

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

WEDNESDAY, MAY 7, 2003, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Pastor Art Bell, First Presbyterian Church

RECOGNITION

PRESENTATION OF CERTIFICATION FOR PUBLIC PURCHASING OFFICER TO REX SELLERS

PROCLAMATIONS

PROCLAIMING MAY 10, 2003 AS "GRAND JUNCTION LETTER CARRIERS STOCK THE COMMUNITY FOOD BANKS DAY"

PROCLAIMING SUPPORT FOR "COLORADO CLICK IT OR TICKET CAMPAIGN"

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO NEWLY APPOINTED MEMBER OF THE COMMISSION ON THE ARTS AND CULTURE

TO NEWLY APPOINTED MEMBER OF THE HISTORIC PRESERVATION BOARD

ELECTION OF MAYOR AND MAYOR PRO TEM/ADMINISTER OATHS OF OFFICE

SCHEDULED CITIZEN COMMENTS

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

1. **Minutes of Previous Meetings** [Attach 1](#)
Action: Approve the Summary of the April 14, 2003 Workshop and the Minutes of the April 16, 2003 Regular Meeting

2. **Council Assignments for 2003-2004** [Attach 2](#)

Annually City Council discusses and assigns Councilmembers to represent them on various boards and within different outside organizations. Formal action is taken by resolution.

Resolution No. 41-03 – A Resolution Appointing and Assigning City Councilmember's to represent the City on Various Boards and Organizations

**Action: Adopt Resolution No. 41-03*

3. **Reschedule June 18th Meeting** [Attach 3](#)

On January 15, 2003, the City Council adopted Resolution No. 01-03 which set the meeting schedule for the year. Since several members of Council will be attending the CML Conference in Pueblo on June 18th, it has been proposed that the meeting schedule be amended to have the regular meeting on the previous Monday, June 16th in conjunction with the workshop.

Resolution 42-03 – A Resolution of the City of Grand Junction Amending Resolution No. 01-03 Which Set the City Council Meeting Schedule for the Year 2003

**Action: Adopt Resolution No. 42-03*

Staff presentation: Stephanie Tuin, City Clerk

4. **Purchase of 3/8" Aggregate Road Chips Required for the City Chip Seal Projects for the Year 2003** [Attach 4](#)

A 3/8" aggregate materials contract award for the City's annual "Chip Seal" street maintenance program. Three bids were received based upon an estimated amount of 4400 tons.

Action: Authorize the Purchasing Manager to Sign and Issue a Purchase Order for 4,160 tons of 3/8" Chips to the Low Bidder, United Companies, for a Total Price of \$52,000.00.

Staff presentation: Mark Relph, Public Works and Utilities Director

5. **Purchase of a Solid Waste Front Load Refuse Truck** [Attach 5](#)

This purchase is being requested by the Fleet Department to replace an existing refuse truck with a new model.

Action: Authorize the City Purchasing Manager to Purchase One Mack Cab and Chassis and One LoDal Body from Kois Brothers Equipment in the Amount of \$169,192.00

Staff presentation: Julie M. Hendricks, Buyer
Ronald Watkins, Purchasing Manager

6. **Purchase of a Knuckle Boom Truck** [Attach 6](#)

This replacement purchase is being requested by the City Fleet Division on behalf of the Parks Department.

Action: Authorize the City Purchasing Manager to Purchase One Freightliner Truck with National Crane Knuckle Boom from Transwest Trucks in the Amount of \$87,841

Staff presentation: Julie M. Hendricks, Buyer
Ronald Watkins, Purchasing Manager

7. **Vacation of Easements – Independence Ranch Filings 10 & 11** [File # FPP-2002-159] [Attach 7](#)

The applicant proposes to vacate two sanitary sewer easements, one utility easement, two temporary turn-around easements, one stormwater detention easement and two stormwater retention easements that were created in previous filings of Independence Ranch Subdivision. The Planning Commission recommended approval on April 22, 2003.

Resolution No. 43-03 - A Resolution Vacating Various Easements in Conjunction with Filings 10 and 11 of Independence Ranch Located at 20 ½ and F ¾ Road

**Action: Adopt Resolution No. 43-03*

Staff presentation: Ronnie Edwards, Associate Planner

8. **Amendments to the Future Land Use Map** (Housekeeping items) [File #GPA-2003-061] [Attach 8](#)

A request to amend the Future Land Use Map at Bookcliff Avenue, east of 7th Street and the NE corner of Grand Avenue and 28 Road, to be consistent with existing zoning.

Resolution No. 44-03 - A Resolution Amending the Future Land Use Map of the City of Grand Junction Growth Plan

Action: Adopt Resolution No. 44-03

Staff presentation: Kathy Portner, Planning Manager

9. **Setting a Hearing for Amending Hospice Medical Campus Planned Development to be Located at 3090 & 3150 North 12th Street** [File #PDR-2003-036] [Attach 9](#)

First reading of the Ordinance to amend Ordinance No. 3391 for the Preliminary Development Plan for the Hospice Medical Campus to be located at 3090 & 3150 North 12th Street.

Proposed Ordinance Zoning Two Parcels Located at 3090 and 3150 North 12th Street from PD (For Miller Homestead) to PD for 12th Street Medical Plaza and Hospice Care Planned Development

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 21, 2003

Staff presentation: Lori V. Bowers, Senior Planner

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

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

10. **16th Street Improvements** [Attach 10](#)

Bids were received and opened on April 22, 2003 for the 16th Street Improvements. G&G Paving Construction Inc., submitted the low bid in the amount of \$67,000.00

Action: Authorize the City Manager to Sign a Construction Contract with G & G Paving Construction Inc., for the 16th Street Improvements in the Amount of \$67,000.00

Staff presentation: Tim Moore, Public Works Manager

11. **Request for Rehearing – Zoning the Red Tail Ridge Annexation Located at the South End of Buena Vista Drive** [File #ANX-2002-230] [Attach 11](#)

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, requested rehearing of the zoning request in order to present their justification for a RSF-4 zoning on the property. The Council on April 16, 2003, granted the petitioners request and rezoned the site to the RSF-4 zone district.

Adjacent property owners are now requesting that the zoning be reheard again. Their rehearing requests are based on a lack of notice (not required on Council hearing items) and no opportunity for the public to speak after the petitioner's rebuttal.

Action: Consider Rehearing of the Zoning Request, if Granted, Public Hearing Date will be June 4, 2003

Staff presentation: Pat Cecil, Development Services Supervisor

12. **Public Hearing - Text Amendments to the Zoning and Development Code** [File # TAC-2003-01.01.] [Attach 12](#)

Second reading of the Ordinance to correct, clarify, re-format or delete numerous references in the current Zoning and Development Code.

Ordinance No. 3529 – An Ordinance Adopting Amendments to the City of Grand Junction's Zoning and Development Code and Authorizing Publication of the Amendments by Pamphlet

**Action: Adopt Ordinance No. 3529 on Second Reading*

Staff presentation: Lori V. Bowers, Senior Planner

13. **Public Hearing - Supplemental Budget Appropriations for 2003** [Attach 13](#)

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

Ordinance No. 3530 – An Ordinance Making Supplemental Appropriations to the 2003 Budget of the City of Grand Junction

**Action: Adopt Ordinance No. 3530 on Second Reading*

Staff presentation: Ron Lappi, Administrative Services Director

14. **Public Hearing - Creating the Special Assessment District, Issuing Bonds and Assessing the Properties for Rimrock Marketplace** [Attach 14](#)

This is the second reading of three related ordinances for Rimrock Marketplace G.I.D. They authorize creating a special assessment district, bond sale of \$3,980,000, and assessing the properties in the district.

