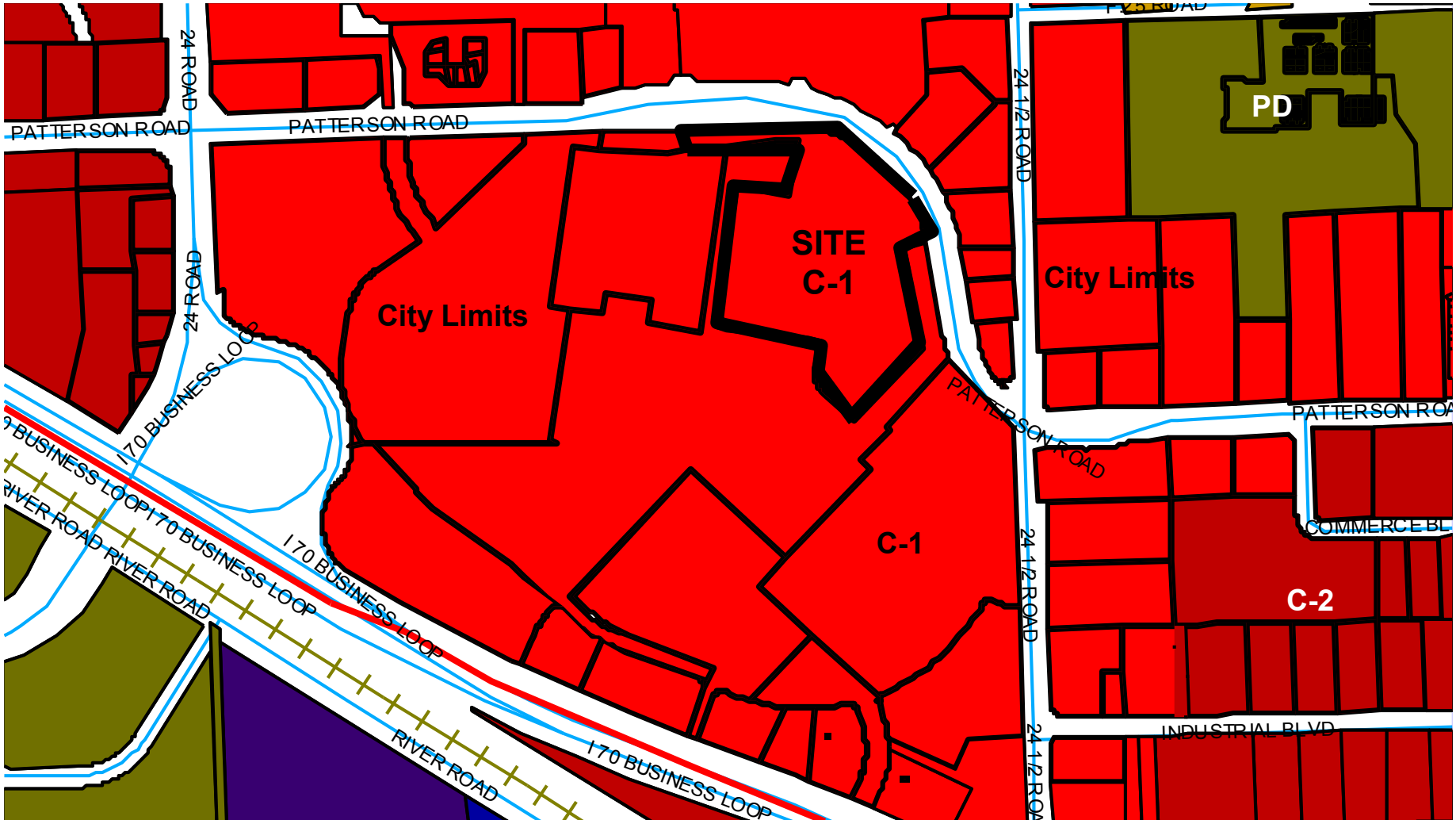
Future Land Use Map

Figure 3



Existing City Zoning

Figure 4



CITY OF GRAND JUNCTION

Resolution No. _____

A RESOLUTION VACATING A PORTION OF A 20' WIDE SANITARY SEWER
EASEMENT LOCATED ON LOT 5, MESA MALL SUBDIVISION
KNOWN AS: 2424 U. S. Hwy. 6 & 50 (TARGET)

RECITALS:

In conjunction with a request to expand the square footage of the existing building, the applicant proposes to vacate a portion of a 20' wide Sanitary Sewer Easement in order for this building expansion to occur.

The Planning Commission, having heard and considered the request and found the criteria of the Code to have been met, recommend that the partial vacation be approved.

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

1. The following described portion of an easement is hereby conditionally vacated:

A parcel of land in the Southwest quarter of Section 4, Township 1 South, Range 1 West of the Ute Meridian, within Lot 4 and Lot 5, Mesa Mall Subdivision, being a portion of the Sanitary Sewer Easement described in deed recorded in Book 1311 at Page 824, County of Mesa, State of Colorado, described as follows:

A permanent easement to be vacated 10 feet on both sides of the following described centerline:

Beginning at a point on the centerline of the Sanitary Sewer Easement described in deed recorded in Book 1311 at Page 824, from which the South $\frac{1}{4}$ Corner of said Section 4, bears S49°30'08"E, a distance of 1201.93 feet;

Thence S60°23'41"E a distance of feet 128.38;

Thence S80°00'00"E, a distance of 238.59 feet to an angle point on the centerline of said easement and the point of terminus of this description, from which the South $\frac{1}{4}$ Corner of said Section 4, Township 1 South, Range 1 West of the Ute Meridian bears S40°01'16"E, a distance of 882.33 feet.

The sidelines of this parcel are extended or truncated to intersect with the sidelines of the existing said Sanitary Sewer Easement. See attached Exhibit A.

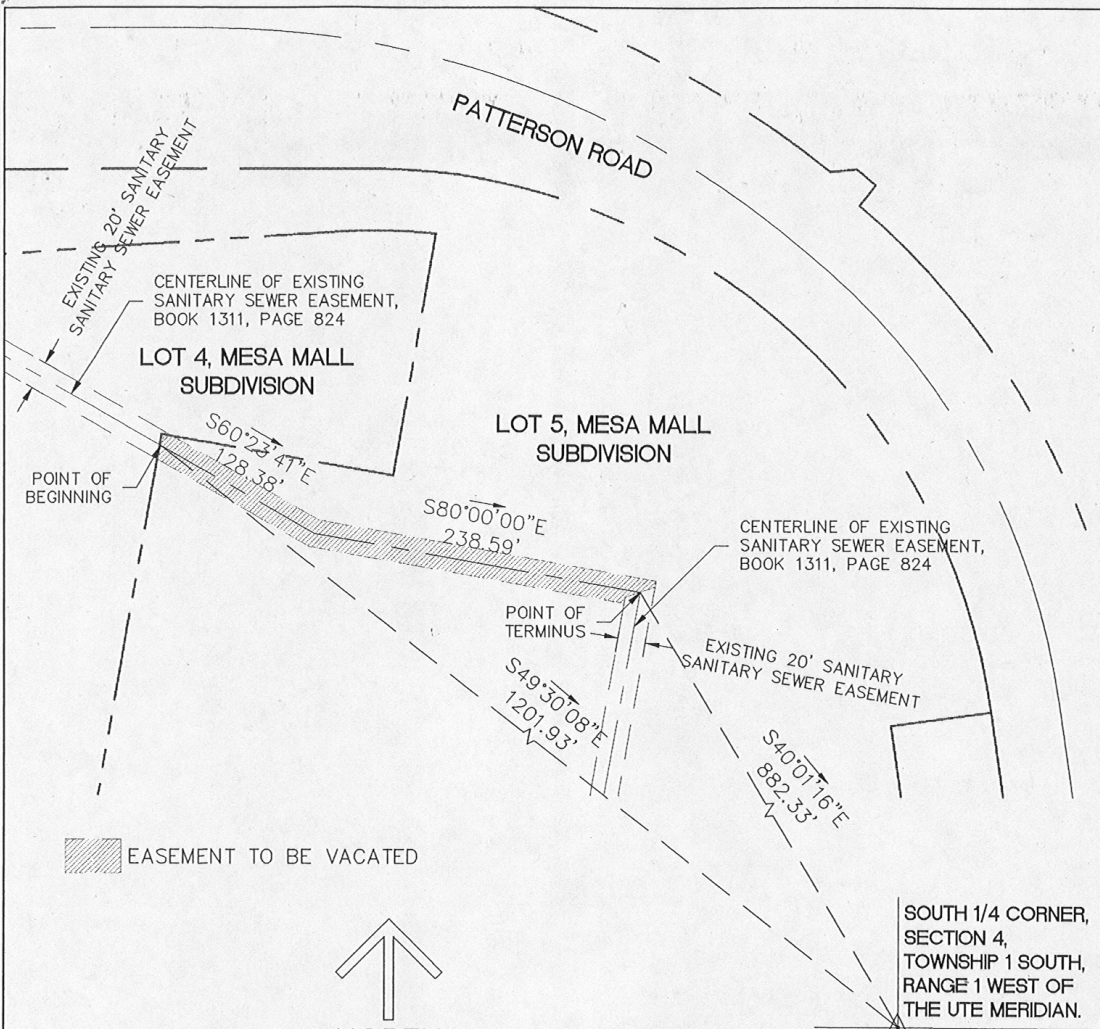
This vacation is conditioned and contingent upon the conveyance and dedication of a new Sanitary Sewer Easement for the relocated sanitary sewer line and also the dedication and conveyance of a new Multi-purpose Easement along Patterson Road as reasonably required, directed or necessary by and through the Site Plan and/or Conditional Use Permit (CUP) application (VE-2002-247).

PASSED and ADOPTED this 5th day of March, 2003.

ATTEST:

City Clerk

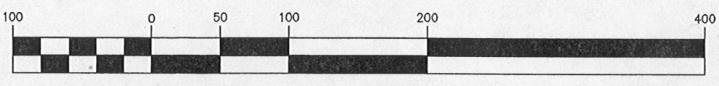
President of City Council



EASEMENT TO BE VACATED



NORTH
GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY BY OLSSON ASSOCIATES. IT IS INTENDED ONLY TO DEPICT THE LEGAL DESCRIPTION HERETO.

 OLSSON ASSOCIATES ENGINEERS - PLANNERS - SCIENTISTS - SURVEYORS 143 UNION BLVD., SUITE 200 - LINCOLN, COLORADO 80501 PHONE 725-842-8072 - FAX 725-842-8188 <small>LINCOLN OMAHA GRAND ISLAND WELDING KANSAS CITY PUEBLO DENVER</small>	SANITARY SEWER EASEMENT VACATION	drawn by: WCB checked by: GL approved by: GL project no.: 2001-0601 dwg name: date: 02/06/03
	TARGET STORE T-0093	SHEET
	GRAND JUNCTION, CO	EASE 1 1 OF 1 SHEETS

**Attach 10
Tobacco Ordinance**

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>							
Subject:		Tobacco Ordinance					
Meeting Date:		March 5, 2003					
Date Prepared:		February 25, 2003			File # n/a		
Author:		Stephanie Rubinstein		Staff City Attorney			
Presenter Name:		Stephanie Rubinstein		Staff City Attorney			
Report results back to Council:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Formal Agenda	<input checked="" type="checkbox"/>
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consent	<input type="checkbox"/>
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Individual Consideration	<input type="checkbox"/>

Summary: In February 1999, City Council adopted Ordinance # 3095, addressing the problem of teenage smoking. The ordinance will sunset in February 2004 if no further action is taken by City Council. This ordinance will make the provisions of Ordinance # 3095 permanent.

Budget: None.

Action Requested/Recommendation: Adopt ordinance on first reading and set a hearing for second reading on April 2, 2003.

Attachments: Ordinance

Background Information: Ordinance No. 3095, (the "Tobacco Ordinance") made smoking tobacco products illegal in the City of Grand Junction for persons under the age of eighteen. Additionally, the ordinance provides certain requirements for the sale of cigarettes, such as no single sale cigarettes, no smaller pack (less than 15) cigarettes, and requiring all tobacco products be handled by store personnel, rather than customers. The ordinance will sunset in 2004 unless further action is taken by City Council to extend the ordinance.

ORDINANCE NO. _____
**AN ORDINANCE AMENDING CHAPTER 24, SECTION 21, OF THE CITY OF GRAND
JUNCTION CODE OF ORDINANCES, REGULATING TOBACCO PRODUCTS**

RECITALS:

On February 17, 1999, City Council passed Ordinance Number 3095 which addressed issues relating to smoking, and in particular, teenage smoking. Subsection 9 provided a sunset provision which would repeal the ordinance in 2004 without further action from City Council.

The City Council recognizes the hazards of cigarette smoking and has determined that the provisions relating to the sale and possession of tobacco by persons under the age of eighteen is in furtherance of the health, welfare and safety of all residents of the City of Grand Junction.

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

Chapter 24 of the Code of Ordinances of the City of Grand Junction be amended as follows:

That Section 24-21 (9) shall be repealed.

Introduced this _____ day of _____, 2003.

Passed and adopted this _____ day of _____, 2003.

President of the Council

ATTEST:

City Clerk

Attach 11
Event Marquee at Two Rivers Convention Center
 CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Two Rivers Convention Center Event Marquee Sign					
Meeting Date		March 5, 2003					
Date Prepared		February 26, 2003				File #	
Author		Shawn Cooper Rex Sellers		Park Planner Senior Buyer			
Presenter Name		Joe Stevens		Director Parks and Recreation			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary: Replace the Two Rivers Convention Center event marquee sign with a new event marquee sign and electronic reader board. The sign will display current and upcoming events at Two Rivers Convention Center, Avalon Theater and the Downtown Shopping Park. This project is a joint venture with the City of Grand Junction and The Downtown Development Authority. The design and construction materials will complement the remodeled convention center and the downtown area.

Budget: The project cost is \$81,777.00 plus a \$2,223.00 contingency for electrical service. This cost will be divided between the City and the Downtown Development Authority. The Funds for the City's portion of the project are available within the current budget for Two Rivers Convention Center, acct. #303-761-81500-G38000. The DDA has requested a loan from the City for their share of the cost.

Action Requested/Recommendation: Authorize the City Manager to sign a contract with Platinum Sign Company of Grand Junction for the construction and installation of the new event marquee sign at the Two Rivers Convention Center.

Attachments: N/A

Background Information: Requests for Proposals were sent to twelve (12) sign and construction companies. Of these, three (3) responsive proposals were received. A Two Rivers Convention Center Advisory Committee with representatives from the DDA, Parks Board, City Manager and staff served as the review team. They evaluated the individual proposals based on attractiveness, maintainability, visibility, appropriateness on site, cost, and completeness of proposal and reliability of the contractor. The

evaluation team selected Platinum Sign Company to provide and install the event marquee sign.

**Attach 12
Fire Station #5 Design Contract**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Architectural Services – Redlands Fire Station #5					
Meeting Date	March 5, 2003					
Date Prepared	February 26, 2003				File #	
Author:	Ron Watkins CPPO		Purchasing Manager			
Presenter Name:	Ron Watkins CPPO Mike Curtis		Purchasing Manager Project Engineer			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Professional architectural services for the design and construction collaboration for the construction of the new Redlands Fire Station #5. Construction collaboration consists of the architect’s participation with the City Fire Department, Public Works Department, Community Development Department and the hired Construction Management Firm to insure the final design and construction of the facility complies with the requirements of the Fire Department, is completed within budget and within the projected schedule. They shall fully collaborate with the Construction Management Firm to insure value engineering through constructability assessments during the preconstruction phase as well as the construction phase of the project.

Four (4) **top ranked firms*** were interviewed from the **ten (10) qualification proposals received:**

- **TSP Five, Inc.*** Denver, Colorado
- **Blythe Design +*** Grand Junction, Colorado
- **RMW Architecture*** Denver, Colorado
- **Vaught/Frye Architects*** Fort Collins, Colorado
- Wong Strauch Architects Denver, Colorado
- OZ Architecture Dillon, Colorado
- Kenneth Hunt P.C. Grand Junction, Colorado
- DKO Architecture P.C. Grand Junction, Colorado
- Max Four Littleton, Colorado
- Genesis Designs Grand Junction, Colorado

Budget: Funding of \$1,707,522 is available in the Fire Department 2003 Fiscal Year Capital Budget to hire professional design/construction services, purchase real property, make site modifications, purchase equipment and construct the facility.

Action Requested/Recommendation: Authorize the City Manager to enter into a contract with TSP Five, Inc. of Denver, Colorado, to provide professional design and construction collaboration services to build the City of Grand Junction Redlands Fire Station #5. The contract amount of \$143,600 includes Architectural Design services; Structural, Mechanical, and Civil Engineering services; Plumbing and Electrical design services; and Landscape Architectural design services. The professional fees (within 10% of project costs) are within normal professional fees charged for a project of this scope and size.

Attachments: N/A

Background Information: Request for Qualification solicitation packages were sent to 40 Architectural and Engineering Firms from the City's active solicitation list, plus local plans houses and the project was advertised in the Daily Sentinel per promulgated City Purchasing Policy. The evaluation team consisted of Ron Watkins, CPPO, Purchasing Manager, Mike Curtis, Public Works Project Engineer, Jim Bright, Fire Department Operations Officer, Greg Gador, Fire Department and Lori Bowers, Senior Planner, Community Development Department. The evaluation team reviewed 10 qualification proposals and selected the top 4 ranked firms that best met the City's qualification and experience criteria for final interviews.

The criteria used to evaluate the qualifications of the firm's submittals are:

- Firms experience with similar projects.
- Project team professional qualifications/experience.
- Fire Station project design.
- Ability to meet or improve the proposed schedule.
- References.
- Demonstrated use of cost, schedule and quality controls.
- Responsiveness to the Request for Qualifications and understanding of the Fire Department's needs.

The projected project time schedule with completion and acceptance in late March 2004 is considered responsible and attainable provided the site selection and preliminary site work can be started soon after the contract is initiated. This estimated completion is approximately 10 weeks later than the initial City estimated schedule of 48 weeks which would provide for completion in February 2004.

The team assembled by TSP will include local architect Mike Oney as the Team Project Manager. The structural engineering, civil engineering, landscape design and

mechanical engineering will all be accomplished by local firms or local offices of national firms and all have worked on a number of City projects in the past.

Attach 13
Rehearing for Zoning of Red Tail Ridge Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Request for Rehearing - Zoning the Red Tail Ridge Annexation, located at the south end of Buena Vista Drive					
Meeting Date	March 5, 2003					
Date Prepared	February 26, 2003				File #ANX-2002-230	
Author	Pat Cecil		Development Services Supervisor			
Presenter Name	Bob Blanchard		Community Development Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: The petitioners for the Red Tail Ridge Annexation requested that a zoning of RSF-4 be applied to the 9.88 acres. The City Council zoned the property to the RSF-2 zone district on February 19, 2003 following the public hearing on the zoning associated with the annexation. The petitioner, who was not present at the hearing, is requesting a rehearing of the zoning request in order to present their justification for a RSF-4 zoning on the property.

Budget: N/A

Action Requested/Recommendation: Consider whether to rehear the zoning request, and if a rehearing is granted, provide public notice and schedule a public hearing date of April 16, 2003.

Attachments:

1. Staff report
2. Petitioners request for rehearing

Staff Report

The petitioners are requesting the rehearing in order to provide testimony justifying that the property should be zoned to the RSF-4 as requested rather than the RSF-2 that the Council zoned the property to on February 19th.

In order for a rehearing to be scheduled, the criteria of Section 2.18.D.1 of the Zoning and Development Code the decision maker shall:

- a. Find that the person requesting the rehearing was present at the original hearing or otherwise on the official record concerning the development application;
- b. Find that the rehearing was requested in a timely manner as; and
- c. Find that in making its decision, the decision maker may have failed to consider or misunderstood pertinent facts in the record or that information crucial to the decision was not made available at or prior to the decision being made.

The petitioners address the criteria of Section 2.18.D.1. in their letter that is attached.

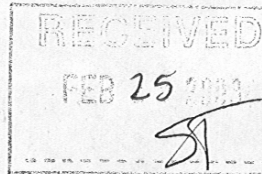
If the Council decides to grant the rehearing request, it is recommended that notification of the rehearing be sent to the adjacent property owners notifying them of the rehearing date.

RECEIVED

FEB 25 2003

COMMUNITY DEVELOPMENT
DEPT.

La Cima I, LLC
2070 E ¾ Rd.
Grand Junction, CO 81503



February 25, 2003

City of Grand Junction Community Development Department
Mr. Bob Blanchard, Director
250 N. 5th Street
Grand Junction, CO 81501

Re: Request for Rehearing for Red Tail Ridge

Dear Mr. Blanchard:

In accordance with Section 2.18, Item D of the City Zoning and Development Code, I (the Applicant) am requesting a Rehearing on the Zoning for Red Tail Ridge Subdivision. This project was heard by City Council on February 19, 2003, and received a zoning designation of RSF-2, rather than the RSF-4 we had requested.

Specific to Item D.1 of the Code, we submit the following:

- a. I am the official person of record for this development;
- b. I am requesting this hearing within the 10 day time limit;
- c. I believe that the decision maker may have failed to consider or misunderstood pertinent facts, that crucial information was not made available at the time the decision was made, based on the fact that we were not at the Hearing to present our project to City Council. The crux of this issue is in a miscommunication of information as explained herein below.

We attended the annexation hearing with the Planning Commission on the evening of January 28th, 2003. The Planning Commission approved the annexation at this hearing. Our Planner received a phone call from the project Planner, Pat Cecil on February 6th, 2003 to inform him that there was a problem that would delay the City Council Hearing. He informed our Planner that Red Tail Ridge subdivision, unbeknown to us, was shirt-tailed to a property owned by a Mr. Rice that was to also be annexed. Apparently Mr. Rice decided to withdraw his request to annex his property into the City at the February 5th, 2003 City Council Hearing. It was explained that the Red Tail Ridge annexation was a sequential annexation that relied on the Rice annexation, therefore there would be a significant delay but we would be kept informed. Subsequently I met with Pat Cecil on February 7th, 2003 to request an explanation because I didn't understand how this occurred. Pat explained that he met with the City attorney and they thought that they could work around this problem but had a great deal of internal work to do to keep on track or minimize any delay. I asked what was expected from us at this point and he said he would let us know. At this point it was understood that we would be notified of any actions taking place on our application. Operating under the belief that we were delayed due the Rice issue, we were waiting for follow up from Staff. Our next contact from Mr. Cecil was a phone message left on our Planner's voice mail on February 20th, 2003 that the Second Reading had taken place by City Council and they decided on RSF-2 Zoning for Red Tail Ridge subdivision. At this meeting, Council Members expressed disappointment that developer didn't attend and asked Staff if they knew why. Naturally, upon hearing this message, my wife and I were shocked! We were very disappointed and disturbed that we were not there to present our side of the Zoning request. Due to the lack of communication and/or misunderstanding, we believe our request for Rehearing is fair and reasonable for the reasons outlined above.

Sincerely,

A handwritten signature in cursive script that reads "Jay Kee Jacobson".

Jay Kee Jacobson, Applicant

**Attach 14
23 Road Right-of-Way Vacation**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	1) 23 Road Right-of-Way Vacation and 2) Conveyance of an access easement across City property					
Meeting Date	March 5, 2003					
Date Prepared	February 19, 2003				File #VR-2002-224	
Author	Ronnie Edwards		Associate Planner			
Presenter Name	Ronnie Edwards		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The applicant proposes to vacate the 23 Road right-of-way in conjunction with an administrative review of a simple subdivision. In order to prevent a parcel from becoming landlocked upon vacation of 23 Road, the applicant is required to secure an access easement across City property. The easement will be temporary. The parcel which would be accessed via the easement will likely be sold to the adjoining property owner to the west. The Planning Commission recommended approval concerning the right-of-way vacation on January 14, 2003.

Budget: N/A

Action Requested/Recommendation: Approve the ordinance vacating 23 Road right-of-way and the resolution granting an access easement across City property.

Attachments:

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City and County Zoning Map
5. Ordinance with right-of-way exhibit
6. Resolution for Conveyance document with exhibits

Background Information: See attached Staff Report

BACKGROUND INFORMATION				
Location:		<i>2301 River Road</i>		
Applicants:		Grand Junction Pipe & Supply Company		
Existing Land Use:		<i>Mining Operations</i>		
Proposed Land Use:		<i>Same</i>		
Surrounding Land Use:	North	<i>Commercial/Industrial</i>		
	South	<i>Colorado River</i>		
	East	Industrial		
	West	<i>Industrial/Conservation</i>		
Existing Zoning:		I-2 and CSR		
Proposed Zoning:		<i>I-2 and CSR</i>		
Surrounding Zoning:	North	<i>Industrial</i>		
	South	Colorado River		
	East	Industrial		
	West	Commercial/Industrial		
Growth Plan Designation:		Industrial and Conservation		
Zoning within density range?		X	Yes	No

Staff Analysis: The applicant proposes to vacate a portion of the 23 Road Right-of-Way in conjunction with a request to replat four lots into two in I-2 and CSR zone districts. Utility easements on Lot 1 and a drainage easement on Lot 1 and 2 have been recorded for the benefit of the Wilsea Drain, existing Ute water line and existing Xcel power lines. Approval of an access easement by the City Council across City property to a parcel owned by the Bureau of Land Management (BLM) is required to maintain access to BLM land. The BLM parcel will likely be conveyed to the State of Colorado, the property owner to the west.

Project Background:

The petitioner obtained approval for a Conditional Use Permit on July 9, 2002 to expand its existing mining operations from the east side of 23 Road to the adjacent property on the west side of the right-of-way, file #CUP-2002-113. One of the requirements of the approval was to construct half street improvements on the west side of 23 Road unless the right-of-way was vacated.

Vacation of 23 Road will eliminate existing access to BLM property along the Colorado River, which is adjacent to the proposed Lot 2. Colorado State Parks is presently in the process of acquiring this property from the BLM for their trail system. The applicant was notified that this transfer of ownership process could take up to a year to complete. The four parcels are being combined so that none become landlocked. As part of the subdivision process, Lot 2 is being created to be used by Colorado State Parks for their trail system. Legal access to the parcel owned by the BLM is being requested to be provided by the City via an easement until such time the State acquires the BLM parcel, at which time Lot 2 will provide access from 22 ¾ Road.

In addition to the recommended access easement, two additional options were discussed with the applicant.

- An access easement aligning with the 23 Road right-of-way, which is the subject of this vacation request. A current easement exists for existing water lines; and,
- An access easement across Lot 2 that is being created by the simple subdivision, which connects to 22 ¾ Road and with the BLM property

The applicant elected to pursue the easement across City property, which the City supports.

VACATION OF RIGHT-OF-WAY REVIEW CRITERIA:

Section 2.11 of the Zoning and Development Code:

- C. Approval Criteria.** *The vacation of the right-of-way shall conform with the following:*
1. *The Growth Plan, major street plan and other adopted plans and policies of the City;*

Granting the vacation does not conflict with the Growth Plan, major street plan or other adopted plans and policies of the City.

2. *No parcel shall be landlocked as a result of the vacation;*

A parcel belonging to the BLM would become landlocked with the granting of this vacation. Conveyance of an access easement is part of this application. The easement would remain in place until such time as the transfer of property ownership creates access through Lot 2 from 22 ¾ Road. The easement was prepared by Tim

Woodmansee, City Real Estate Manager. It specifically states the easement is for non-motorized access purposes limited to ingress and egress for pedestrians for commuting and recreational purposes.

- 3. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation;*

Access to any parcel will not be restricted, if the conveyance of an easement is approved prior to vacating the right-of-way. Concurrent with this application, the replat of these lots will create one large lot to be utilized as part of the mining operations previously approved and one smaller lot that will eventually become part of the future Colorado State Parks trail corridor.

- 4. There shall be no adverse impacts on the health, safety and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services);*

Vacation of the 23 Road Right-of-Way does not create any adverse impacts on the general community and the quality of public facilities and services provided will not be reduced.

- 5. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code; and*

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Code, as existing utilities will remain with appropriate easements on the property and are shown on the subdivision plat.

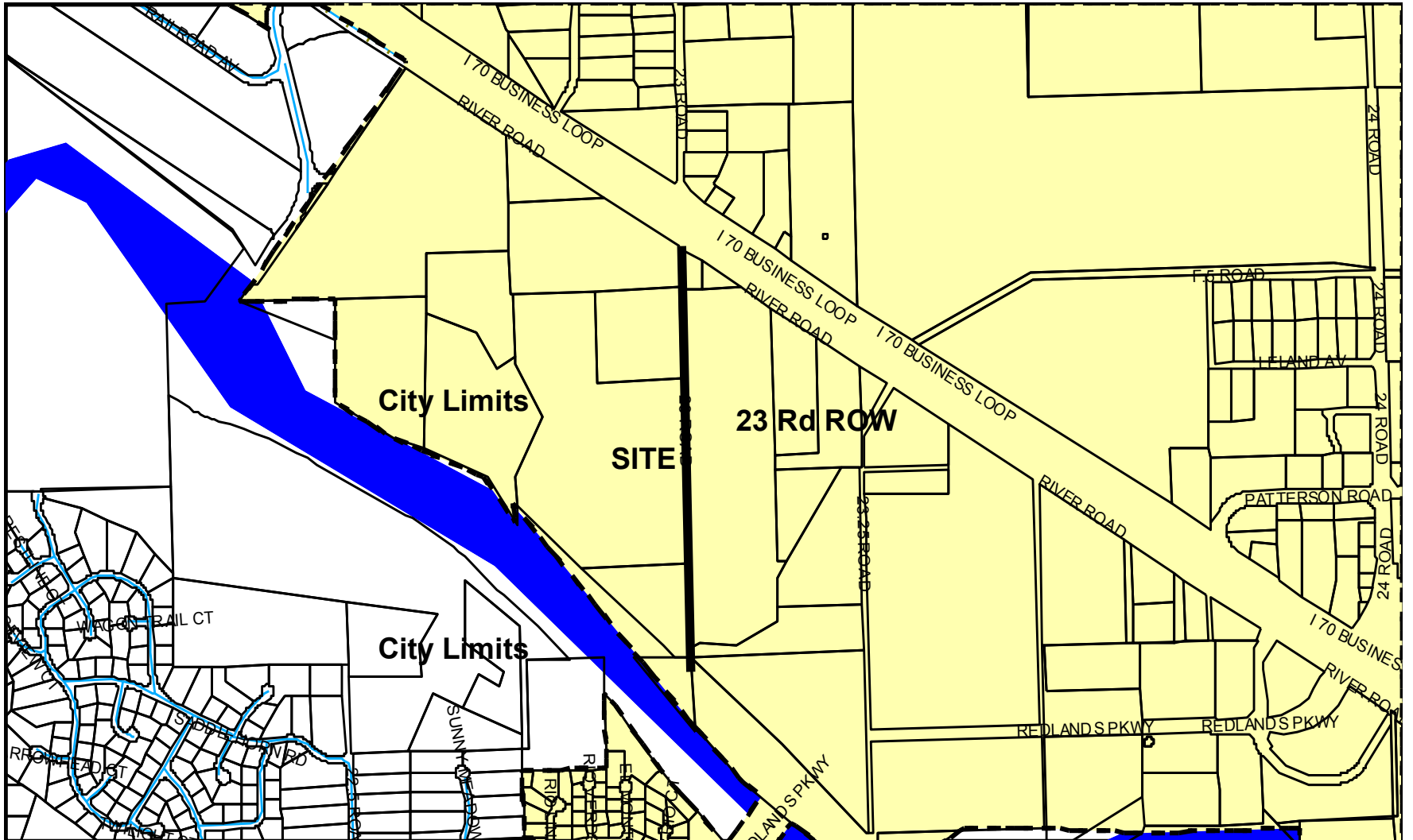
- 6. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.*

The proposal provides a benefit to the City by allowing further development of an existing mining operation. The access easement being requested will be for non-motorized access purposes and has a provision for automatic termination when alternative access is provided. The agreement places responsibility upon the grantee for all maintenance of the easement area in respects to snow and trash removal. The requested vacation will allow the right-of-way to become part of the lower portion of the property that will eventually be a large pond during the reclamation phase.