Ordinance No. 3531 – An Ordinance Creating the Rimrock Marketplace Special Improvement District within the City of Grand Junction Rimrock Marketplace General Improvement District

Ordinance No. 3532 – An Ordinance Concerning the Rimrock Marketplace General Improvement District and Authorizing the Issuance of Special Assessment Bonds

Ordinance No. 3533 – An Ordinance Approving the Whole Cost of the Improvements to be Made in the Rimrock Marketplace Special Improvement District; Assessing a Share of said Cost Against each Lot or Tract of Land in the District; and Prescribing the Manner for the Collection and Payment of said Assessments

**Action: Adopt Ordinance No. 3531, Ordinance No. 3532 and Ordinance No. 3533 on Second Reading*

Staff presentation: Ron Lappi, Administrative Services Director

15. **Staff Presentation of First Reading of a Watershed and Water Supply Protection District Ordinance (No Public Discussion)** [Attach 15](#)

A Watershed Protection ordinance will protect the public water supply and preserve the City's water resources. Various activities and land uses in the City's watersheds could affect the quality and quantity of the water supply and facilities. In order to be able to decide what risks each activity may present to the City's water supply and to see if modifications are necessary, persons conducting certain activities within the watersheds must first obtain City review, and if allowed, a watershed permit.

Proposed Ordinance Establishing a Watershed and Water Supply Protection District; Establishing Procedures and Standards for Watershed District Permits in Connection with Various Activities within said Watersheds; Prohibiting any

Person from Polluting said Watersheds; Requiring a Watershed District Permit for Most Activities; and Providing Penalties and Remedies for Violation of this Ordinance

Action: Adopt on First Reading an Ordinance Establishing a Watershed and Water Supply Protection District, thus Protecting the City's Water Supplies, and Discuss a Date for a Hearing

Staff presentation: Mark Relph, Public Works and Utilities Director
Dan Wilson, City Attorney

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

17. **OTHER BUSINESS**

18. **EXECUTIVE SESSION –**

- a. FOR THE PURPOSE OF RECEIVING LEGAL ADVICE CONCERNING GRAND MESA SLOPES UNDER C.R.S. SECTION 24-6-402(4)(B).
- b. FOR THE PURPOSE OF RECEIVING LEGAL ADVICE CONCERNING CDOT's 1601 PROCESS UNDER C.R.S. SECTION 24-6-402(4)(b).
- c. TO DISCUSS THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF REAL, PERSONAL, OR OTHER PROPERTY INTEREST UNDER C.R.S. SECTION 24-6-402(4)(a) RELATIVE TO COLORADO CATFISH

19. **ADJOURNMENT**

Attach 1
Minutes of April 14, 2003 Workshop and April 16, 2003 Regular Meeting
GRAND JUNCTION
CITY COUNCIL WORKSHOP

April 14, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, April 14, 2003 at 7:06 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Reford Theobold, Janet Terry and President of the Council Cindy Enos-Martinez.

Summaries and action on the following topics:

1. **ASSOCIATED BUILDERS AND CONTRACTORS (ABC) OF WESTERN COLORADO:** Chairman Randy VanConett, 724 25 3/4 Road, Tim Blanchard, past chair of ABC and Toby Cummings, ABC president were present. Mr. VanConett addressed Council on work performed in-house.

Councilmember Terry stated it would not be difficult to put something in writing in regards to how the City handles its construction and service work. Public Works and Utilities Director Mark Relph referred to the staff report that included some general guidelines. Council President Enos-Martinez asked Mr. VanCornett for specific examples of the issue. He gave a variety of examples. When questioned further by Council, Mr. VanCornett said any thing other than repairs and maintenance should be contracted out.

Councilmember Kirtland qualified his experience and said he personally has looked into the situation within the City of Grand Junction and there is no problem. The numbers speak for themselves as to the amount of work that is bid out. The City does not put its work force in harms way or put them in a situation where they are not in their realm of expertise. The Council's first priority is that the City is well-maintained. The major projects are put together in packages for contractors. Sometimes during certain cycles, the City can't find anyone to do the job and then they might have to do a job with in-house labor. He questioned the need to put such a policy in writing.

Councilmember Terry suggested the proposed policy statement presented by Public Works be adopted to end the discussion. Councilmember Theobold added that the group wants a policy that has a dollar amount limit for a project to be bid out in the policy and that is not going to happen. The philosophy of the City is that a certain number of employees need to

be on staff for regular maintenance and emergency repairs and those employees are not going to be left idle so that a small local contractor can have that job.

Tim Blanchard expanded that they understand keeping people busy and being efficient but to look wisely at projects that require more equipment or manpower.

Councilmember Spehar said unlike private business that can pick and chose their customers and chose their margin, the public sector, i.e., the City cannot. The City cannot pick their customers or their projects. The fears of the Association that there might be an issue is not going to happen.

Councilmember Theobald responded that the group's approach is offensive as the Council already takes great pride in its fiscal responsibility and already does the things the group is asking Council to do.

Councilmember Kirtland urged the group to participate in the next two year budget cycle process.

Public Works and Utilities Director Mark Relph advised that they do have a constructive relationship with this group and have taken into account their comments. He asked that he have a chance to work with the City Manager on how the policy might work for the other departments or how it can be amended so that it can be applicable city-wide. Toby Cummings stated that the group will be looking at parks projects next.

Action summary: Councilmember Spehar suggested the draft policy be put on Wednesday's agenda for adoption for application specifically to Public Works. The City Manger said that he will work with the department heads and bring a policy for both Public Works and Parks on Wednesday's agenda.

2. **FIRE STATION #5 UPDATE:** City Manager Kelly Arnold and Fire Chief Rick Beaty updated Council on this project. Mr. Arnold reviewed the site consideration process. He noted the two sites are the Meadowlark Gardens and 2155 Broadway. The recommended site is 2155 Broadway which will have to be annexed and zoned. He advised the process should be started but to keep the contract on the Meadowlark Gardens site until the process is completed. The Meadowlark Garden site will be more expensive to develop by at least ½ million dollars.

Chief Beaty was questioned about the difference in response time. The Meadowlark Garden site is the best for east response, the church site is one to two minutes longer with the school zones. As far as response to the west, both locations would have to go through the school zones.

Councilmember Theobold asked Public Works about any additional river bridges being planned. Mr. Relph named a couple of possibilities that have been mentioned in the past, but the most recent study shows there is not enough need to justify the cost of an additional bridge.

Chief Beaty listed all the disadvantages to the Meadowlark Gardens site. The church site also has some disadvantages. Only one access will be allowed by CDOT. Councilmember Theobold suggested the additional access can be made off of Woodland Court. City Manager Arnold said another possibility is to use the existing church building as just a training facility and not as a community building.

Councilmember Theobold stated the costs should not be the deciding issue. Councilmember Spehar agreed but thought the church site is more centrally located.

Council-elect Bruce Hill expressed his opinion that Meadowlark Gardens is his preferred site due to its proximity to the Redlands Parkway/South Broadway intersection.

Action summary: The Council consensus was to start the process on the 2155 Broadway site. The contract will be maintained on the Meadowlark Garden site.

ADJOURN at 9:20 p.m.

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

APRIL 16, 2003

The City Council of the City of Grand Junction convened into regular session on the 16th day of April 2003, at 7:35 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Bill McCurry, Dennis Kirtland, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Cindy Enos-Martinez. 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 Terry led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Jim Hale, Spirit of Life Christian Fellowship.

PROCLAMATIONS

PROCLAIMING APRIL AS "FAIR HOUSING MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAIMING APRIL 17, 2003 AS "ARBOR DAY" IN THE CITY OF GRAND JUNCTION

PROCLAIMING MAY 3, 2003 AS "MARINE CORPS LEAGUE DAY" IN THE CITY OF GRAND JUNCTION

APPOINTMENTS

APPOINTMENTS TO THE HISTORIC PRESERVATION BOARD

Councilmember Kirtland moved to appoint Judy Prosser-Armstrong and Bill Cort to the Historic Preservation Board for three-year terms expiring December 2005. Councilmember Terry seconded the motion. Motion carried.

APPOINTMENT TO THE COMMISSION ON THE ARTS AND CULTURE

Councilmember Spehar moved to appoint Lee Borden to the Commission on the Arts and Culture to fill a three-year term expiring February 2006. Councilmember McCurry seconded the motion. Motion carried.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO REAPPOINTED MEMBER OF THE COMMISSION ON ARTS AND CULTURE

The appointee Janet Prell was present and received her certificate.

RECOGNITIONS

PRESENTATION TO KRISTIN WINN FOR HER REPRESENTING THE CITY AT THE SKIJOURING EVENT IN OURAY.

President of the Council Enos-Martinez thanked Kristen Winn and presented a gift to her for her continued representation of the City at the annual skijouring event in Ouray.

PRESENTATION OF PLAQUES FOR OUTGOING COUNCILMEMBERS JANET TERRY AND REFORD THEOBOLD

President of the Council Enos-Martinez read and presented plaques to each of the outgoing Councilmembers Terry and Theobold.

SCHEDULED CITIZEN COMMENTS

There were none.

President of the Council Enos-Martinez introduced Emily Wingerd, a 3rd grader, who attended the meeting with her father.

CONSENT CALENDAR

It was moved by Councilmember Kirtland, seconded by Councilmember McCurry, and carried by a roll call vote, to approve Consent Items #1 through 8.

1. Minutes of Previous Meetings

Action: Approve the Summary of the March 31, 2003 Workshop, and the Minutes of the April 2, 2003 Regular Meeting and the Minutes of the April 9, 2003 Special Meeting

2. Purchase of Sales Tax System Software

ACS (Banner) has abandoned further development of the current sales tax system, and it will become obsolete. Several systems were researched and it was determined that HMS, Inc software system is the most viable and cost effective alternative.

Action: Authorize the City Information Services Manager to Sign a Contract with HMS, Inc. for a New Sales Tax System for a Total of \$36,500 and Authorize \$11,600 from Contingency to Supplement the \$30,000 Budgeted for a Total of \$41,600 to Purchase, Implement and Install the HMS, Inc. System

3. Setting a Hearing on Supplemental Budget Appropriations for 2003

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

Proposed Ordinance Making Supplemental Appropriations to the 2003 Budget of the City of Grand Junction

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 7, 2003

4. Setting a Hearing on Creating the Special Assessment District, Issuing Bonds and Assessing the Properties for Rimrock Marketplace

This is the first reading of three related ordinances for Rimrock Marketplace G.I.D. They authorize creating a special assessment district, bond sale of \$3,980,000, and assessing the properties in the district.

Proposed Ordinance Creating the Rimrock Marketplace Special Improvement District within the City of Grand Junction Rimrock Marketplace General Improvement District

Proposed Ordinance Concerning the Rimrock Marketplace General Improvement District and Authorizing the Issuance of Special Assessment Bonds

Proposed Ordinance Approving the Whole Cost of the Improvements to be Made in the Rimrock Marketplace Special Improvement District; Assessing a Share of said Cost Against each Lot or Tract of Land in the District; and Prescribing the Manner for the Collection and Payment of said Assessments

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for May 7, 2003

5. Purchase of 1 Tractor and 1 Weed Mower

This purchase is being requested by the Streets Department to replace two old outdated mowers with a single better suited mower. Bid details are as follows:

| | | |
|---------------------------|----------------|-------------|
| Delta Implement Company | Grand Junction | \$65,650.00 |
| Western Implement Company | Grand Junction | \$73,832.00 |
| Western Implement Company | Grand Junction | \$78,650.00 |

Action: Authorize the City Purchasing Manager to Purchase One (1) John Deere Tractor and One (1) Diamond Mower from Delta Implement Company in the Amount of \$65,650.00

6. **Vacating Various Easements Associated with the Abandoned Portion of the Kannah Creek Flowline**

The easements to be vacated are no longer necessary due to the recent relocation of the Kannah Creek Flowline.

Resolution No. 31-03 – A Resolution Vacating Certain Easements No Longer Needed Because Several Portions of the Kannah Creek Flowline have been Relocated

Action: Adopt Resolution No. 31-03

7. **Revocable Permit for a Canopy and Private Parking in Main Street Right-of-Way, 205 Main Street** [File # RVP-2002-164]

Hampton Inn, to be located at 205 Main Street, is requesting approval of 2 Revocable Permits for a canopy and private parking in Main Street right-of-way.

Resolution No. 32-03 – A Resolution Concerning the Issuance of a Revocable Permit to Western Hospitality LLC, a Colorado Limited Liability Company (Canopy Over Sidewalk)

Resolution No. 33-03 – A Resolution Concerning the Issuance of a Revocable Permit to Western Hospitality LLC, a Colorado Limited Liability Company (Private Parking)

Action: Adopt Resolution No. 32-03 and Resolution No. 33-03

8. **Setting a Hearing for Text Amendments to the Zoning and Development Code** [File # TAC-2003-01.01]

First reading of the Ordinance to correct, clarify, re-format or delete numerous references in the current Zoning and Development Code.

Proposed Ordinance Adopting Amendments to the City of Grand Junction's Zoning and Development Code and Authorizing Publication of the Amendments by Pamphlet

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 7, 2003

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

Canyon View Park Improvements (24 & G Rd.)

This project will include improvements on the property at the corner of 24 Rd. and G Rd. within Canyon View Park. The improvements are to include: lighting and landscaping in the parking lot adjacent to the new multi-purpose fields, grading and drainage improvements, concrete walkways, a shade pavilion, irrigation and landscaping and new entry landscaping in the area of the G Road entrance into the park. There were 3 responsive responsible bids received and opened on April 3, 2003.

| Contractor | Location | Base Bid | *Alternate 1 | **Alternate 2 |
|--------------------|----------------|--------------|--------------|---------------|
| WD Yards | Grand Junction | \$193,568.00 | \$6,806.00 | \$3,214.00 |
| Clarke & Co. | Grand Junction | \$223,443.00 | \$5,360.00 | \$2,800.00 |
| Alpine C.M. | Grand Junction | \$239,700.00 | \$4,200.00 | \$3,300.00 |
| Engineers Estimate | | \$195,613.00 | \$7,834.00 | \$3,940.00 |

*Removal and disposal of pavement and accessories near handball court.