STAFF RECOMMENDATION: Recommendation to 1) Approve the ordinance for the vacation of 23 Road right-of-way and 2) Approve the resolution conveying an access easement across City property to serve the BLM parcel, with a finding that it conforms with the Growth Plan and Section 2.11.C of the Zoning and Development Code.

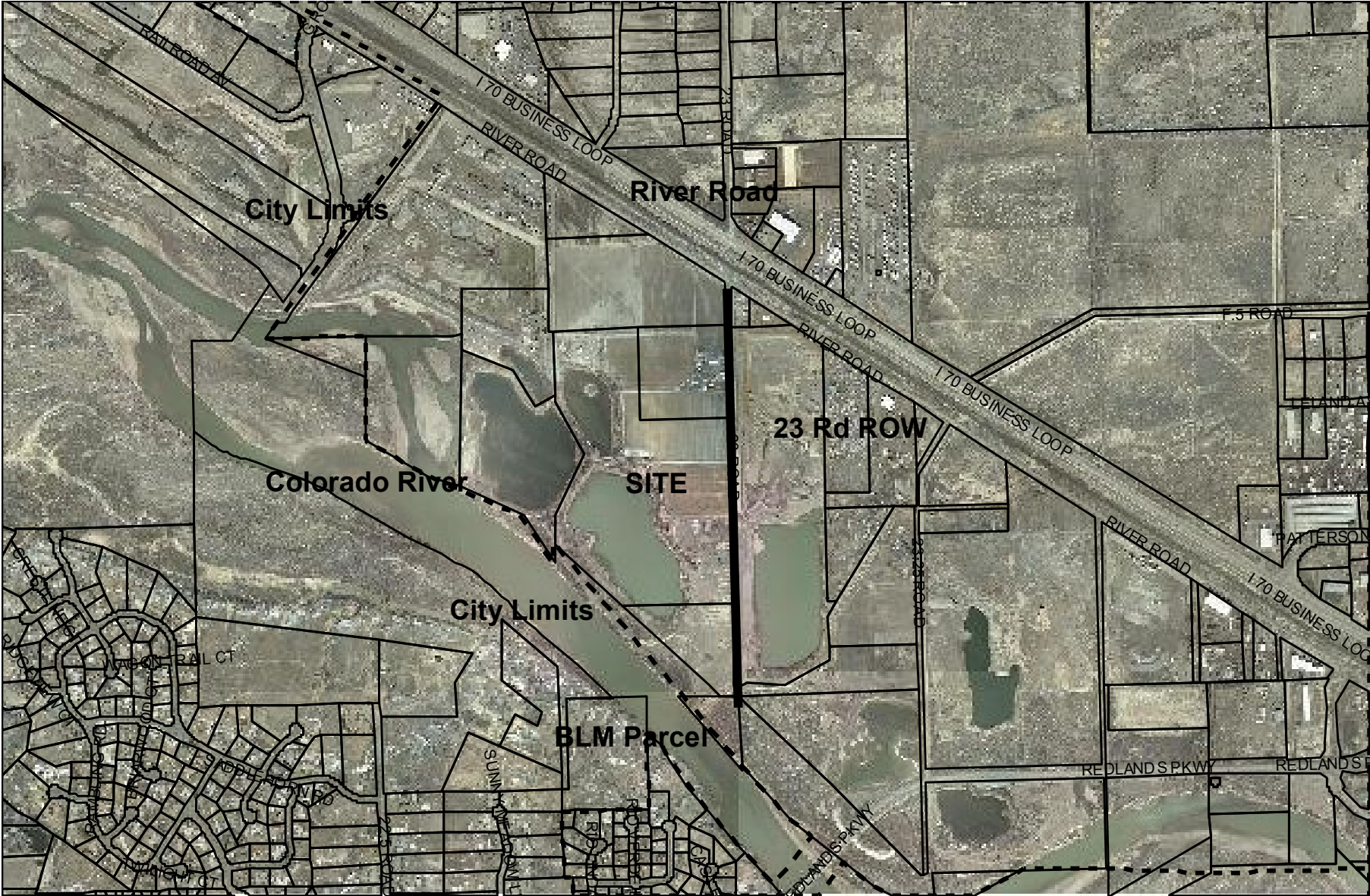
Site Location Map

Figure 1



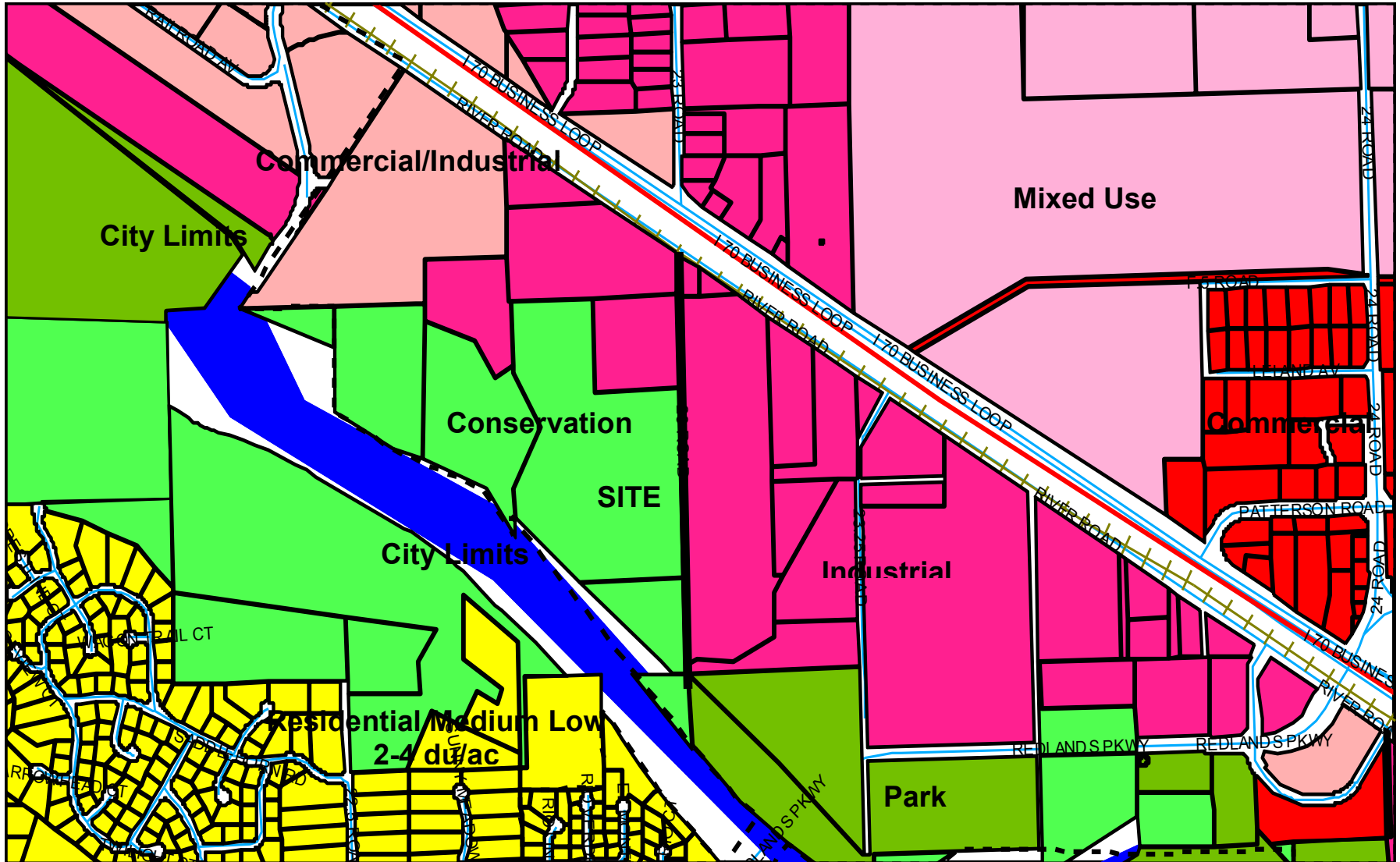
Aerial Photo Map

Figure 2



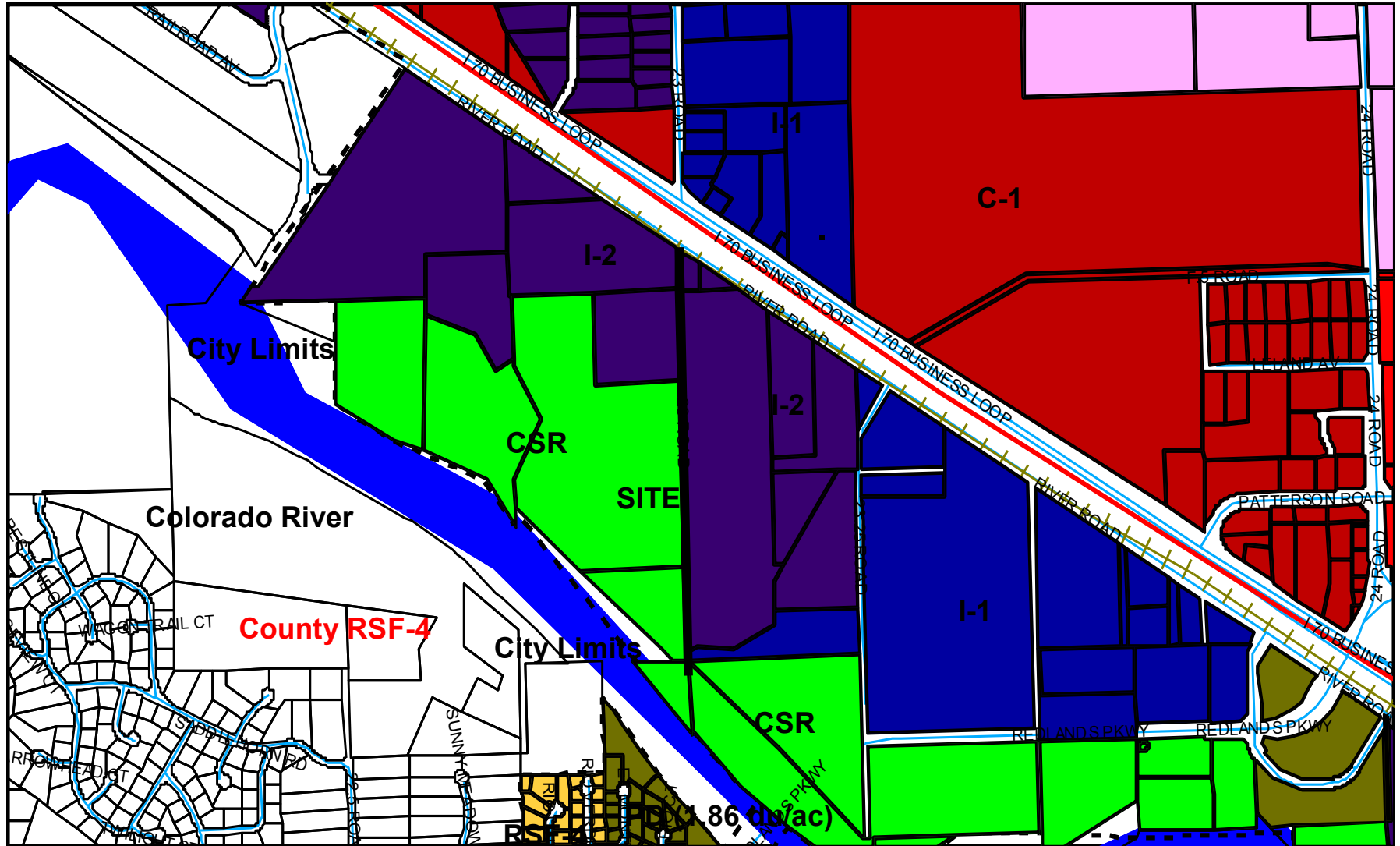
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

CITY OF GRAND JUNCTION

Ordinance No. _____

AN ORDINANCE VACATING 23 ROAD RIGHT-OF-WAY
NORTH OF THE COLORADO RIVER TO RIVER ROAD
KNOWN AS 2301 RIVER ROAD

RECITALS:

In conjunction with a request for approval of a replat of four lots into two, the applicant proposes to vacate the 23 Road right-of way. Utility and drainage easements have been retained for the benefit of the Wilsea Drain, existing Ute water line in the 23 Road right-of-way, and the existing Xcel power lines.

The Planning Commission, having heard and considered the request and found the criteria of the Code to have been met, recommend that the vacation be approved.

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

1. The following described right-of-way is hereby vacated, subject to an Xcel easement recorded on Book 3227 Page 238, a Ute Water easement recorded on Book 3232 Page 54 and a Grand Junction Drainage District easement recorded on Book 3227 Page 478:

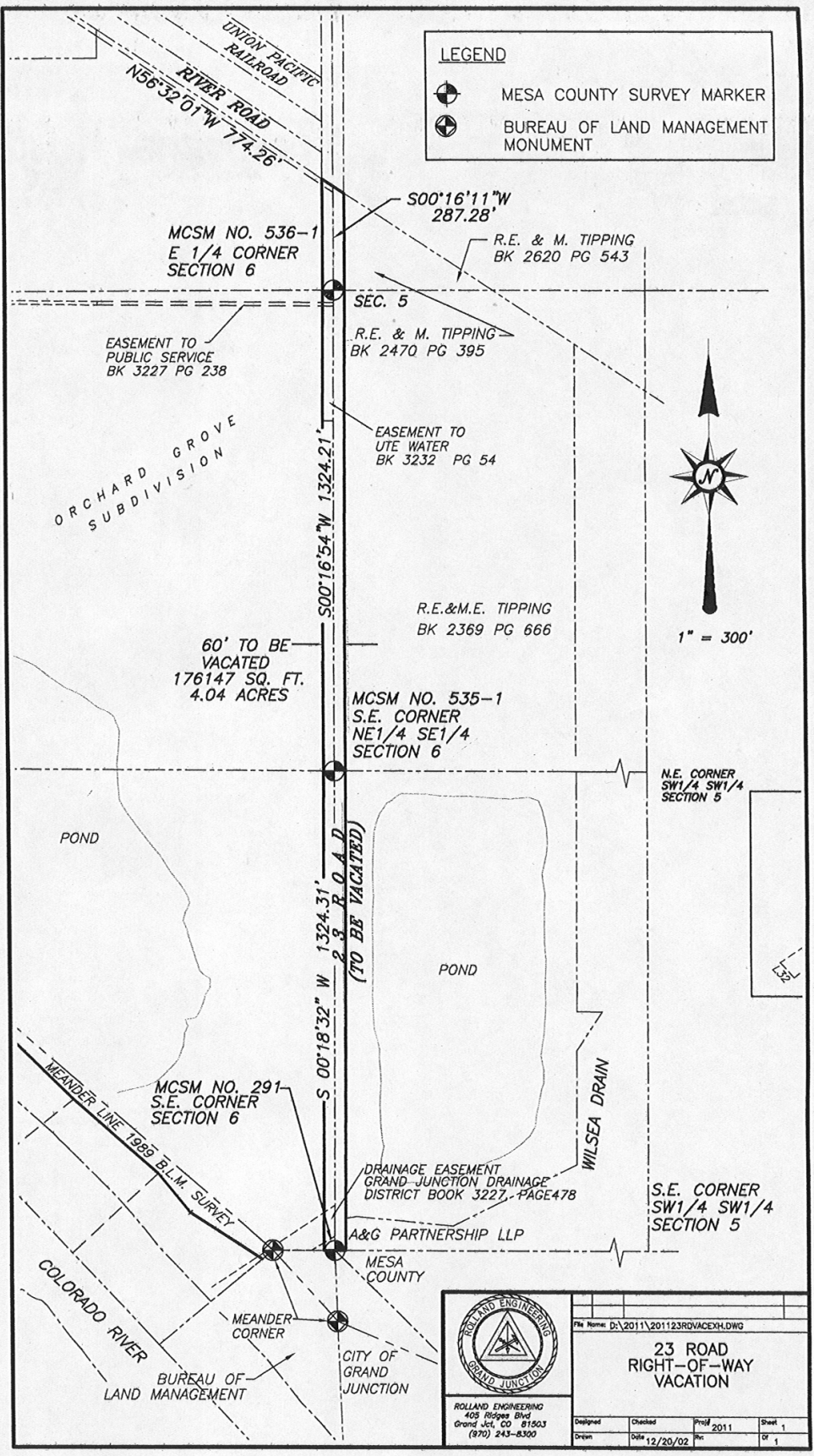
Thirty feet right and thirty feet left of the following described centerline (the sidelines of which extend or terminate at the intersection of right-of-way lines and section lines): Beginning at a Mesa County Survey Marker for the southeast corner of said Section 6; thence N00°18'32"E 1324.31 feet to a Mesa County Survey Marker for the southeast corner of the NE1/4SE1/4 of said Section 6; thence N00°16'54"E 1324.21 feet to a Mesa County Survey Marker for the E1/4 corner of said Section 6; thence N00°16'11"E 287.28 feet to the southerly right-of-way line of River Road, which was recorded in Plat Book No. 2 Page 126, as shown on the attached Exhibit A.