**Drinking Fountain

Joe Stevens, Parks and Recreation Director, reviewed this item. He explained the extent of the improvement phase. He said the improvements would be around the area of the handball court and would include a shade shelter, a drinking fountain, and landscaping.

Councilmember Terry asked when the improvements would be completed. Mr. Stevens replied the work will start mid May and will take about two months.

It was moved by Councilmember Kirtland, seconded by Councilmember Spehar, and carried by a roll call vote, to authorize the City Manager to sign a contract with WD Yards Inc., for the Canyon View Park Base Bid Improvements including both alternates in the amount of \$203,588 pending the receipt of a current contractor's license.

Public Hearing - Bond Ordinance for Community Hospital

The City of Grand Junction has been requested to authorize tax exempt bonds not to exceed \$3,025,000 on behalf of Community Hospital. The proposed ordinance accomplishes the issuance of these bonds for the 501 C (3) hospital. The bonds are not an obligation of the City nor do they in any way use our credit rating. The public hearing was opened at 8:02 p.m.

Councilmember Janet Terry recused herself from this discussion.

Ron Lappi, Administrative Services Director, reviewed this item.

There were no public comments.

Councilmember Spehar applauded the effort to help Community Hospital.

The public hearing was closed at 8:03 p.m.

Ordinance No. 3528 - An Ordinance Authorizing the Issuance and Sale of City of Grand Junction, Colorado, Development Revenue Bond (Community Hospital Project), Series 2003, in the Aggregate Principal Amount not to Exceed \$3,025,000; Making Determinations as to Sufficiency of Revenues and as to Other Matters Related to the Project and Approving the Form and Authorizing the Execution of Certain Documents Relating Thereto.

Councilmember Spehar moved to adopt Ordinance No. 3528 on Second Reading. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

Councilmember Terry rejoined the meeting.

Policy to Bid Out Capital Improvements

This resolution was a follow-up from the Monday April 14, 2003 City Council Workshop.

Kelly Arnold, City Manager, reviewed the proposed resolution which states that the general philosophy is that the majority of projects by the City, Public Works and Parks Departments will be bid out. Mr. Arnold explained that this matches the current process in which about 95% of all projects are bid out. He said Staff will then develop a policy on how to implement this philosophy, and Council will have the opportunity to review such policy. Mr. Arnold read the short resolution.

Councilmember Theobald inquired if this philosophy will restrict how maintenance projects are bid out. Mr. Arnold said that is not the intent of the resolution.

Councilmember Kirtland supported the statement of philosophy. Councilmember Spehar wanted Council to continue to mention the awarding of contracts that are on the agenda.

Resolution No. 40-03 – A Resolution that is a Statement of Intent for the Departments of Public Works and Utilities, and Parks and Recreation, to Bid Out Capital Improvements Councilmember Terry moved to adopt Resolution No. 40-03. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

Public Hearing - Rehearing of the 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 City Council at its February 19, 2003 hearing zoned the site to an RSF-2 zone district based on public testimony and compatibility with adjacent property's densities.

The public hearing was opened at 8:10 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item. He explained the reason for the rehearing and mentioned the size of surrounding properties, as that was an issue at the previous hearing in February.

Ted Ciavonne, Ciavonne & Associates, 844 Grand Avenue, was present representing the petitioner. He said they support the original Staff recommendation and the unanimous Planning Commission's recommendation for an RSF-4 zoning.

Mr. Ciavonne stated that the request does fall within the Orchard Mesa Plan. He displayed a subdivision map of surrounding areas, which detailed the density of each parcel. He pointed out that there are zones of RSF-R, RSF-1, RSF-2, RSF-4, and RSF-5 in the area. He then displayed the Zoning Map and the Growth Plan Map.

Councilmember Terry asked for a definition of RSF-R. Mr. Ciavonne replied that RSF-R's designation is one unit per five acres.

Councilmember Spehar asked Mr. Ciavonne if he acknowledges that RSF-2 will meet the Growth Plan designation. Mr. Ciavonne agreed.

Councilmember Theobald asked for legal advise regarding the status of previously heard testimony. Dan Wilson, City Attorney, said the previous testimony could be incorporated by reference, or Council can rehear it all.

Councilmember Spehar asked City Attorney Wilson about clarification of the Growth Plan designation of RSF-2. Mr. Wilson said the RSF-2 designation does comply even if the lots cannot effectively be developed exactly at two units per acre.

Christina E. Bybee, 142 Sundance Court, Vice President of the Orchard Mesa Beautification Council, said they are not opposed to growth in the area, but felt that the approval of the density of an RSF-4 designation would set precedence for future development in the area.

Shawna Wells, 143 Buena Vista, said her property is at the entrance to the proposed subdivision and that she is happy with Council's February approval of the RSF-2

designation. She said she is also afraid that an approval of RSF-4 will set a precedence for the density for the Irrigation Company's planned auction of the adjacent three parcels. She said she is not only concerned about the density, even with three houses per acre, but also about the congestion created by having only one entrance/exit to the development. She said she is also worried about access by emergency vehicles, a place for kids to play, and the children's safety.

Jerry Jones, 2951 Hwy 50, said he also lives next to the entrance of the proposed subdivision and that there is only one exit to Hwy 50, which has a 55 mph speed limit. He said he's seen many accidents and the highway traffic has increased a lot.

Tony Mondragon, 2962 A $\frac{1}{4}$ Road, agreed with the previous speakers and said two houses per acre are enough.

Ron Bainter, 125 29 $\frac{3}{4}$ Road, believed that there is not enough room to make a decent exit or entrance to the parcel; that he is also concerned about the future zoning designation of the irrigation properties near there; and he agrees with Ms. Wells. He reiterated the difficult access onto Hwy 50.

Leslie Renquist-Hughes, 141 Mizelle Drive, said when her family moved to the area, there was one house per one or one-half acre, and four houses per acre will not fit in with the surrounding area.

Pat Hughes, 141 Mizelle Drive, explained that this community's appeal is its variety. He said open space is good for the area, and that the geography and access are difficult. He said he is afraid that if this parcel is zoned with a higher density, a lot of the homeowners will consider moving away.

Ted Ciavonne, Ciavonne & Associates, acknowledged that a lot of the issues brought up will be addressed at Preliminary Plan. He said the Growth Plan Map for the other properties to be sold don't have direct access. He explained that the Red Tail Ridge Subdivision has two accesses, and the RSF-4's definition is not high density, but is medium to low according to the Growth Plan. He said the Hughes's development is zoned RSF-4, and the area surrounding Red Tail Ridge Subdivision is diverse with many parcels having more than two units per acre. He explained that many lots are less than 17,000 square feet, and that an RSF-2 zoning designation cannot meet the Growth Plan minimum of two units per acre, and an RSF-4 zoning is the only City zoning designation that mirrors the Growth Plan. He said the Orchard Mesa Plan supports the Growth Plan designation, supports infill development, and provides affordable housing. He questioned where growth would occur if only the minimum density were always approved.

Councilmember Theobald pointed out that even if zoned at RSF-4, the property won't develop at four units per acre due to topography and other issues. He said this is the

first time he's heard of the possible sale of the irrigation properties, and that they will have access issues. He said the property under discussion tonight has two accesses, and he appreciates the surrounding homeowners' desire for open space. He said there are three types of open space: public, private and emotional. He said some of the open space might be someone else's private property. He said they have the right to develop their land according to the zoning adopted by the Growth Plan and not contrary to the Growth Plan. He said the real issue is compatibility, that he is sympathetic to the neighborhood's reaction, but that Council needs to follow the Growth Plan and the Orchard Mesa Plan. He said he supports an RSF-4 zoning.

Councilmember Terry said she is struggling with the same issues as Councilmember Theobold, but felt the developer has the right to develop this property according to the Growth Plan, and there are no other options but to grant the RSF-4 zoning request.

Councilmember Theobold added that the RSF-4 zoning has a minimum of two and a maximum of four units per acre.

Councilmember Kirtland said he did not think the RSF-2 zoning was right before, and some issues will constrain the parcel from being developed at four units per acre, and that the density probably will be closer to three units per acre, which he said is a better number. He said he felt the same as Councilmembers Terry and Theobold.

Councilmember Spehar said he disagrees that RSF-2 is a violation of the Growth Plan. He felt two units fell into that range and that he frequently hears of "effective zoning". He said if Council takes into account one special consideration, Council should take into account *all* special considerations, and question the degree to which the parcel will be developed. He said he thinks staying at RSF-2 conforms to the Growth Plan and he respects the neighbors' concerns.

Councilmember McCurry agreed with Councilmembers Terry and Theobold.

Councilmember Butler said he visited the site, and he felt that access is a problem, that the street is really narrow, and he felt the zoning should remain RSF-2.

The public hearing was closed at 8:50 p.m.

Ordinance No. 3509 - An Ordinance Zoning the Red Tail Ridge Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) District, Located at the Southerly End of Buena Vista Road

Councilmember Spehar moved to reaffirm the Council's previous action to zone the project. Councilmember Butler seconded the motion. Roll call vote with Councilmembers Butler, Spehar and Council President Enos-Martinez voting Aye. Councilmembers Terry, Theobold, Kirtland and McCurry voting Nay. The motion failed.

Councilmember Theobold moved to repeal Ordinance No. 3504 and adopt Ordinance No. 3509 on Second Reading. Councilmember Terry seconded the motion. Roll call vote. Councilmembers Terry, Theobold, Kirtland and McCurry voted Aye. Councilmembers Butler, Spehar and Council President Enos-Martinez voted Nay. The motion carried.

Councilmember Theobold explained for the benefit of the audience that the carried motion meant the property is now zoned RSF-4.

Public Hearing - Grand Meadows South Annexation and Zoning the Grand Meadows South Annexation Located at 466 30 Road [File #ANX-2003-010]

A Resolution for acceptance of petition to annex and second reading of the Annexation Ordinance for the Grand Meadows South Annexation, located at 466 30 Road.

Second Reading of the zoning ordinance to zone the Grand Meadows South Annexation Residential Multi-Family-5 (RMF-5), located at 466 30 Road.

The public hearing was opened at 8:55 p.m.

Pat Cecil, Community Development Services Supervisor, reviewed this item for Lisa E. Cox, Senior Planner, in her absence.

The applicant was not present and there were no public comments.

The public hearing was closed at 8:58 p.m.

a. Accepting Petition

Resolution No. 34-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Grand Meadows South Annexation Area is Eligible for Annexation, Located at 466 30 Road

b. Annexation Ordinance

Ordinance No. 3510 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Grand Meadows South Annexation, Approximately 4.8995 Acres, Located at 466 30 Road

c. Zoning Ordinance

Ordinance No. 3511– An Ordinance Zoning the Grand Meadows South Annexation to Residential Multi-Family-5 (RMF-5), Located at 466 30 Road

Councilmember Theobold moved to adopt Resolution No. 34-03, Ordinances No. 3510, and No. 3511 on Second Reading. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

Public Hearing - Summit Meadows West Annexation and Zoning the Summit Meadows West Annexation Located at 3134 and 3138 D ½ Road [File #ANX-2003-016]

Resolution for acceptance of petition to annex and second reading of the Annexation Ordinance for the Summit Meadows West Annexation, located at 3134 and 3138 D ½ Road.

Second Reading of the zoning ordinance to zone the Summit Meadows West Annexation Residential Multi-Family-5 (RMF-5), located at 3134 and 3138 D ½ Road.

The public hearing was opened at 8:59 p.m.

Pat Cecil, Community Development Services Supervisor, reviewed this item for Lisa E. Cox, Senior Planner, in her absence.

Rebecca Wilmarth, Casa Tiara Development, Hwy 6 & 50, Fruita, the applicant, agreed with Staff's recommendation and had little to add.

There were no public comments.

The public hearing was closed at 9:00 p.m.

a. Accepting Petition

Resolution No. 35-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Summit Meadows West Annexation Area is Eligible for Annexation, Located at 3134 and 3138 D ½ Road

b. Annexation Ordinances

Ordinance No. 3512 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit Meadows West Annexation No. 1, Approximately 5.9092 Acres Located at 3134 and 3138 D ½ Road

Ordinance No. 3513 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit Meadows West Annexation No. 2, Approximately 4.9174 Acres Located at 3134 and 3138 D ½ Road

c. Zoning Ordinance

Ordinance No. 3514 - An Ordinance Zoning the Summit Meadows West Annexation to Residential Multi-Family-5 (RMF-5), Located at 3134 and 3138 D 1/2 Road

Councilmember Kirtland moved to adopt Resolution No. 35-03, Ordinances No. 3512, No. 3513, and No. 3514 on Second Reading. Councilmember Spehar seconded the motion. Motion carried by a roll call vote.

Public Hearing - Hubbartt Annexation and Zoning the Hubbartt Annexation Located at 2976 Gunnison Avenue [File #ANX-2003-008]

Resolution for acceptance of the petition to annex and second reading of the annexation ordinance for the Hubbartt Annexation located at 2976 Gunnison Avenue. The annexation consists of 1.2731 acres on one parcel of land. The petitioner is seeking annexation in anticipation of constructing a 5,000 s.f. auto body repair shop, pursuant to the 1998 Persigo Agreement with Mesa County.

The Hubbartt Annexation is comprised of 1 parcel of land consisting of 1.2731 acres located at 2976 Gunnison Avenue. The petitioner is requesting a zone of Light Industrial (I-1), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its February 25, 2003 meeting.

The public hearing was opened at 9:00 p.m.

Ronnie Edwards, Associate Planner, reviewed this item.

The applicant was present but had nothing to add.

There were no public comments.