PASSED and ADOPTED this 5th day of March, 2003.

ATTEST:

City Clerk

President of City Council



<p>ROLLAND ENGINEERING 405 Ridge Blvd Grand Jct, CO 81503 (970) 243-8300</p>	File Name: D:\2011\201123RDVACEXH.DWG			
	<p>23 ROAD RIGHT-OF-WAY VACATION</p>			
Designed	Checked	Proj# 2011	Sheet 1	
Drawn	Date 12/20/02	Re:	Of 1	

RESOLUTION NO. _____

A RESOLUTION CONCERNING THE GRANTING OF A NON-EXCLUSIVE ACCESS EASEMENT TO THE BUREAU OF LAND MANAGEMENT LOCATED NORTH OF COLORADO RIVER AND WEST OF REDLANDS PARKWAY

WHEREAS, the City of Grand Junction believes it is the owner of all that part of Lot 1 in Section 8, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, described as follows: All of the accreted land lying South of Lots XXIII and XXIX (Lots 23 and 29) of Orchard Grove Subdivision and the West ½ of Lot 1 of said Section 8 and Northerly of the Colorado River as set forth under Order of the District Court of the County of Mesa in Action No. 19066 recorded May 24, 1971, in Book 959 at Page 269 in the office of the Mesa County Clerk and Recorder; and

WHEREAS, the City Council has been asked to consider vacating certain portions of road right-of-way, commonly known as 23 Road, dedicated to the public with the platting of Orchard Grove Subdivision as recorded in Plat Book 2 at Page 1 in the office of the Mesa County Clerk and Recorder; and

WHEREAS, the following described real property owned by the United States of America, Department of Interior, Bureau of Land Management, will be landlocked as a result of the requested right-of-way vacation: Government Lot 6 in Section 7, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; and

WHEREAS, to comply with the provisions of Section 2.11 of the Zoning and Development Code, the City Council has agreed to convey an easement across the above described City owned property to provide access to the above described BLM property.

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

That the City Manager is hereby authorized to execute the attached Grant of Access Easement conveying to the United States of America, Department of Interior, Bureau of Land Management, a nonexclusive easement for non-motorized access purposes over and across the limits of the City property described therein.

INTRODUCED on first reading on the 19th day of February, 2003.

PASSED and ADOPTED this _____ day of _____, 2003.

Attest:

City Clerk

President of the Council

Grant of Access Easement

THIS GRANT OF ACCESS EASEMENT is made this _____ day of _____, 20____, by the City of Grand Junction, a Colorado home rule municipality (hereinafter referred to as the "Grantor"), whose address is 250 North 5th Street, Grand Junction, Colorado 81501, and the United States of America, Department of Interior, Bureau of Land Management, whose address is 2815 H Road, Grand Junction, Colorado, 81606 (hereinafter referred to as the "Grantee").

WITNESSETH THAT

For Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor has this date bargained, conveyed, delivered, transferred, and sold, and by these presents, does bargain, convey, deliver, transfer and sell unto the Grantee, its successors and assigns, a non-exclusive easement for non-motorized access purposes, said easement being described on Exhibit "A" attached hereto and incorporated herein by reference (hereinafter referred to as "Easement Area").

The easement is for the benefit of and appurtenant to that land described on Exhibit "B" attached hereto and incorporated herein by reference (hereinafter referred to as the "Dominant Estate").

Grantee's use of the Easement Area is specifically limited to, ingress and egress for pedestrians and other non-motorized forms of transportation for commuting and recreational purposes.

The Grantee shall maintain the Easement Area at all times in good condition and further shall be responsible for adequate snow and trash removal thereon, and this shall constitute a covenant running with the land and binding upon Grantee's successors and assigns.

Any liability for personal injury to Grantee, its employees, agents and invitees, or any third persons, as a result of or arising out of or relating to the use or occupancy of the Easement Area by Grantee shall be borne by Grantee. Further, Grantee agrees to indemnify and hold harmless Grantor, its officers, employees, agents, successors and assigns against any loss or damage which should result from, arise out of or be attributable to the use of the Easement Area whether or not such use is permitted hereunder.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal the day and year first above written.

By _____

EXHIBIT "A"

Description of Easement

A twenty (20.0) foot wide easement situate in the Northwest $\frac{1}{4}$ of Section 8, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado, being more particularly described by metes and bounds as follows:

Beginning at Northwest corner of Lot XXIII. of Orchard Grove Subdivision as recorded in Plat Book 2 at Page 1 in the office of the Mesa County Clerk and Recorder; thence in a Southeasterly direction along the Southerly boundary line of said Lot XXIII to the Northwest Corner of Lot XXIX. of said Orchard Grove Subdivision; thence in a Southeasterly direction along the Southerly boundary line of said Lot XXIX. to a point on the westerly line of the Redlands Parkway as now constructed and laid upon the ground; thence in a Southwesterly direction along the westerly line of the Redlands Parkway a distance of 20.0 feet; thence in a Northwesterly direction along a line which is parallel with and 20.0 feet Southwesterly of the Southerly boundary lines of Lots XXIX. and XXIII. of said Orchard Grove Subdivision to a point on the East boundary line of Government Lot 6 in Section 7, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado; thence North along the East boundary line of said Government Lot 6 to the Point of Beginning.

EXHIBIT "B"

Description of the Dominant Estate

Government Lot 6 in Section 7, Township 1 South, Range 1 West of the Ute Meridian,
County of Mesa, State of Colorado.



TO: Mayor and City Council
Kelly Arnold, City Manager

FROM: Bob Blanchard, Community Development Director

DATE: March 3, 2003

SUBJECT: 23 Road Right Of Way Vacation, Agenda Item 14 For March 5, 2003
Council Meeting

In the past, Council has frequently requested information regarding the value of right of way vacations. The following information was recently received and is forwarded in advance of Wednesday's meeting.

While City staff did not conduct an actual appraisal, the estimated value of the 23 Road right of way proposed to be vacated by Grand Junction Pipe and Supply is \$70,000. This estimate is based on recent sales of comparable vacant lands located within the immediate vicinity that occurred between October, 2000 and July, 2002.

Should there be any questions regarding this issue, staff will be present at both Monday's work shop and Wednesday's Council meeting.

cc: Mark Relph, Public Works and Utilities Director
Stephanie Tuin, City Clerk
Ronnie Edwards, Associate Planner

Attach 15

Rimrock General Improvement District

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	A Resolution Approving an Amendment to the Special Improvement District between G.J. Rimrock General Improvement District and the Developer							
Meeting Date	March 5, 2003							
Date Prepared	February 25, 2003				File #			
Author	Ron Lappi		Administrative Services and Finance Director					
Presenter Name	Ron Lappi		Administrative Services and Finance Director					
Report results back to Council	X	No		Yes	When			
Citizen Presentation		Yes	X	No	Name			
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: This resolution amends the agreement between the City Council (acting as the Board of Directors for the Rimrock Marketplace General Improvement District (GID)) and THF Grand Junction, the owner and developer of Rimrock.

Budget:

Action Requested/Recommendation: Approve the Proposed Resolution amendment on behalf of the City of Grand Junction Rimrock Marketplace General Improvement District.

Attachments: Authorizing Resolution and Amendment

Background Information: The Board entered into a written agreement with the owners of all assessable property within the Assessment District waiving all the requirements for notice, publication and a hearing for the levy of the assessments in the Assessment District and the issuance of the bonds for financing improvements in the Assessment District on October 29, 2002; and a First Amendment to the agreement was approved December 18, 2002 to amend the original assessment roll; and to provide for 30 substantially equal assessment payments. This second amendment again amends the

assessment roll by putting Lot 1, Block 4, the Eskie parcel, back on the roll to become a part of the eventual assessment district.

RESOLUTION NO.

A RESOLUTION APPROVING AN AMENDMENT TO THE SPECIAL IMPROVEMENT DISTRICT AGREEMENT BETWEEN THE CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT AND THE GRAND JUNCTION DEVELOPMENT, LP.

WHEREAS, the City of Grand Junction Rimrock Marketplace General Improvement District (the "District"), located in the City of Grand Junction, Mesa County, Colorado, is a quasi-municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the members of the City Council of the City of Grand Junction ("the Council") have been duly elected and qualified and serve ex officio as the Board of Directors of the District (the "Board"); and

WHEREAS, the board intends to form a special improvement district within the District (the "Assessment District") the boundaries of which will be coterminous with those of the District; and

WHEREAS, pursuant to Section 31-25-503(10), C.R.S., the Board entered into a written agreement with the owners of all assessable property within the Assessment District waiving all the requirements for notice, publication and a hearing for the levy of the assessments in the Assessment District and the issuance of the bonds for financing improvements in the Assessment District on October 29, 2002; and

WHEREAS, A First Amendment to the agreement was approved on December 18, 2002 to amend the original assessment roll; and to provide for 30 substantially equal assessment payments.

WHEREAS, A Second Amendment to the agreement is needed at this time to further amend the assessment roll by the inclusion of Lot 1, Block 4, the Eskie parcel, and to require the developer to post a \$60,000 deposit to ensure the expenses associated with the district are covered.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, AS THE EX OFFICIO BOARD OF DIRECTORS OF THE CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT:

Section 1) The form, terms and provisions of this Second Amendment to the Agreement are approved, and the District shall enter into and perform its obligations under the Amendment in substantially the form of such document presented to the Board in this meeting, with only such changes therein as are required by the circumstances and are not inconsistent herewith; and the officers of the District are hereby authorized and directed to execute and deliver such document as required hereby.

Section 2) The officers of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 3) If any section, subsection, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 4) All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

ADOPTED AND APPROVED this March 5, 2003.

Mayor ex officio

President of the District
(SEAL)
ATTESTED:

City Clerk ex officio
Secretary of the District

When Recorded, Return To:
Dee P. Wisor
Sherman & Howard L.L.C.
633 Seventeenth St., Suite 3000
Denver, CO 80202

SECOND AMENDMENT TO SID AGREEMENT

BETWEEN

**CITY OF GRAND JUNCTION
RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT**

AND

**THF GRAND JUNCTION DEVELOPMENT, L.L.C.
A MISSOURI LIMITED PARTNERSHIP**

This Second Amendment to SID Agreement (the "Second Amendment") amends the Special Improvement District Agreement made and entered into as of October 29, 2002 (the "Original Agreement") for the financing, construction, installation, completion, and acquisition of certain improvements in the City of Grand Junction Rimrock Marketplace General Improvement District (the "District") between the District, a political subdivision of the State of Colorado (the "State"), and THF Belleville Development, L.P., a Missouri Limited Partnership, as the owner of the property within the District (the "THF Belleville"), as amended by the First Amendment to SID Agreement made and entered into as of December 18, 2002 (the "First Amendment"; together with the Original Agreement, the "Agreement"), which Agreement was assigned by THF Belleville to THF Grand Junction Development, L.L.C., a Missouri limited liability company (the "Owner") is made and entered into as of March 5, 2003.

RECITALS

The District and the THF Belleville have previously entered into the Agreement.

THF Belleville has assigned the Agreement to the Owner contemporaneously with the transfer of certain property in the District to the Owner.

The District and the Owner desire to amend the Agreement in various respects.

The Original Agreement is recorded in the real estate records of Mesa County at Reception No. 2084237 at Book 3189, Page 321, and the First Amendment is recorded in such records at Reception No. 2101340 at Book 3263, Page 576.

All terms used in this Second Amendment shall have the same meaning as in the Agreement unless otherwise defined in this Second Amendment.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND CONDITIONS CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

Section 1. The assessment roll attached to the Original Agreement as Exhibit F and to the First Amendment as Exhibit I is amended to read as provided in Exhibit I to this Second Amendment.

Section 2. Section 1.3 of the Original Agreement is amended to read:

1.3. Incidental Expenses.

The Owner and the District shall be entitled to be reimbursed for their incidental expenses ("Incidental Expense") as follows:

A. Owner Incidental Expenses. The Owner shall be entitled to be reimbursed from Bond proceeds for the actual costs of the following estimated Incidental Expenses incurred and paid by the Owner in connection with the District, up to an amount not exceeding \$835,000 (unless additional amounts are available from cost underruns on the Project or the District's Incidental Expenses): engineering, architect and survey expenses (estimated at \$310,000); legal expenses (estimated at \$40,000); right of way acquisition costs (estimated at \$415,000); other non-construction costs associated with the District (CDOT fee at \$10,000); and the deposit of \$60,000 made by the Developer for the District's costs. The District will, upon presentation of evidence of payment of the foregoing expenses by the Owner and approval thereof by the District, pay to the Owner the cost incurred, but only from the available proceeds of the Bonds.

B. District Incidental Expenses. The District shall be entitled to pay the following Incidental Expenses directly from the proceeds of the Bonds, the deposit of \$60,000 made by the Developer for the District's costs, and any other monies provided to the District by the Owner for that purpose: (1) the District's cost of issuing the Bonds, which is estimated to be \$167,500 and which includes the estimated fees and expenses of bond counsel (\$45,000), the estimated cost of official statement printing and mailing (\$2,500), the other costs listed in the purchase contract for the Bonds to be paid by the District including the estimated underwriter's discount (\$30,000), the estimated costs of the Letter of Credit (\$90,000), and the District's other estimated expenses in connection with the issuance of the Bonds (\$1,000); (2) the estimated cost of publications and notices (\$1,000); (3) the estimated amount of the District's other costs of creating the District and the Assessment District and administrating the acquisition and construction of the Project, including legal expenses (\$1000) and (4) the estimated amount of the District's administrative expenses related to the District and the Project (including without limitation the costs for consultants and District staff in connection with submittal reviews and approvals) for two years (\$2000). If the deposit made by the Owner for District costs and the available Bond proceeds are

not sufficient to pay the District's Incidental Expenses, the Owner shall, at the request of the District, pay the amounts needed.

Section 3. The District consents to the assignment of the Agreement by THF Belleville to the Owner.

Section 4. This Second Amendment shall be binding upon and inure to the benefit of the District, the Owner, and their respective successors and assigns. No assignment of this Second Amendment or any right or obligation hereunder by the Owner shall be valid unless the District consents to such assignment in writing.

Section 5. If any provision of this Second Amendment is deemed to be invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions hereof that can be given effect without the invalid or unenforceable provision and the District and Owner agree to replace such invalid or unenforceable provision with a valid provision which has, as nearly as possible, the same effect.

Section 6. This Second Amendment shall be governed by and construed in accordance with the laws of the State of Colorado. The parties agree that exclusive venue for any litigation arising out of or relating to the Project, the Bonds, the District or the assessments shall be in the district court located in Mesa County.

Section 7. This Second Amendment may be executed on one or more counterparts, each of which shall be regarded as an original and all of which shall constitute the same agreement.

Section 8. After this Second Amendment is executed in full, the District shall, within ten working days, record this Second Amendment in the office the Clerk and Recorder of Mesa County, Colorado (the "Clerk"), after which this Second Amendment is a binding obligation on all subsequent owners of the Owner's property in the District pursuant to the terms hereof.

Section 9. Except as expressly amended by this Second Amendment, the Agreement remains in full force and effect.

[Remainder of page left blank intentionally]

IN WITNESS WHEREOF the District and the Owner have caused this Second Amendment to be executed as of the day and year first mentioned above.

CITY OF GRAND JUNCTION,
COLORADO, RIMROCK MARKETPLACE
GENERAL IMPROVEMENT DISTRICT

President

(SEAL)

Secretary

Approved as to Form:

City Attorney

THE GRAND JUNCTION DEVELOPMENT, L.L.C.
A MISSOURI LIMITED LIABILITY COMPANY

By: Michael Staenberg
Title: Manager

STATE OF COLORADO)
) ss.
CITY OF GRAND JUNCTION)

This instrument was acknowledged before me on _____, 2003,
by _____, as President of the City of Grand Junction Rimrock Marketplace
General Improvement District.

Witness my hand and official seal.

Notary Public for the State of Colorado

(NOTARY SEAL)

STATE OF COLORADO)
) ss.
CITY OF GRAND JUNCTION)

This instrument was acknowledged before me on _____, 2003,
by _____, as Secretary of the City of Grand Junction Rimrock Marketplace General
Improvement District.

Witness my hand and official seal.

Notary Public for the State of Colorado

(NOTARY SEAL)

STATE OF COLORADO)
) ss.
CITY OF GRAND JUNCTION)

This instrument was acknowledged before me on _____, 2003
by Michael Staenberg as Manager of THF Grand Junction Development, L.L.C., a
Missouri Limited Liability Company.

Witness my hand and official seal.

Notary Public for the State of Colorado

(NOTARY SEAL)

Exhibit I
Assessment Roll

Legal Description	Assessment
Lot 1, Block 1, Rimrock Marketplace	\$1,258,476
Lot 2, Block 1, Rimrock Marketplace	\$ 328,748
Lot 3, Block 1, Rimrock Marketplace	\$1,713,390
Lot 1, Block 2, Rimrock Marketplace	\$ 161,986
Lot 1, Block 3, Rimrock Marketplace	\$ 394,816
Lot 1, Block 4, Rimrock Marketplace	\$ 122,584

Attach 16
Downtown Partnership Agreement
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Downtown Partnership					
Meeting Date		March 5, 2003					
Date Prepared		February 27, 2003				File #	
Author		Harold Stalf		DDA Executive Director			
Presenter Name		Harold Stalf		DDA Executive Director			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: The Downtown Development Authority (DDA) and the Downtown Association (DTA) are joining together in forming a Downtown Partnership to work together in building a program to promote vitality and economic activity in the downtown area. The City Council recently approved the expenditure of \$75,000 from the parking funds for 2003.

Budget: N/A

Action Requested/Recommendation: Approval of the Agreement for Services between the Grand Junction Downtown Development Authority, Grand Junction Downtown Association and City of Grand Junction which is the paperwork necessary to confirm the earlier action approving the partnership and expenditure of the parking funds for 2003.

Attachments: The Agreement for Services between the DDA, DTA and City of Grand Junction is attached.

Background Information: The Downtown Development Authority and Downtown Association are adopting a Memorandum of Agreement, the purposes which are to create a consensus, appreciation and knowledge of and about the good and important work of the Association and the Authority; and a framework for further collaboration, teamwork and cooperation.

Agreement for Services
between
Grand Junction Downtown Development Authority,
Grand Junction Downtown Association and
City of Grand Junction

The Boards of Directors of the Grand Junction Downtown Association (“DTA”), the Grand Junction Downtown Development Authority (“DDA”) and the City of Grand Junction (“City”) agree to fund, contract for, provide and deliver and receive services in support of the Downtown Partnership, all as follows.

The Downtown Partnership was created by agreement between the DDA and DTA, a copy of that agreement is attached and incorporated by this reference as if fully set forth. Collectively the DDA, DTA and the City may be referred to as the “Parties.”

1. Operating and Reporting Requirements.

- (a) The City has agreed to support an effort to improve the Downtown through the four-part program (comprised of organization, promotion, design and economic restructuring elements and efforts) known as the Downtown Partnership.
- (b) On February 5, 2003, the City Council approved an expenditure of \$75,000.00 from the Parking Fund for that effort. That expenditure, (“the Grant” or “Grant”) beginning in 2003, shall be expended by the DDA in support of the Downtown Partnership.
- (c) This agreement and the budgeted funding is intended to provide a program with a duration of three years and, unless extended by approval of all parties, shall expire on December 31, 2005. The City Council is expected to annually renew the Grant but cannot be legally obligated to do so by this Agreement or any other action.
- (d) During 2003 the DDA and the DTA will implement, apply and direct the Downtown Partnership and other ideas and programs to the end of having a vibrant, safe, healthy and energetic Downtown in accordance with the attached budget (“Downtown Partnership Services Budget”). As a part of its budgeting process, the DDA shall account for and budget:
 - (i) the \$75,000.00 Grant;
 - (ii) expenditures relating to the Downtown Partnership;
 - (iii) the in-kind value of staff time, office equipment and supplies provided on behalf of the Downtown Partnership.

- (e) In accordance with the City's standards and requirements, the DDA will spend the Grant to obtain services from the DTA and others.
- (f) Pursuant to the Downtown Partnership Services Budget, the DDA shall expend, limit and prescribe the use of the Grant proceeds for the following purposes:
 - (i) advertising of the Downtown and downtown activities and events;
 - (ii) promotions relating to the Downtown and downtown events;
 - (iii) the purchase of public relations services from third parties;
 - (iv) staffing, staging and production of downtown events;
 - (v) creation, updating and maintenance of a Downtown Partnership Internet site;
 - (vi) creation of a logo or other theme or "identity" for the DTA and/or the Downtown Partnership;
 - (vii) the purchase of strategic planning and consulting work for the DDA and/or the Downtown Partnership, as deemed appropriate in the sole discretion of the DDA.
- (g) For any "purchase" or "purchases" the DDA shall enter into a written agreement specifying the services and/or goods to be obtained or received.
- (h) The DDA may use the Grant to purchase (pay for) labor and services provided by the DTA, but any such labor or service shall not be purchased from any officer(s) or member(s) of the DTA, but instead from the entity.
- (i) Any and all payments, whether of money or in-kind, by the DDA to the DTA for any work or services shall be clearly and readily ascertainable as a purchase and shall be at a cost equal to or lower than the fair-market value of such work or services.
- (j) The Parties acknowledge that the preceding standards will require tracking and accountability that meet the City's minimum legal requirements. The Parties understand and agree that such accountability is required when spending public money. The DTA acknowledges the duties and obligations of the DDA to comply with the City's tracking, accounting and reporting requirements. The DTA agrees to comply with such requirements.
- (k) The DDA will reasonably provide the DTA with office space in the existing DDA office, as well as the use of available office furniture, a computer and telephone system and operational supplies. The DTA has inspected the available office space and equipment to be provided under this Agreement and agrees that the same is adequate and in satisfaction of this term.

2. Quarterly Reports.

- (a) Once each calendar quarter during the term hereof, the DTA shall deliver to the DDA, with a copy to the City Manager, its report regarding the prior quarter and describing:
- (i) the DTA's efforts in support of the Downtown Partnership;
 - (ii) how such efforts are consistent with and tend to accomplish the annual goals and work plans agreed upon by the DDA and the DTA during the prior calendar year.
 - (iii) a detailed itemization of all expenditures made toward accomplishing those goals; planned action steps for the next quarter or other period of time; and the means to accomplish such action steps;

- (iv) how the prior quarter's activities and expenditures are consistent with the DDA's adopted budget and work plan;
 - (v) its cash assets and the status of collections of the amounts pledged in support of the Downtown Partnership.
- (b) The City Manager may require that the DTA report(s) be prepared using a City-approved format and be of sufficient detail to comply with the DDA and City's auditing and accounting standards, as determined by the City Manager.
- (c) The DTA Board shall submit its proposed budget and work plan to the DDA Board, with a copy to the City Manager, for the DDA Board's decision on whether to approve, modify or disapprove. No expenditures shall be made from the Grant until the DDA has approved a budget therefore.
- (d) The Executive Director and other staff of the DDA and the City may assist, without charge, the DTA's efforts to satisfy its accounting, reporting, budget and work planning requirements.

3. DTA Duties.

- (a) Within 60 days of execution hereof and thereafter by each December 1, the DTA shall present its proposed budget, service plan and other required documentation to the DDA Board of Directors.
- (b) The DTA shall not implement this Agreement nor take other actions hereunder, except during a period for which the DDA Board has approved a Downtown Partnership Services Budget and work plan.
- (c) The DTA shall hire an employee who will be responsible for, among other things, advising, recommending and proposing projects, events, activities and measures for the full and successful implementation of the Downtown Partnership.
- (d) The DTA shall actively solicit funds, contributions, donations, pledges and collection of dues to meet its obligations under this Agreement in support of the attached budget.

4. Authority.

- (a) The Parties agree that the DDA Executive Director shall treat this Agreement as supplemental to and consistent with the DDA bylaws. The Parties agree that the Executive Director may act as he deems reasonably necessary or required to fulfill the spirit and the letter of this Agreement.

- (b) As soon as practical, the DTA will hire or appoint a staff person to implement this Agreement, as required by the Downtown Partnership or as established by the DTA Board. The Parties acknowledge that the Executive Director of the DDA may be actively involved in the selection process and in assisting and supporting the DTA staff person to the end of implementing the Downtown Partnership and this Agreement. The Parties agree that the DTA staff person shall not be an agent or employee of the DDA or the City, notwithstanding any day-to-day direction, suggestions, advice or recommendations given by the DDA Executive Director.
 - (c) The DTA Board acknowledges and agrees that this Agreement supplements the DTA bylaws and its articles of incorporation. The DTA hereby authorizes its staff person, initially termed “ Promotions Director,” to work hand-in-hand with the DDA employees and to act pursuant to this Agreement to implement the Downtown Partnership, subject at all times to the direction and control of the DTA Board.
 - (d) Elements and details of the Downtown Partnership shall be as follows, until changes are approved in writing by the DDA Board, with a copy to the City Manager:
 - (i) The DDA will edit, publish and distribute a periodic newsletter either electronically or in print.
 - (ii) The DDA shall design, operate and maintain a Downtown Partnership website linked to the DTA, DDA, City and other sites. The Downtown Partnership website shall provide information pertinent to or of potential interest about and regarding Downtown.
 - (iii) Expenses to develop, promote and sustain both the web site and the electronic and/or printed newsletter will be charged to the Grant. The DDA will retain those sums and account for those charges to the satisfaction of the DTA and the City.
 - (iv) The DDA Director may participate in the DTA budgeting process regarding the Downtown Partnership.
5. DTA Budget. The DTA shall prepare its annual budget in accordance with the DDA’s Downtown Partnership Services Budget. The DDA’s Downtown Services Budget does not establish how the Grant is spent but instead establishes categories of authorized and expected expenditures. While the Parties acknowledge that the Grant may not continue, the budget shall be prepared and anticipate that it will. Therefore, the DTA budget shall specifically include, but not be limited to, line items for:
- (a) Legal, tax, insurance and other professional services (unless available for free).
 - (b) \$10,000 as a reserved, minimum fund balance for all operating accounts and support of the Downtown Partnership.

- (c) At least \$40,000 per year in advertising. The Parties acknowledge that more advertising can occur if it is funded privately through DTA dues or payment of Downtown Partnership pledges.
- (d) The DTA shall continue to hold downtown special events such as Art & Jazz, Car Show, Parade of Lights, *etc.* These events may be improved and/or supplemented with additional events provided that the total expenditures for all events does not exceed the budgeted amount for revenues and expenditures as provided in the attached Downtown Partnership Services Budget or as the same may be established by the Parties in accordance with this Agreement. It is the expectation of the Parties that, whatever the amount budgeted and expended on special events, the events shall be conducted, operated and managed, subject to forces and events beyond the DTA's control, such that the events, individually and in the annual aggregate, do not result in a loss or deficit.

6. Amendments.

Any changes or deviations to this Agreement or the Downtown Services Budget require written approval by the Boards of the DTA and DDA and the City Council of the City of Grand Junction.

7. Goals of the Downtown Partnership.

The goals of this Agreement and the Downtown Partnership are:

- (a) The DTA, the DDA and the City will plan for and cooperatively implement downtown revitalization.
- (b) To design and make improvements to the downtown streets, signs, parking, landscaping and other infrastructure.
- (c) To promote the attributes and opportunities of Downtown using such techniques as targeted marketing and advertising to customers, patrons and/or tourists.
- (d) To discover ways of diversifying the Downtown's economic base while emphasizing culture, entertainment, housing, transportation, parking, signage and land use changes.
- (e) The extension of the DDA's Tax Increment Financing (TIF) to ensure the ability to continue to provide capital investment in Downtown.
- (f) The development by the DTA of a permanent funding source for the efforts of the Downtown Partnership, one source of which could be the creation of a business improvement district ("BID") to eliminate or reduce the need for further use of the

Grant funds. Additionally, non-tax based sources will be explored.

Chair of the DDA

Date

Chair of the DTA

Date

Mayor, City of Grand Junction

Date

Downtown Partnership Services Budget

Expenditures	FY 2003	FY 2004	FY 2005
Director salary	\$ 36,000.00	\$ 38,000.00	\$ 40,000.00
Other salaries & benefits	20,000.00	21,000.00	22,000.00
In-kind salaries & benefits*	20,000.00	21,000.00	22,000.00
Training costs	2,000.00	2,000.00	2,000.00
Travel	3,000.00	3,000.00	3,000.00
Dues/membership	2,500.00	2,500.00	2,500.00
Office supplies	450.00	500.00	1,000.00
Advertising/Promotion/PR	40,000.00	45,000.00	50,000.00
Website/data base	5,000.00	5,000.00	2,500.00
Business Imp. District Expenses	-	10,000.00	30,000.00
In-kind services**	10,000.00	10,000.00	10,000.00
Special Events***	40,000.00	45,000.00	50,000.00
Contingency	1,000.00	2,000.00	2,500.00
Total Expenditures	\$ 179,950.00	\$ 205,000.00	\$ 237,500.00

1. Proposed Revenue Budget. Sources of Income, Services and Donations

Revenue	FY 2003	FY 2004	FY 2005
Fundraising (DTA)	\$ 20,000.00	\$ 25,000.00	\$ 30,000.00
Dues (DTA)	20,000.00	25,000.00	30,000.00
Grant (City - GJ)	75,000.00	75,000.00	75,000.00
Special Event Income	35,000.00	40,000.00	50,000.00
Other grants (BID)	-	10,000.00	20,000.00
In-Kind contribution (DDA)	30,000.00	31,000.00	32,000.00
Total Revenues	\$ 180,000.00	\$ 206,000.00	\$ 237,000.00
Year End Balance	\$ 50.00	\$ 1,000.00	\$ (500.00)
Cumulative Total	\$ 50.00	\$ 1,050.00	\$ 550.00

* In-kind Salaries - 25% DDA Ex. Dir

**In-kind services - Rent, telephone, computer services, furniture and equipment provided by DDA

*** Special events include Art & Jazz, Independence Day Parade, GJ Car Show, Parade of Lights, etc.

Attach 17

Pollution Discharge Permit Application

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	NPDES Phase II Permit Application					
Meeting Date	March 5, 2003					
Date Prepared	February 25, 2003				File #	
Author	Trent Prall			City Utility Engineer		
Presenter Name	Trent Prall			City Utility Engineer		
Report results back to Council		No	<input checked="" type="checkbox"/>	Yes	When	To be determined
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary:

The request is to authorize the City Manager to submit the National Pollution Discharge Elimination System (NPDES) Phase II permit application to the Colorado Department of Health and Environment. The permit application is in response to regulations that take effect March 10, 2003.