The public hearing was closed at 9:02 p.m.

a. Accepting Petition

Resolution No. 36-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Hubbartt Annexation is Eligible for Annexation Located at 2976 Gunnison Avenue and Including a Portion of Gunnison Avenue Right-of-Way

b. Annexation Ordinance

Ordinance No. 3515 – An 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

C. Zoning Ordinance

Ordinance No. 3516 – An Ordinance Zoning the Hubbartt Annexation to Light Industrial I-1 Located at 2976 Gunnison Avenue

Councilmember Spehar moved to adopt Resolution No. 36-03, Ordinances No. 3515, and No. 3516 on Second Reading. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Public Hearing - Seriani Annexation No. 1 & 2 and Zoning the Seriani Annexation 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. The petitioner's request acceptance of the Annexation Petition, and Second Reading of the Annexation Ordinance(s) for the Seriani Annexation No. 1 & 2.

The Seriani Annexation consists of 0.68 acres of land that is located at 2986 Gunnison Avenue and is currently being used as a storage yard for their concrete business. 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 in spring 2003. The proposed annexation is considered to be a serial annexation and can be legally

described as Lot 12, Banner Industrial Park. The proposed zoning is I-1, Light Industrial. The Planning Commission recommended approval at its February 25, 2003 meeting.

The public hearing was opened at 9:03 p.m.

Scott D. Peterson, Associate Planner, reviewed this item.

Travis Cox, representing the petitioner, was present to answer Council's questions.

There were no questions for Mr. Cox and there were no public comments.

Councilmember Kirtland asked if these multiple annexations could be done in a larger package rather than one parcel at a time. Councilmember Theobold said that the Persigo Agreement does provide for incentives to come into the City limits. Councilmember Terry said that this process seems tedious but it represents the will of the property owners. Councilmember Kirtland replied that he respects that.

The public hearing was closed at 9:10 p.m.

a. Accepting Petition

Resolution No. 37-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Seriani Annexation, a Serial Annexation Comprising Seriani Annexation No. 1 and Seriani Annexation No. 2, Located at 2986 Gunnison Avenue

b. Annexation Ordinances

Ordinance No. 3517 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Seriani Annexation No. 1, Approximately 0.3444 Acres Located at 2986 Gunnison Avenue

Ordinance No. 3518 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Seriani Annexation No. 2, Approximately 0.3436 Acres Located at 2986 Gunnison Avenue

c. Zoning Ordinance

Ordinance No. 3519 – An Ordinance Zoning the Seriani Annexation, Lot 12, Banner Industrial Park to Light Industrial (I-1) Located at 2986 Gunnison Avenue

Councilmember Theobold moved to adopt Resolution No. 37-03, Ordinances No. 3517, No. 3518, and No. 3519 on Second Reading. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Public Hearing - Fairway Pines Annexation and Zoning the 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.

The Fairway Pines Annexation is requesting that a zoning of RSF-4 be applied to the 6.4295 acres. The Planning Commission at its March 11, 2003 hearing recommended approval of the zone of annexation.

The public hearing was opened at 9:11 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item.

A representative for the petitioner was present but had nothing to add.

There were no public comments.

The public hearing was closed at 9:12 p.m.

a. Accepting Petition

Resolution No. 38-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fairway Pines Annexation is Eligible for Annexation Located at 2970 B Road

b. Annexation Ordinance

Ordinance No. 3520 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fairway Pines Annexation, Approximately 6.4295 Acres Located at 2970 B Road

c. Zoning Ordinance

Ordinance No. 3521 - An Ordinance Zoning the Fairway Pines Annexation to the Residential Single Family – 4 Dwelling Units Per Acre (RSF-4) District Located at 2970 B Road

Councilmember Terry moved to adopt Resolution No. 38-03, Ordinances No. 3520, and No. 3521 on Second Reading. Councilmember Theobold seconded the motion. Motion carried by a roll call vote.

Public Hearing – Fruitvale Estates Annexation and Zoning the Fruitvale Estates Annexation, Located at, South of E ½ Road (Orchard Ave.) and North of Hoover Drive (3083 E ½ Road)

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.

The Fruitvale Estates Annexation is requesting that a zoning of RSF-4 be applied to the 4.3815 acres. The Planning Commission at its March 25, 2003 hearing recommended approval of the zone of annexation.

The public hearing was opened at 9:13 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item. He said this annexation will create an enclave, and that the owners in the enclave have been notified of this situation by letter.

Councilmember Terry said enclaving is an issue that can be difficult. She asked if there was any response from the owners. Mr. Cecil said there were none. Councilmember Terry asked if it could be confirmed that the owners received the letter. Mr. Cecil responded that the letters' receipt was confirmed.

Doug Theis, Thompson–Langford Corp., 529 25 1/2 Road, representing the petitioner, was present and concurred with the Staff's recommendation.

There were no public comments.

The public hearing was closed at 9:15 p.m.

a. Accepting Petition

Resolution No. 39-03 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fruitvale Estates Annexation is Eligible for Annexation, Located at 3083 E ½ Road

b. Annexation Ordinance

Ordinance No. 3522 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fruitvale Estates Annexation, Approximately 4.3815 Acres Located at 3083 E ½ Road

c. Zoning Ordinance

Ordinance No. 3523 – An Ordinance Zoning the Fruitvale Estates Annexation to the Residential Single Family – 4 dwelling Units Per Acre (RSF-4) District Located at 3083 E ½ Road (Orchard Avenue)

Councilmember Theobold moved to adopt Resolution No. 39-03, Ordinances No. 3522, and No. 3523 on Second Reading. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Public Hearing – Spanish Trails, Filing 3, Right-of-Way and Easement Vacation
[File #FPP-2002-204]

A request to vacate a portion of the 24 ¼ Road Right-of-Way and emergency access easement in the proposed Spanish Trails, Filing 3.

The public hearing was opened at 9:16 p.m.

Kathy Portner, Planning Manager, reviewed this item. She explained the purpose of the right-of-way, why it can be vacated now, and that the request is consistent under the previous code.

Councilmember Kirtland asked about any utility easements. Ms. Portner said there are none.

The applicant was present but had nothing to add.

There were no public comments.

The public hearing was closed at 9:18 p.m.

Ordinance No. 3524 – An Ordinance Vacating a Portion of the 24 ¼ Road Right-of-Way

Ordinance No. 3525 – An Ordinance Vacating an Emergency Access Easement in Spanish Trails Located at 719 24 ½ Road

Councilmember Theobold moved to adopt Ordinances No. 3524 and No. 3525 on Second Reading. Councilmember Spehar seconded the motion. Motion carried by a roll call vote.

Public Hearing - Zoning Redlands Mesa, Phase III

A request to approve zoning for Redlands Mesa, Phase III, to allow 61 single family lots.

The public hearing was opened at 9:19 p.m.

Kathy Portner, Planning Manager, reviewed this item. She said this ordinance would establish the zoning ordinance; that the request is consistent with the Growth Plan and the Outline Development Plan.

Councilmember Terry asked about the paving to Mariposa Drive. Ms. Portner said the first filing in this phase will trigger the improvement of that road and a Development Improvement Agreement will guarantee that completion.

A representative of the petitioner was present to answer questions but had nothing to add to Ms. Portner's presentation.

There were no public comments.

The public hearing was closed at 9:22 p.m.