Budget:

Existing budgets are adequate for 2003 expenditures; however increases are likely to be proposed through the five year permit cycle as more programs are considered to be added to meet the regulations.

Total additional cost to be incurred by the City of Grand Junction to comply with the NPDES Phase II over the five year permit term is estimated at \$198,000 for additional staff time and \$13,000 for "hard" costs. The latter includes items such as printing brochures and facility rental for various training. Additional staff time will be a point of future budget discussions on whether to reprioritize existing resources or potentially add more resources toward meeting the requirements of this regulation.

More detail will be presented during the review of the 2004-2005 budget this fall.

Action Requested/Recommendation:

The Council is asked to approve the resolution thereby authorizing the submittal of the permit application to the CDPHE.

Attachments:

Resolution

Executive Summary:

The City of Grand Junction application includes descriptions for addressing the six minimum measures as follows:

- Public Education and Outreach
- Public Participation / Involvement
- Illicit Discharge Detection, and Elimination,
- Construction Site Stormwater Runoff Control,
- Post-construction Stormwater Management,
- Pollution Prevention / Good Housekeeping for Municipal Operations

The permit application is for a five year term with renewal requirement scheduled for March 10, 2008. Annual reporting will be required during the permit term of March 10, 2003 through March 10, 2008.

Overall the City of Grand Junction's existing stormwater programs meet the intent of NPDES Phase II regulations. There are some additional requirements for construction site permitting, inspection and enforcement that appear will require additional resources be allocated starting in 2004 as more programs are added to meet the regulation.

This presentation will outline the impacts of the proposed stormwater programs that are necessary to meet the regulations.

A more detailed summary of the permit is outlined below.

Background Information:

- A. Brief History of NPDES.** The EPA believes that the National Pollutant Discharge Elimination System (NPDES) existing storm water program (Phase I) is resulting in significant improvement of surface water quality in the US. This improvement is being accomplished by reducing polluted runoff from a large number of priority sources, including major industrial facilities, large and medium city storm sewers, as well as construction sites that disturb 5 or more acres.

NPDES storm water regulations (Phase II) which take effect March 10, 2003, are proposed to expand this existing national program to smaller municipalities and construction sites that disturb 1 to 5 acres. The regulations will require small municipalities to implement six minimum measures which focus on a "best management practices" (BMP) approach. An example of BMPs could include a public education program on limiting use and runoff of garden chemicals, a soil and erosion control ordinance, as well as cleaning the streets so many times per year.

In theory, these measures identified for the small municipalities should significantly reduce pollutants in urban storm water compared to existing levels in a cost effective manner. Similarly, EPA believes that implementation of BMP controls at small construction sites will also result in a significant reduction in pollutant discharges and an improvement in surface water quality.

- B. Requirements.** As part of the regulations, all affected municipalities are required, at a minimum, to do the following:
- a. Specify BMPs for six minimum control measures and implement them to the “maximum extent practicable”. These measures include Public Education and Outreach, Public Involvement / Participation, Illicit Discharge Detection and Elimination, Construction Site Stormwater Runoff Control, Post-Construction Stormwater Measurement, and Pollution Prevention / Good Housekeeping for Municipal Operations;
 - b. Identify measurable goals for control measures;
 - c. Show an implementation schedule of activities or frequency of activities; and
 - d. Define the entity responsible for implementation.

C. Current status and proposed additions to Storm Water Management Program. The City already has many of the components of a storm water management program already in place. However, no formal “program” exists. Most of the components could very easily be “repackaged” in a formal, well planned, Storm Water Management Program. Below is a summary of existing and *proposed* components under their associated Minimum Measure they are meeting:

1. Public Education and Outreach

Storm drain marking. In 1998, the City started placing placards on each drain inlet to inform the public “no dumping, drains to river.” Over 1700 inlets have been marked to date.

Solid pet waste program. The Parks and Recreation Department administers the program which provides citizens a bag to properly dispose of solid pet waste.

City Web Site. Already provides citizens with general information, department contacts, news and happenings. Staff will add a page detailing information on stormwater quality issues and what residents can do to improve stormwater quality.

Proposing to Add:

Voice Mailbox and Hot Line Number. Staff wants to provide citizens with a mechanism to report suspicious activity affecting water quality. Staff will work with other Grand Valley Stormwater Managers in setting the number up at one central location to eliminate resident confusion over which number to call.

Anticipated staff impact: 20 hrs per year split between Administrative Assistant and Superintendent level staff.

Anticipated hard costs: \$25/month for phone line. 5 year impact: \$1500. This cost may be minimized by using City Dial on an existing phone number within Public Works and Utilities.

Stormwater Brochures. Brochures and publications will be developed and be placed at various municipal sites such as City Hall, Mesa County Public Library and other public facilities. Other articles pertaining to water quality will be placed in the City newsletter throughout the year.

Anticipated staff impact: 20 hrs per year split between Administrative Assistant and Superintendent level staff.

Anticipated hard costs: \$1,000/year for printing costs. 5 year impact: \$5,000.

2. Public Involvement / Participation

Trail host program. The City is fortunate to have bike paths near most of the storm drain outfalls into the Colorado River. The GJ Parks Department sponsors a volunteer "trail host" program in which bike patrols ride the trails. The City holds a 30 minute training session, once per year, to discuss with the hosts what to look and smell for, location of outfalls and who to contact if there is a potential water quality concern.

Stormwater Steering Committee. In December of 2002, the City along with five other local stormwater management agencies formed a joint steering committee to look into stormwater management in the Grand Valley. Although this committee is believed to initially be in place only 6-7 months. Continuation of the committee would help the City and other MS4s meet the NPDES goal to solicit input from the community. This is not being written into the Phase II Permit application as it is unclear on whether the stormwater steering committee will continue after recommendations are made on the unification study currently underway.

Proposing to Add:

Public Meeting. The regulations require the permittee to offer the public an opportunity to attend and provide input at an annual meeting. The meeting will be formatted in such a way as to introduce and provide information about the programs offered within the Stormwater Management Program and to encourage the public to discuss how effective the programs are. It will also provide a forum to state their concerns and/or indicate to the Stormwater Manager or Environmental Coordinator what changes should/could be made to these programs as well as any other concerns related to stormwater quality. Meetings would start in the second year of the permit term (2004).

Anticipated staff impact: 20 hrs per year for Superintendent level staff in setting up meeting location, meeting preparation and documentation.

Anticipated hard costs: \$500/year for advertising costs, facility rental, snacks, maps. 5 year impact: \$2,000.

3. Illicit Discharge Detection and Elimination

Mapping. The City already has mapped 95% of the area within the City limits.

Emergency response. Hazardous Material team under fire department responds to spills and files report with public works.

Proposing to Add:

Stormwater ordinance. Public Works staff will work with the City Attorney's office to develop and recommend to City Council an ordinance that 1) More clearly defines what an illicit discharge is; 2) Provides a mechanism for detection on private as well as public property; 3) Enables the City to identify and monitor illicit discharges; 4) Enables the City to prosecute violators. Proposed to be developed in 2003.

Anticipated staff impact: 120 hrs split between Superintendent level and City Attorney's office staff in 2003.

Anticipated hard costs: None.

Illicit Discharge Detection and Elimination Plan The City will enhance its current mechanism of dealing with illicit discharges by developing and implementing an Illicit Discharge Detection and Elimination Plan that is in accordance with the State permit. The plan will also include procedures for containing, tracing, and safely removing illicit discharges. Multiple resources will be utilized to enable the City to affectively carry out this plan. Proposed to be developed in 2004.

Anticipated staff impact: 80 hrs developing in 2004 and 40 hrs per year the remaining three years for Superintendent level.

Anticipated hard costs: \$100 printing costs.

Industrial Area Water Quality Basins and pH monitoring. Much of the area served by the new storm drain system being constructed under the Combined Sewer Elimination Project is the Grand Valley's oldest industrial area with virtually no water quality enhancing BMPs present. Therefore, as part of this project, the City is proposing a series of five water quality basins to be constructed at the end of each of the five drainage basins. These structural BMPs will also have outlet isolation valves to provide holding capacity for any upstream spills. Incoming storm drains will have pH monitoring stations that notify Persigo Wastewater Treatment Plant 24 hour a day personnel to respond and close the valves if a substance outside a given pH range is detected.

Anticipated staff impact: A crew of four Public Works Maintenance personnel is anticipated to spend about 12 hrs annually with each basin cleaning it out. Two basins will be on line in 2003 and a total of five will be on line in 2004 and beyond.

Anticipated hard costs: \$1000 annually for maintenance of all five of the pH monitoring stations.

Please note that this work is required with or without NPDES Phase II permitting as these basins are part of CSEP.

4. Construction Site Storm Water Runoff Control

Currently, new development must obtain stormwater discharge permits from CDPHE for projects greater than 1 acre in size. However enforcement of these permits has been non-existent in the past. Therefore as CDPHE is limited on funding to increase enforcement, CDPHE is taking this opportunity to require regulated agencies to put together their own permitting, inspection and enforcement programs.

Permitting and Inspection. City already provides full time inspection on all City projects and daily inspections on all private development projects however historically storm water runoff control has been permitted and enforced through the State. Experience has found that even though permits are issued, enforcement has been virtually non-existent and therefore very few developments have complied with the parameters of the permits. Therefore CDPHE is requiring local communities to start their own permitting and inspection programs for construction sites. About 1/3 of an inspector's time would be necessary to accommodate inspection, enforcement and reporting.

Storm Water Management Manual. The City's SWMM ("Swim") manual lists and recommends various BMPs for the design engineer to utilize in his development of a storm water management plan.

Proposing to Add:

Stormwater ordinance. Public Works staff will work with the City Attorney's office to develop and recommend to City Council amend the existing ordinances that 1.) Protect adjacent properties and prevent damages to the environment. 2.) Ensure the safety and well being of the citizens of Grand Junction. 3.) Provide an enforcement mechanism enabling the City to prosecute violators. 4.) Improve water quality.

The new ordinance changes will also allow for the City to better administer and regulate construction designs, enable the City to monitor more efficiently any development or other activity, which disturbs or breaks the topsoil or results in the movement of soil in the City of Grand Junction and provide a fair and effective enforcement mechanism.

Proposed to be developed in 2003.

Anticipated staff impact: 120 hrs split between Superintendent level and City Attorney's office staff in 2003.

Anticipated hard costs: None.

Construction Site Stormwater Management Plan (CSSMP).

Staff is proposing to require a CSSMP that will not only help meet the intent of this minimum control measure but also the Post-Construction Runoff minimum control measure. All development, redevelopment and Capital Improvement Projects (CIP's) that disturb one acre or more of land are required by the State of Colorado to address erosion, sediment control and water quality issues. The CSSMP will tie together in one document other stormwater related permitting that is currently done in separate documents as well as require a developer to more thoroughly

plan and implement BMPs for construction sites. Proposed to be implemented in 2005.

Anticipated staff impact: Approximately 50% of the 250 development applications are anticipated to require permit applications. Approximately three hours per application is estimated for review, and permitting for a development engineer. Total impact annually is 375 hrs.

Construction Site Inspections and Enforcement. Under the NPDES permit, the City will be required to permit, inspect and enforce construction site water quality facilities. Proposed to be implemented in 2005.

Anticipated staff impact for inspections: Approximately 50% of the 250 development applications are anticipated to require permits. An average of three hours per application is estimated for additional inspection and documentation of inspections for a development inspector. Total impact annually is 375 hrs starting in 2005.

Anticipated staff impact for enforcement: Approximately 5% of the 125 annually permitted construction sites are anticipated to require an average of three hours per enforcement/compliance followup is required. Total impact annually is approx 20 hrs starting in 2005.

5. Post-Construction management of stormwater runoff from new development and Redevelopment.

The City is required to develop, implement and enforce a program to address storm water runoff from new development redevelopment. The program must ensure that controls are in place that would prevent or minimize water quality impacts for the long term.

Proposing to add:

Construction Site Stormwater Management Plan (CSSMP).

The CSSMP that is used in this minimum control measure is the same as the one used in the Construction Site Stormwater Runoff Control minimum control measure. All development, redevelopment, and Capital Improvement Projects (CIP's) that disturb one acre or more of land are required by the State of Colorado to address erosion, sediment control, and water quality issues. Proposed to be implemented in 2005.

Anticipated staff impact: Approximately 50% of the 250 development applications are anticipated to require permit applications.

Approximately one hour per application is estimated for review of post-construction BMPs and codes, covenants and restrictions for a development engineer. Total impact annually is 125 hrs.

Post-Construction Site & Compliance Inspections. The purpose of the Post-Construction Site Inspections is to ensure adequate long-term operation and maintenance of the BMP's. The City is required to perform citywide site inspection annually to ensure that all approved BMP's are constructed in accordance with the accepted CSSMP. This inspection involves a review to determine if the specified BMP's are in place, have

been maintained, and are in good working order. Proposed to be implemented in 2005.

Anticipated staff impact: Approximately 50% of the 250 development applications received annually are anticipated inspections. Approximately one hour per development for inspection and documentation is anticipated. Total impact in 2005 would be 125 hrs. 2006 impact would be 250 hrs as each of the post-2004 developments would require annual inspections. Therefore 2007 impact would be 375 hrs.

Post-Construction Site & Compliance Enforcement It is the City's intent to work with property owners, Homeowners Associations (HOA's) and Business Owners Associations (BOA's) when problems arise. Enforcement actions by the City will only be taken when other means of getting the site into compliance have been unsuccessful. Proposed to be implemented in 2005.

Anticipated staff impact: Approximately 5% of the 125 developments requiring permits annually are anticipated to require enforcement measures. Approximately three hours per development for inspection and documentation is anticipated. Total impact in 2005 would be 20 hrs. 2006 impact would be 40 hrs as each of the post-2004 developments would require annual inspections. Therefore 2007 impact would be 60 hrs and would increase roughly the same rate there after.

6. Pollution Prevention/Good Housekeeping Municipal Operations

The main intent under this minimum measure is developing and implementing an operation and maintenance program that includes a training component. The City already does many things well under this minimum measure.

Street sweeping, Storm sewer maintenance, repairs, leaf pickup. All of these programs help reduce pollutant loading.

Proposing to Add:

Municipal Facilities Map

A Municipal Facilities Map will be developed that identifies locations of facilities owned and maintained by the City. Facilities to be included are the City Shops, Parks and Recreation Shops, City Hall and Golf Course Maintenance Shops. Proposed to be completed in 2003 and updated thereafter.

Anticipated staff impact: 120 hours split between a superintendent level and an GIS tech for 2003 and then 40 hours annually thereafter for map updates.

Municipal Facilities Stormwater Quality Plan (MFSQP).

The purpose MFSQP is to minimize, reduce pollutants, in stormwater, from running off municipal sites. The pollutants are reduced through annual inspections of municipal facilities, identification of potential pollutants and implementation of recommended Best Management

Practices (BMP's). The MFSQP will be developed by the Utilities Division staff to provide a stormwater quality plan for each of the municipal sites. The plan will include such items at *Preventative Maintenance, Good Housekeeping, Spill Prevention and Response Procedures, BMP's for Pollutant Sources* and *Employee Training*

Anticipated staff impact: 60 hours for a superintendent level for 2003 developing the plan for the Persigo WWTP and City Shops. Parks Dept facilities, Police station and Fire Station will be added in 2007 with an additional 80 hours of effort.

Municipal Facilities Inspections. In order to ensure the MFSQP is implemented, inspections of the municipal facilities must be conducted. Formal site inspections will be performed annually.

Anticipated staff impact: 10 hours annually for a superintendent level for 2004-2006 for the Persigo WWTP and City Shops inspections. Annual Inspections of Parks Dept facilities, Police station and Fire Station will be added in 2007 with 40 hours of effort anticipated.

Municipal Facilities Employee Training. The training will include how to incorporate pollution prevention/good housekeeping techniques into municipal operations such as park and open space maintenance, fleet and building maintenance, and storm system maintenance.

Anticipated staff impact: 100 hours annually for a superintendent level starting in 2006 for training program development and for meeting with all of the various City crews that have a potential impact on water quality. These programs are anticipated to possibly take 10-15 minutes after a safety meeting once or twice per year.

Anticipated hard costs: \$500 annually starting in 2006 for materials and misc expenses.

Overall Impacts:

Total additional cost to be incurred by the City of Grand Junction to comply with the NPDES Phase II over the five year permit term is estimated at \$198,000 for additional staff time and \$13,000 for "hard" costs. The latter includes items such as printing brochures and facility rental for various training. Additional staff time will be a point of future budget discussions on whether to reprioritize existing resources or potentially add more resources

Year	2003	2004	2005	2006	2007
Additional Hours	870	429	1400	1700	1900
Equiv man-years	0.49	0.24	0.77	0.92	1.06

requirements of this regulation.

Summarizing staffing impacts by year,

Raising the “bar” of compliance:

The programs outlined above should bring the City of Grand Junction into compliance with the NPDES Phase II regulations. However, many Front Range communities are proposing more advanced BMPs, especially in Public Education and Outreach and Public Involvement sections. These may raise the “bar” for other municipalities, just as Grand Junction, which are taking a more “minimize the impacts” approach. Some of examples of other programs include:

Bus Shelter Ads. The ads will be used to advertise and provide general information to the public on items related to stormwater quality themes.

Grate Mate Program. This program utilizes volunteers to install specially designed fabric filters into the storm drains of businesses, schools, and other public parking lots. The fabric reduces the quantity of oils and other contaminants in stormwater. This program is popular in the Pacific Northwest and is used to help educated school age children. Fort Collins, Loveland, Longmont, Greeley, and Northglen are all proposing similar programs.

Annual Waterways Clean-up. City could proposed to develop a clean up day to solicit volunteers to participate in an annual “Colorado River Revival” to remove trash in and along the Colorado River as well as some area washes.

Adopt-A-Waterway. This program would enable homeowners associations (HOA’s) and organizations such as the Boy and Girl Scouts, service clubs, etc. to participate in the program by removing unwanted waterways, at least twice a year and properly disposing of them.

- D. **Timeline.** Permit applications are due to CDPHE by March 10, 2003. The permits are in effect for five years. Permittees must have their entire program implemented by year five (2007). Furthermore, permittees must show steady progress throughout the five years and can not delay the start of their programs into year five.
- E. **Long Term EPA objectives.** In the year 2015, the EPA will reevaluate the effectiveness of the program and possibly impose water quality standards.
- F. **Summary.** The City of Grand Junction already utilizes many of the BMPs that would meet the requirements of the NPDES Phase II regulations. However as one can see above, many other programs are necessary to fully comply with the regulation. It does appear that additional staff, or reallocation of existing staff, may be necessary by 2004.

RESOLUTION NO. _____-03

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF GRAND JUNCTION TO SUBMIT A NPDES PHASE
II PERMIT APPLICATION TO THE COLORADO
DEPARTMENT OF HEALTH AND ENVIRONMENT**

Recitals:

The reauthorization of the federal Clean Water Act includes the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater requirements. As such, each state is required to implement programs by March 10, 2003. The Colorado Department of Health and Environment (CDPHE) has notified the City of Grand Junction that a permit application will be required.

Since 1999 the City of Grand Junction has been preparing for these regulations and actively working with CDPHE and other Phase II entities on the guidance document and general permit.

The permit requires that six minimum stormwater measures be addressed. These are Public Education and Outreach, Public Participation / Involvement, Illicit Discharge Detection, and Elimination, Construction Site Stormwater Runoff Control, Post-construction Stormwater Management, Pollution Prevention / Good Housekeeping for Municipal Operations.

The City is also fulfilling most of the requirements of the forthcoming National Pollutant Discharge Elimination System (NPDES) Phase II water quality requirements. However, some of the requirements will necessitate additional resources be allocated toward complying with the regulations.

As an organization with a strategic goal to improve quality of the life for residents, the City of Grand Junction believes that the NPDES Phase II regulations will help ensure public health and safety by improving water quality for future generations to enjoy.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, to submit a NPDES Phase II permit application to CDPHE for coverage under the State of Colorado's general permit.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2003

ATTEST:

CITY CLERK

PRESIDENT OF THE COUNCIL

Attach 18
Grand Valley Canals for Recreational Purposes
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Guidelines Regarding Use of Grand Valley Canals for Recreational Purposes							
Meeting Date	March 5, 2003							
Date Prepared	February 26, 2003					File #		
Author	Dan Wilson			City Attorney				
Presenter Name	Dan Wilson			City Attorney				
Report results back to Council		No	<input checked="" type="checkbox"/>	Yes	When			
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name			
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/>	Individual Consideration

Summary: City staff and the Urban Trails Board continue to communicate with the GVIC Board regarding the use of GVIC canals for recreational purposes. The attached can serve as a “first step” to continuing efforts to reach mutual agreement.

Budget: None

Action Requested/Recommendation: Council’s approval of City’s continued discussions with Grand Valley Irrigation Company as pertains to canals for public recreational purposes.

Attachments: 15 Points/Guidelines containing GVIC’s guest ions and positions, and the City’s responses regarding the use of GVIG canal facilities for public recreational purposes.

Background Information: For the last few years the City and the Urban Trails Board have been working with the GVIC board. The attached has been given to the GVIC Board. City staff seeks Council endorsement.

11/28/00

**GUIDELINES REGARDING THE USE OF GRAND VALLEY IRRIGATION
COMPANY CANAL FACILITIES FOR PUBLIC RECREATIONAL PURPOSES**

**[CITY ATTORNEY'S DRAFT COMMENTS ARE SHOWN IN CAPS AND ARE DATED
October 31, 2002
CITY COUNCIL WILL REVIEW THESE DRAFT COMMENTS
IN THE NEAR TERM.]**

The following Guidelines state the preliminary view of the Board of Directors (Board) of the Grand Valley Irrigation Company (GVIC) regarding the public's use of GVIC's canal facilities for public recreational purposes. These Guidelines may be amended, modified or withdrawn by GVIC at any time.

[UNDERSTOOD AND AGREED.]

1. Any public recreational use of the canal facilities must be pursuant to an agreement (sometimes hereafter referred to as the " Agreement") with the City of Grand Junction (City), in form and substance acceptable to the Board and which will comply with section 33-41- 103(2), C.R.S.

[WE AGREE. WE ASSUME THAT IF THE UNDERLYING PROPERTY OWNER (GVIC, CITY OR ANOTHER PARTY) DOES NOT CHARGE FEES FOR ANY PUBLIC USE OF A "RECREATIONAL" AREA THAT LIABILITY WILL BE NEGLIGIBLE, ANYWAY.]

2. GVIC's use of the canal facilities for the administration and delivery of irrigation water to its shareholders shall at all times be superior and dominant to and paramount over any public use thereof. The public's use of the canal facilities must not interfere or hinder, or threaten to interfere or hinder, the GVIC's use thereof. To protect GVIC's interests, in addition to any other rights GVIC may have, GVIC shall have the option, to be exercised in its sole discretion, to close or partially close any portion of the canal facilities for any reason GVIC shall deem reasonable, necessary, or expedient in its discretion for such duration as GVIC believes necessary to accomplish the purpose of closure.

[WE AGREE. THE PRIMARY PURPOSE AND FUNCTION OF THE GVIC SYSTEMS, AND CANAL ROADS, IS WATER DELIVERY. WE NOTE ONE PRACTICAL REALITY: ANY PUBLIC USE OF THE CANAL ROADS AND AREAS NEAR THE CANAL WILL HAVE SOME IMPACT ON THE COMPANY'S OPERATIONS. AS WE NOTE BELOW, ANY SUCH INCREMENTAL INCREASE IN THE COSTS OF OPERATIONS SHOULD BE DEALT WITH IN THE WRITTEN AGREEMENT, SO THAT THE COMPANY IS NOT SUFFERING AS A RESULT OF THE PUBLIC'S USE.

GVIC MUST HAVE THE UNILATERAL ABILITY TO CLOSE SECTIONS OF THE SYSTEM SO THAT GVIC CAN OPERATE ITS SYSTEM, MAKE REPAIRS, DO MAINTENANCE, ET CETERA. WE AGREE THAT THE CITY, WORKING IN COOPERATION WITH THE UNDERLYING LANDOWNER/GVIC, WILL POST SIGNS IF NEEDED AND AGREED UPON BY GVIC. FOR INSTANCE WHERE EXPERIENCE SHOWS A PARTICULAR PROBLEM EXISTS, WE WOULD POST SIGNS TO MAKE CLEAR THE CANAL ROAD/TRAIL USES ARE "FIRST" AND PUBLIC USAGE MUST BE SUBORDINATE TO THE COMPANY'S MISSION TO DELIVER WATER.]

3. The City shall be solely responsible to administer all aspects of the public's use of the canal facilities. Administration shall include, but not be limited to, all actions that are reasonable or necessary to maintain, repair and improve that portion of the canal facilities used by the public, including the replacement or restoration of damaged, worn out or obsolete improvements and the development and implementation of a plan for law enforcement. The administrative obligations may not be assigned, delegated or contracted out without GVIC's consent.

[WE AGREE IN CONCEPT. WE HOPE THAT THESE CONCERNS CAN BE MORE DETAILED AS WE WORK THROUGH THE ISSUES.]

4. In circumstances where GVIC owns an easement for the canal facilities, the written consent of the underlying landowner must be obtained in a form acceptable to GVIC. GVIC may also require the consent of an adjoining property owner who GVIC believes may be affected by the public's use of the canal facilities.

[WE AGREE WITH THE FIRST STATEMENT, AND WE BELIEVE THAT STATE LAW MAKES THE SAME REQUIREMENTS. WE AREN'T SURE WHY THE CONCERN IN THE SECOND SENTENCE BUT WE ARE CONFIDENT WE CAN WORK THROUGH ANY SUCH CONCERNS.]

5. GVIC shall have the right to approve any improvement the City desires or proposes to make to the canal facilities for the public's use thereof, whether temporary or permanent, regardless of the use intended for such improvement. GVIC may also propose or require improvements that the Board believes are necessary for the public's use of the canal facilities.

[AGREED, ASSUMING THAT THESE IMPROVEMENTS ARE TRAIL RELATED. FOR GENERAL CITY PURPOSES, OF COURSE, ANY SUCH AGREEMENTS WOULDN'T APPLY ANYWAY, SO WE DON'T SEE THIS AS A PROBLEM.]

6. Any improvement that GVIC approves in connection with the public's use of the canal facilities shall be constructed or installed according to the approved design at the City's expense. All such improvements shall be maintained, repaired or replaced by the City at the City's

expense. In the event the City does not maintain the improvements or make appropriate repairs or replacements, GVIC reserves the right, but without having any obligation to do so, to undertake any such repair, maintenance, replacement or removal of any improvement, in which event City shall reimburse GVIC for any labor, materials, equipment and administrative expenses incurred therefore.

[WE AGREE THAT THE COMPANY SHOULDN'T BE EXPECTED TO BEAR THE FINANCIAL BURDEN OF A PUBLIC TRAIL SYSTEM. WE CERTAINLY AGREE THAT THE CITY MUST MAINTAIN WHATEVER IMPROVEMENTS WE BUILD. IF GVIC THOUGHT THAT THE CITY WASN'T PROPERLY MAINTAINING THINGS, WE WOULD HOPE GVIC WOULD NOTIFY OUR MAINTENANCE STAFF, AND THAT OUR TWO STAFFS WOULD WORK TOGETHER IN SUCH MATTERS.]

THERE IS ONE AREA WHERE WE WOULD LIKE TO DISCUSS GVIC'S FINANCIAL AND LABOR ASSISTANCE: IF GVIC WOULD PREFER TO HAVE A SEGMENT OF TRAIL ON THE NORTH SIDE OF ONE OF THE MAINLINES WHERE THERE ISN'T ANY OBVIOUS PRESENT ROAD/TRAIL, WE ASK THAT GVIC DISCUSS A JOINT PROGRAM OF SOME SORT WHERE PEDESTRIAN BRIDGES CAN BE BUILT TO MOVE THE FOOT TRAFFIC ACROSS THE WATER. OUR EXPERIENCE IS THAT GVIC CAN BUILD BRIDGES FOR VERY REASONABLE COSTS IN VERY EFFICIENT WAYS; WE HOPE TO WORK ON A SOLUTION WHERE THESE BENEFITS CAN BE REALIZED.]

7. GVIC shall have no liability for or obligation to repair or replace any improvement placed upon the canal facilities for the public's use that is damaged or destroyed in the conduct of GVIC's normal business of maintenance, operation or repair of the canal facilities. Any such damage or destruction shall be repaired or replaced by the City at its expense.

[UNLESS THE DAMAGE OR DESTRUCTION IS WILFUL OR NEGLIGENT, AGREED.]

8. The City develop and administer a plan of law enforcement acceptable to GVIC for all portions of the canal facilities open for use by the public, including adjacent facilities and land and ingress and egress therefrom. Such plan should include the regular and periodic patrolling of canal facilities to enforce state and local laws and a procedure for GVIC and underlying and adjoining landowners to obtain law enforcement assistance in the event of conflict with members of the public or violation of law.

[AGREED IN CONCEPT, WITH ONE LEGALLY MANDATED CAVEAT: THE CITY COUNCIL AND CITY MANAGER MUST HAVE THE ABILITY TO ASSIGN RESOURCES ON A DAY-TO-DAY BASIS TO MEET PUBLIC SAFETY NEEDS. THE QUITE REAL "REALITY" IS THAT IS CAN BE HARD TO IDENTIFY A TRESPASSER, ESPECIALLY THOSE WHO ARE TRYING TO AVOID BEING TICKETED. WE ARE HAPPY TO WORK WITH THE NEIGHBORS, GVIC STAFF AND WITH CITY RESOURCES TO FIND

REALISTIC AND COST EFFECTIVE WAYS TO ISSUE TICKETS AND PROSECUTE VIOLATORS IN THE MUNICIPAL COURT.

THAT HAVING BEEN SAID, THE CITY HAS DISCUSSED USE OF VOLUNTEERS AND OTHERS TO PROVIDE "LAW ENFORCEMENT." KEY TO ANY SUCH EFFORTS IS THE ABILITY TO MAKE IDENTIFICATIONS VIA PHOTOGRAPHS AND NEIGHBORS, (AND GVIC EMPLOYEES WHO ARE ON THE CANAL ROADS?).

WHAT WE HEAR IS THAT THE EXPERIENCE OF OTHER URBAN SYSTEMS IS THAT MOST USERS ARE 'NEIGHBORS' ON THE PARTICULAR SEGMENT WHO DO A GOOD JOB OF ENFORCING AGAINST THE RULE BREAKERS.]

9. GVIC may propose written rules for the use of the canal facilities by the public, such as:
- a. Use of the canal shall be limited to daylight hours, i.e. one half hour (1/2) after sunrise and one-half (1/2) hour before sunset, and shall be seasonal only from April 15 to October 15 of each year.

[AGREED AS TO DAY TIME USAGE. WE WOULD LIKE TO TALK FURTHER ABOUT THE HALF-YEAR RESTRICTION. OUR INITIAL REACTION IS THAT ENFORCING A HALF YEAR RULE WILL BE DIFFICULT, AND EDUCATION OF THE PUBLIC TO A HALF TIME PROGRAM COULD BE PROBLEMATIC.]

- b. There will be no fishing, swimming, wading, tubing, boating, pet activity such as retrieving or any other activity in the waters flowing in the canal. Camping and ground fires will be also be prohibited, as well as hunting, firearms, weapons or explosives.

[AGREED. THE CITY'S INTEREST IS IN PUBLIC ACCESS TO THE NEARBY ROADS AND MAINTENANCE AREAS, NEVER THE WATER.]

- c. There will be no littering or dumping of trash or other material or debris except in designated receptacles.

[AGREED. THE CITY IS WILLING TO WORK TOGETHER TO PROVIDE NEEDED SERVICES AND RECEPTACLES.]

- d. Six foot leash law imposed for all pets.