Ordinance No. 3526 – An Ordinance Zoning Land Located South and West of the Ridges Known as Redlands Mesa, Phase III to Planned Development (PD)

Councilmember Theobold moved to adopt Ordinance No. 3526 on Second Reading. Councilmember Terry seconded the motion. Motion carried by a roll call vote.

Public Hearing – Zoning the Cottages at The Commons Assisted Living Facility Located at 625 27 ½ Road [File #RZ-2003-026]

Hilltop Health Service Corporation proposes to construct twenty (20) two-bedroom Cottages as Phase 2 of the four-phase Commons project in progress at 625 27-1/2 Road. This project requires that the approved Final Plan and Planned Development zoning ordinance be amended.

The public hearing was opened at 9:22 p.m.

Kristen Ashbeck, Senior Planner, reviewed this item. Councilmember Theobold asked how it had previously had an address across the street. Ms. Ashbeck said it was incorrect.

She explained that the plan is to develop 20 cottages instead of the original 14; to decrease the size of the parking lot; and to reduce the square footage of the Enrichment Center to accommodate the loss in parking spaces. She said parking spaces are being reduced from 44 to 27. Ms. Ashbeck said the Planning Commission found the request met the criteria and recommend approval.

Robert D. Jenkins, Architect/AIA, 1000 North 9th Street, Suite 35, explained why the increase of cottages is being requested. He said they received an outpour of requests, especially from younger retirees and he reaffirmed that the cottages are not assisted living quarters, but that they are retirement homes. He said residents have the option to contract for one or all of the services offered by the Commons Assisted Living Facility.

Councilmember Theobold inquired which age group showed the higher demand. Mr. Jenkins said people 55 and older.

Kelly Arnold, City Manager, asked about the reduction of the facility. Mr. Jenkins said they plan to reduce the facility from 82,000 square feet to 75,000 square feet and the reduction will affect mostly the meeting and activity rooms, not the two swimming pools or the gymnasium. Mr. Arnold asked if the facility would remain a public facility. Mr. Jenkins said yes, and the proposed changes do not change the designation or the use of the facility.

Councilmember Theobold asked if Hermosa Avenue is a private road. Mr. Jenkins said no.

There were no public comments.

The public hearing was closed at 9:29 p.m.

Ordinance No. 3527 – An Ordinance Amending Ordinance No. 3263 Pertaining to the Commons Assisted Living Facility, 625 27-1/2 Road (Formerly 616 27-1/2 Road)

Councilmember Theobold moved to adopt Ordinance No. 3527 on Second Reading. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

President of the Council Enos-Martinez called for the meeting to be adjourned. The meeting adjourned at 9:30 p.m.

Stephanie Tuin, CMC
City Clerk

**Attach 2
Council Assignments for 2003-2004
CITY OF GRAND JUNCTION**

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|----------|------------------------------------|---------------|-------------------|---------------|---------|--------------------------|
| Subject | | City Council Assignments 2003-2004 | | | | | |
| Meeting Date | | May 5, 2003 | | | | | |
| Date Prepared | | April 30, 2003 | | | File # | | |
| Author | | Stephanie Tuin | | City Clerk | | | |
| Presenter Name | | NA | | | | | |
| Report results back to Council | | X | No | | Yes | When | |
| Citizen Presentation | | | Yes | X | No | Name | |
| X | Workshop | | Formal Agenda | | | Consent | Individual Consideration |

Summary: Annually City Council discusses and assigns Councilmembers to represent them on various boards and within different outside organizations. Formal action is taken by resolution at Wednesday's meeting.

Budget: NA

Action Requested/Recommendation: Adopt assignments by resolution at a formal meeting.

Attachments:

1. Last year's resolution with the current assignments
2. Blank listing to be used for discussion
3. Letter from the Business Incubator requesting a council representative
4. Letter from the Grand Junction Economic Partnership requesting a city representative
5. CML article on CML board nominations

Background Information:

The list being provided is categorized into Formal Assignments, Voluntary Assignments and Elected Assignments. Also included are requests from two other outside organizations to have a representative from the City in attendance at their meetings. Lastly, the Colorado Municipal League article outlining the board openings and the deadline for nominations is included in case you want to consider presentation on that board. Former Councilmember Reford Theobald has served on that board for a number of years.

RESOLUTION NO. 44-02

**A RESOLUTION APPOINTING AND ASSIGNING
CITY COUNCILMEMBERS TO REPRESENT THE CITY
ON VARIOUS BOARDS AND ORGANIZATIONS**

Be it resolved by the City Council of the City of Grand Junction that:

1. Until further action by the City Council, the appointments and assignments of the members of the City Council are as attached.

PASSED and ADOPTED this 1st day of May, 2002.

ATTEST:

/s/ Stephanie Tuin
City Clerk

/s/ Cindy Enos-Martinez
President of the Council

Date: May 1, 2002

To: Mayor and City Council

Re: 2002-2003 City Council Assignments

As discussed at the April 29, 2002 workshop.

CITY COUNCIL FORMAL ASSIGNMENTS

Individual Members will be assigned for each of the following:

Representative:

| | |
|--|---------------------------|
| Downtown Development Authority | Terry |
| <i>Meets 1st & 3rd Thursday of the month at 7:30 am (Location varies)</i> | |
| Grand Junction Housing Authority | Butler |
| <i>Meets 4th Monday of the month @ 11:30 am @ 1011 N. 10th</i> | |
| Walker Field Airport Authority | Kirtland |
| <i>Meets 3rd Tuesday of the month @ 5:15pm @ Airport/3rd floor</i> | |
| Associated Governments of NW Colorado | McCurry |
| <i>Meets 1st Thursday of the month/moves from City to City</i> | |
| Parks Improvements Advisory Board (PIAB) | Theobald |
| <i>Meets 3rd Thursday of the month (or as needed) @ 8:00am @ P&R</i> | |
| Mesa County Separator Project Board | Terry |
| <i>Meets quarterly</i> | |
| MC Community Transit Steering Committee & Transportation Advisory Committee | Kirtland, Butler (alt) |
| <i>Meets on 4th Monday @ 3:00 pm</i> | |

VOLUNTARY ASSIGNMENTS

Individual Members will volunteer to represent the Council on the following:

Representative:

| | |
|---|------------------------|
| Colorado Assn. of Ski Towns (CAST) | Spehar, McCurry (alt) |
| <i>Meets 6 times per year (1 CML Conf.)</i> | |
| CML Policy Committee | Terry, Spehar |
| <i>Meets 2 - 3 times per year in Denver</i> | |
| CML Growth Committee | Terry, Spehar |
| <i>Meets on demand</i> | |
| CML Transportation Committee | Kirtland, Butler (alt) |
| <i>Meet on demand</i> | |

Colorado Water Congress
Meets 3-4 times annually
Nat'l League of Cities Committees
Meets on demand

Spehar
Theobald

Chamber Transportation Committee
Meets on demand
FEMA Funding Board
Meets quarterly

Terry
Enos-Martinez

ELECTED ASSIGNMENTS

Nat'l League of Cities Board
CML Board of Directors

Theobold
Theobold

NO COUNCIL MEMBER ASSIGNMENTS

Individual Members will not be assigned to serve as a liaison to the following. To assure good communications the entire City Council will meet with these on an annual or as needed basis as indicated.