[WE UNDERSTAND THE CONCERN, HOWEVER, THE CITY'S CODE ALLOWS PETS OFF A LEASH IF THE PET IS UNDER 'VOICE CONTROL.' WE WOULD LIKE TO TALK ABOUT THIS.]

- e. No alcoholic beverages or illegal drugs will be permitted on the canal facilities.

[AGREED]

- f. Children under the age of eighteen (18) shall be accompanied by an adult (person eighteen (18) years of age or older). All children shall be under the control of the adult they accompany.

[WE AGREE THAT A RESPONSIBLE ADULT, PARENT OR GUARDIAN SHOULD ALWAYS BE PRESENT. BECAUSE WE RECOGNIZE THAT DOES NOT ALWAYS OCCUR, WE ARE WILLING TO WORK TOWARD SOME MUTUALLY AGREEABLE SOLUTIONS.]

- g. There shall be no motorized vehicles permitted on any portion of the canal by the public.

[AGREED. OBVIOUSLY, ANY GVIC APPROVED CITY MAINTENANCE AND PATROL FUNCTIONS WOULD NEED PERMISSION TO USE CITY MOTOR VEHICLES. GIVEN OUR PAST EXPERIENCE AND THE RELATIONSHIPS BETWEEN THE CITY AND OTHER ENTITIES AT A 'WORKING' LEVEL, WE ARE CONFIDENT THAT THE CITY STAFF AND GVIC'S WILL BE ABLE TO WORK VERY WELL TOGETHER.]

- 10. No special event permits will be issued by the City without GVIC's consent. Such consent may be subject to conditions imposed by GVIC.

[AGREED.]

- 11. The City shall indemnify and hold GVIC harmless against any loss or liability arising from or in connection with the public's recreational use of the canal facilities, including GVIC's costs and legal expenses paid or incurred for the investigation, negotiation, mediation, litigation, settlement or payment of any claim. The indemnity will include claims for bodily injury, death and property damage, and protect the interests of the underlying property owner. The indemnity shall not be limited by section 24-10-114(l)(a), C.R.S.

[WHILE WE AGREE THAT THE COMPANY SHOULD HAVE TO BEAR NO EXTRA COSTS AND EXPENSES DUE TO THE PUBLIC USES, THAT IS NOT THE SAME AS REQUIRING THE CITY TO PAY AN UNLIMITED AMOUNT OF ATTORNEYS FEES, *ET CETERA*.

THE CITY IS READY, WILLING AND ABLE TO AGREE TO DEFEND GVIC IN A VIGOROUS MANNER, AND TO PAY ANY FINAL JUDGMENTS (EXCEPT, OF COURSE, WHERE GVIC WAS WILFULLY OR NEGLIGENTLY RESPONSIBLE).

WE ARE CONFIDENT THAT WE CAN WORK THROUGH SUCH IMPORTANT, BUT TECHNICAL, DETAILS.

IN FACT, WE HOPE TO CONVINCING GVIC THAT WE ARE BOTH BETTER OFF IF THE CITY RETAINS ITS TRADITIONAL 'SHIELDS' FOR THE BENEFIT OF THE CITY AND GVIC.]

12. The City will purchase and maintain a general comprehensive liability insurance policy for any liability arising from or in connection with the public's use of the canal facilities, including property damage, bodily injury or death, which policy shall also insure the liability of GVIC and the underlying property owner. The coverage shall be subject to periodic review and increases in policy limits as GVIC shall approve. The policy shall provide for 30 days advance written notice to GVIC of any cancellation, surrender or modification of the policy.

[WE AGREE THAT WE NEED TO AND WILL HAVE ADEQUATE COVERAGES IN PLACE. WE CAN PROVIDE COVERAGE FOR PEDESTRIAN BRIDGES, FOR EXAMPLE.

THE CITY WOULD LIKE TO RETAIN THE PROTECTIONS OF STATE LAWS IN THIS REGARD BECAUSE WE ARE CONVINCED THIS WAY CAN PROTECT BOTH ENTITIES BETTER. HAVING SAID THAT, WE AGREE IN CONCEPT.

AS A GENERAL MATTER, WE HOPE TO MAKE GVIC'S STAFF AND COUNSEL COMFORTABLE THE CITY'S CIRSA COVERAGES, IN CONJUNCTION WITH THE GOVERNMENTAL IMMUNITY ACT, AND THE RECREATIONAL PREMISES ACT. WE ARE CONFIDENT MUTUALLY AGREEABLE AND BENEFICIAL LANGUAGE DEALING WITH THIS ISSUE CAN BE WORKED OUT.]

13. GVIC may terminate any Agreement for the public recreational use of GVIC canal facilities upon written notice to the City at any time, with or without cause. Although, it is anticipated that GVIC would only terminate such agreement in the event the requirements of the agreement are not observed following a cure period, GVIC shall nevertheless retain the right to terminate the agreement without cause in its sole discretion.

[AGREED. ONCE THE CITY HAS 'PROVEN THE PROGRAM WORKS,' WE'D LIKE TO WORK ON MUTUALLY AGREEABLE LANGUAGE THAT MIGHT LESSEN THE CITY'S RISKS IN THIS REGARD.]

14. The City and GVIC must agree to a procedure to reimburse GVIC for the increase in its operational costs and expenses, including internal administrative costs, because of the public's use of the canal facilities. There also should be a method to adjust the reimbursement because of actual increases in GVIC costs, cost of living increases or other mutually agreed criteria.

[AGREED. A WRITTEN AGREEMENT WITH DEFINITIONS, LISTS OF WHICH COSTS, EXPENSES AND AMOUNTS WILL HELP BOTH PARTIES GAIN COMFORT AND CLARITY. WE AGREE THAT AS THE ACTUAL COSTS CHANGE OVER TIME, THE AGREEMENT MUST BE FLEXIBLE ENOUGH TO ADJUST APPROPRIATELY.]

15. There must be an agreement that no future plat, subdivision or development of land requiring City approval shall encroach upon or adversely affect GVIC's canal facilities. GVIC will need to be a meaningful participant in the subdivision and development review process as to any proposed subdivision or development that affects or abuts GVIC's canal facilities. GVIC wishes to become a full participating review agency.

[AGREED IN CONCEPT. WHILE STATE LAW WON'T ALLOW THE CITY TO GIVE GVIC GOVERNMENTAL STATUS, WE CAN GET TO NEARLY THE SAME PLACE VIA AN AGREEMENT BETWEEN GVIC AND THE CITY.

AS NOTED IN THE 'BULLETS', THE CITY NEEDS TO DO THIS ANYWAY TO REFLECT THE VITAL MISSION OF THE GVIC.

THE CITY'S PLANNING PROCESS IS AN EFFECTIVE WAY TO PROVIDE LEGALLY ENFORCEABLE EASEMENTS AND RIGHTS OF WAY FOR GVIC, WITH THE WIDTHS AND LOCATIONS THAT GVIC NEEDS.]

16. The City must agree to pay GVIC's legal and consulting fees and administrative costs to negotiate an acceptable Agreement with the City.

[I HATE TO NOT AGREE WITH ANY OF THE GVIC REQUESTS, BUT THIS WILL BE HARD TO SELL. PLEASE CONSIDER AN ALTERNATIVE THAT MAY 'GET YOU MOST OF THE WAY'.

WHAT IF THE CITY AGREES TO DO MOST ALL OF THE WORK, THUS MINIMIZING THE EXPENSES AND TIME TO GVIC?

WHILE WE UNDERSTAND THE CONCERN BEHIND THIS REQUEST, AS LONG AS GVIC IS PROTECTED, WE ARE HOPEFUL YOU WILL UNDERSTAND THE DIFFICULTY THIS POSES FOR THE CITY.

ESPECIALLY IF YOU CAN SEE BENEFITS FROM THE OTHER PARTS OF ANY AGREEMENTS (LIKE REDUCED LIABILITIES), WE HOPE TO ADDRESS THIS CONCERN BY KEEPING YOUR COSTS TO A BARE MINIMUM.]

17. GVIC requires that the City of Grand Junction abandon its power of imminent domain over the lands held in title or through easement by GVIC for all purposes related to trails and roads. GVIC does not request abandonment for utility purposes. For purposes of this paragraph, a trail is not to be considered a utility.

[WE UNDERSTAND THE CONCERN, BUT MANY YEARS OF LAW DICTATE THAT WE CANNOT DO SO, AS A MATTER OF LAW.

WHILE AN AGREEMENT CAN SAY THAT THE CITY GIVES UP ITS POWERS OF EMINENT DOMAIN, ANY FUTURE CITY COUNCIL CAN SIMPLY CHANGE THAT PROVISION.]

Dan E. Wilson
City Attorney
City of Grand Junction
November 7, 2002

**Attach 19
GOCO Grant Agreement**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Resolution Authorizing City Manager to Sign GOCO Grant Agreement						
Meeting Date	March 5, 2003						
Date Prepared	March 3, 2003					File #	
Author	Don Hobbs			Assistant Parks & Recreation Director			
Presenter Name	Joe Stevens			Parks & Recreation Director			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary: The City of Grand Junction applied for and has been awarded \$150,000 for Canyon View Park development. The resolution 1), authorizes the City Manager to sign the grant agreement and 2), authorizes the expenditure of funds as necessary to meet the terms and obligations of the grant agreement and application.

Budget: N/A

Action Requested/Recommendation: Passage of the resolution.

Attachments: Resolution

Background Information: The City of Grand Junction applied for and has been awarded \$150,000 for Canyon View Park development. The resolution 1), authorizes the City Manager to sign the grant agreement and 2), authorizes the expenditure of funds as necessary to meet the terms and obligations of the grant agreement and application.

RESOLUTION NO. _____

A resolution concerning the agreement between the City of Grand Junction and The State Board of the Great Outdoors Colorado Trust Fund and the project known as the Canyon View Park.

Recitals: The City of Grand Junction has applied for and been awarded a grant from Great Outdoors Colorado to fund the expansion of Canyon View Park. In order to accept the grant funding the City must execute an agreement with Great Outdoors Colorado to be eligible to receive project funding.

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

- 1) The City Council of the City of Grand Junction hereby authorizes the City Manager to sign the grant agreement with The State Board of the Great Outdoor Colorado Trust Fund.
- 2) The City Council of the City of Grand Junction hereby authorizes the expenditure of funds as necessary to meet the terms and obligations of the grant agreement and application.
- 3) This resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 5th day of March 2003.

Cindy Enos-Martinez
President of the Council

ATTEST:

Stephanie Tuin
City Clerk

Attach 20

Economic Partnership Incentive Request

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Resolution Approving an Economic Development Incentive					
Meeting Date	March 5, 2003					
Date Prepared	March 4, 2003				File #	
Author	Ron Lappi		Administrative Services and Finance Director			
Presenter Name	Denny Granum		GJEP			
Report results back to Council		No	X	Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: A resolution authorizing an incentive of \$600,000 to the Grand Junction Economic Partnership to be used for the creation of approximately 400 new jobs at Adam Aircraft over the next four years.

Budget: The City's Economic Development Fund has sufficient resources to fund this incentive in the 2003 budget, and will have a fund balance remaining of approximately \$64,000 at year end 12/31/03.

Action Requested/Recommendation: Approve proposed Resolution No. -03

Attachments: Status Report on Economic Development Fund
Proposed Resolution

Background Information: The Grand Junction Economic Partnership has been working with Adam Aircraft for about 12 months regarding the company's need to expand to another location for the development of a manufacturing facility for their new aircraft. The aircraft has not yet received FAA certification, but that approval is expected no later than June 2003.

As a result of these on-going negotiations, Adam Aircraft has selected Grand Junction as the site for the creation of 400 new jobs, over the next four years, with an average wage of \$12.71 per hour or \$22,800 annually before a generous fringe benefit package of over 30%. Final terms of the incentive agreement between GJEP and Adam Aircraft are being worked out but should be finalized in a few days. The incentive package also includes an expected \$600,000 from Mesa County which brings the per job incentive to \$3,000 which is close to the average incentives of past company recruitments. Adam Aircraft will make an investment in their manufacturing facility of \$6.5 million, and is working with Alpine Bank to secure a loan of \$5,000,000 partially guaranteed by the

U.S.D.A. federal government agency. Other incentives include \$400,000 from the State Economic Development Commission and a small training grant.

ECONOMIC DEVELOPMENT FUND STATUS
As of 03/03/2003

2003 Beginning Funds Available \$ 617,494

<u>Revenue Source:</u>	<u>Description</u>		
Transfer-In from Sales Tax CIP	Annual transfer of the 3/4 cent sales tax	\$	300,000
Transfer-In from General Fund	General Fund portion for Mesa State	\$	150,000
Other	-	\$	-
	Total Revenue		\$ 450,000
	Total Funds Available		\$ 1,067,494

<u>Expenditures Made To:</u>	<u>Description</u>		
Mesa State College	City Council Contribution	\$	250,000
-	-	\$	-
	Total Expenditures		\$ 250,000

Current Balance	\$ 817,494
------------------------	-------------------

<u>Current Year Commitments:</u>	<u>Description</u>		
WCBDC	2nd of Two Annual Pmts.	\$	28,600
-	-	\$	-
	Total Current Year Commitments		\$ 28,600

<u>Current Year Pending:</u>	<u>Description</u>		
Adam Aircraft	City Council Contribution	\$	600,000
CMGT Inc.	9 Months of 36 Months, \$500K Total	\$	125,000
	Total Current Year Pending		\$ 725,000

Projected Balance As Of 12/31/03	\$ 63,894
-----------------------------------------	------------------

<u>Future Year Commitments:</u>	<u>Description</u>		
Mesa State College	Balance of commitment from 2004 thru 2005	\$	500,000
CMGT Inc. / Pending	Balance of \$500,000	\$	375,000
-	-	\$	-
	Total Future Year Commitments		\$ 875,000
Projected Resources thru 2006			
General Fund Transfer	\$150K 2004 thru 2005	\$	300,000
Sales Tax CIP Fund Transfer	\$300K 2004 thru 2006	\$	900,000
	Total Projections		\$ 1,200,000
	Total Available from Future Years		\$ 325,000
	Projected E.O.Y. Balance		\$ 63,894
	Total Available		\$ 388,894

Note: Beginning in 1996, an annual amount of \$250,000 for ten years was programmed to assist Mesa State College with land acquisition and expansion. Through the end of 2002, the City of Grand Junction has allocated \$1,750,000 to the college for this purpose. A summary of the financial status of this program is provided in the table below.

<u>Mesa State College Foundation</u>	
1996 Expense	\$ 94,891
1997 Expense	\$ 439,982
1998 Expense	\$ 215,127
1999 Expense	\$ 81,474
2000 Expense	\$ 418,526
2001 Expense	\$ 250,000
2002 Expense	\$ 250,000
2003 Expense	\$ 250,000
Total Expense To Date	\$ 2,000,000
Total Commitments	\$ 2,500,000
Balance	\$ 500,000

RESOLUTION NO _____

A RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE TO GRAND JUNCTION ECONOMIC PARTNERSHIP FOR \$600,000 FOR THE BENEFIT OF A NEW MANUFACTURING FACILITY STARTING UP IN GRAND JUNCTION

WHEREAS: The City of Grand Junction Economic Development Fund was created by the City Council in 1988 to be used for economic development efforts; and

WHEREAS: The fund has a current balance of \$817,494 available for economic development; and

WHEREAS: The Grand Junction Economic Partnership has requested \$600,000 from the City to assist with the creation of 400 new manufacturing jobs over the next four years for Adam Aircraft; and

WHEREAS: Adam Aircraft is prepared to sign an incentive agreement with the GJEP to begin a production facility for new aircraft in Grand Junction.

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

- a) An incentive of \$600,000 to the GJEP is hereby approved;
- b) This incentive becomes part of a larger package to attract Adam Aircraft to Grand Junction;
- c) The Company will receive and become vested in this incentive over a nine year period as they first reach full employment and remain at or above that level for five full years, all as articulated in the incentive agreement between GJEP and Adam Aircraft.

ADOPTED AND APPROVED this 5th day of March, 2003.

President of the Council

ATTEST:

City Clerk