Meet with Annually

VCB
Riverfront Commission

Meet with as Needed

Museum of Western Colorado
MC Enterprise Zone Comm.
GJEP

Meet with Semi-Annually

School District 51

02assign.doc
December 16, 2011

RESOLUTION NO. -03

**A RESOLUTION APPOINTING AND ASSIGNING
CITY COUNCILMEMBERS TO REPRESENT THE CITY
ON VARIOUS BOARDS AND ORGANIZATIONS**

Be it resolved by the City Council of the City of Grand Junction that:

1. Until further action by the City Council, the appointments and assignments of the members of the City Council are as attached.

PASSED and ADOPTED this _____ day of _____, 2003.

ATTEST:

City Clerk

President of the Council

Date: December 16, 2011

To: Mayor and City Council

Re: 2003-2004 City Council Assignments

CITY COUNCIL FORMAL ASSIGNMENTS

Individual Members will be assigned for each of the following:

| Board/Organization | Meeting Day/Time/Place | Representative |
|---|--|-----------------------|
| Downtown Development Authority | 1st & 3rd Thursday @ 7:30 am @ various locations | Harry Butler |
| Grand Junction Housing Authority | 4 th Monday @ 11:30 am @ 1011 N. 10 th | Harry Butler |
| Walker Field Public Airport Authority | 3 rd Tuesday @ 5:15 pm @ Airport (3 rd Floor) | Gregg Palmer |
| Associated Governments of Northwest Colorado | 1 st Thursday - different municipalities | Bill McCurry |
| Parks Improvement Advisory Board (PIAB) | 3 rd Thursday @ 8:00 am (as needed) @ Parks & Rec. Administration | Cindy Enos-Martinez |
| Mesa County Separator Project Board (PDR) | Quarterly @ 750 Main St. | Bruce Hill |
| MC Community Transit Steering Committee (GVRTC) & Transportation Advisory Committee | 4 th Monday @ 3:00 pm @ Old Courthouse (multipurpose room) (GVRTC) - 2 nd Wednesday @ 3:00pm @ Old Courthouse, Training Room A (TAC) | Dennis Kirtland |
| Riverview Technology Corporation | 3 rd Wednesday, quarterly, @ noon @ Incubator | Dennis Kirtland |
| Grand Junction Economic Partnership | 4 th Wednesday @ 7:00 am @ Airport, 3 rd floor | Bruce Hill |
| Business Incubator | 1 st Wednesday @ 7:30 am @ Incubator | Gregg Palmer |
| Grand Mesa Slopes Steering Committee | As needed - various locations | Jim Spehar |
| Colorado Association of Ski Towns (CAST) | Meets six times a year – including at CML Conference | Bill McCurry |
| Colorado Water Congress | Meets 3-4 times a year in Denver | Jim Spehar |
| Chamber Transportation | Meets as needed | Dennis Kirtland |

| Committee | | |
|--------------------|-----------------|-------------------------|
| FEMA Funding Board | Meets quarterly | Cindy Enos- Martinez |

NO COUNCIL MEMBER ASSIGNMENTS

Individual Members will not be assigned to serve as a liaison to the following. To assure good communications the entire City Council will meet with these on an annual or as needed basis as indicated.

Meet with Annually

VCB

Riverfront Commission

Meet with as Needed

Museum of Western Colorado

MC Enterprise Zone Comm.

Meet with Semi-Annually

School District 51

03assign.doc

December 16, 2011



April 24, 2003

Honorable Cindy Enos-Martinez, Mayor
City of Grand Junction
250 N. Fifth St.
Grand Junction, CO 81501

Dear Mayor Enos-Martinez:

The Board of Directors of the Western Colorado Business Development Corp. would like to add an ex-officio position for the City of Grand Junction. It is our desire that there be more interaction between our Board and the political agencies that influence our business climate.

It is our feeling that both entities will benefit by such involvement. The Business Incubator Center (BIC) counsels and teaches more than 500 Mesa County residents yearly in their entrepreneurial start-up efforts and also serves existing businesses with expertise and "how-to" training. As part of the BIC, the Revolving Loan Fund helped to create or retain 54 jobs last year and lent out over \$900K to local businesses. The BIC is working closely with the Grand Junction Area Chamber of Commerce and the Mesa County Economic Development Partnership to further collaborate on economic development for our area. Each of these organizations holds an ex-officio position on our Board.

The purpose of this letter is to solicit the City Council's opinion and, if considered favorably, the name of the representative who would attend our meetings. Our Board meetings are held on the first Wednesday of each month beginning at 7:30 a.m. at the Business Incubator Center (2591 B $\frac{3}{4}$ Road in Orchard Mesa). We would ask this ex officio board member to be involved with our discussions and issues, and offer the opportunity for each ex-officio to update the Board on the City's important activities so that we might be more aware of the City's goals and projects.

We look forward to hearing from you and thank you for your consideration.


Shannon Morgan
Chair, Board of Directors

cc: Council Members Harry Butler, Bruce Hill, Dennis Kirtland, Bill McCurry,
Greg Palmer, and Jim Spehar
City Manager, Kelly Arnold

Colorado Small Business
Development Center

Incubator
Program

Mesa County
Enterprise Zone

Revolving Loan Fund
of Mesa County

WESTERN COLORADO BUSINESS DEVELOPMENT CORPORATION
WCBDC BOARD MEMBERS As of February 4, 2003

Executive Committee

Mr. Shannon Morgan, CPA 01/04
(Chair) 2nd Term
533 Bogart Lane #C
Grand Junction, CO 81505
(W) 242-2070; (H) 243-9680
Fax: 242-2808
Shannon@cpa-wc.com

Betty Bechtel, Esq. 01/06
(Vice Chair) 2nd Term
Dufford, Waldeck, Milburn & Krohn
744 Horizon Ct., Ste. 300
Grand Junction, CO 81506
(W) 241-5500; (H) 243-9083
Fax: 243-7738
bechtel@dwmk.com

Mr. Greg Schaefer 01/04
(Sec/Treas) 1st Term
Bray & Co. Realtors
1015 N. 7th Street
Grand Junction, CO 81501
(W) 241-2909; (H) 242-7156
Fax: 241-6223
gregschaefer@brayandco.com

Mr. Tom Piper 01/04
(Past Chair) 2nd Term
625 Pagosa Ct.
Grand Junction, CO 81506
(H) 256-0039 (C) 640-1381
seachip@aol.com

Mr. Chris Blackburn 01/05
The Winery 1st Term
645 Grand View Dr.
Grand Junction, CO 81506
(W) 243-0000; (cell) 261-4649
Fax: 242-3618
gr8grk@aol.com

Mr. Rich Emerson 01/06
Johnson's House of Flowers 2nd Term
1350 North Avenue
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(W) 242-4292; (H) 245-0443
Fax: 242-4295
remerson@johnsonshouseofflowers.com

Mr. Lee B. Golter 01/06
P.O. Box 3975 2nd Term
Grand Junction, CO 81502
260-1547
lgolter@koenigswerk.com

Mr. Timothy Hatten, Ph.D 01/06
Director of Dixon Center 1st Term
Mesa State College
1100 North Avenue
Grand Junction, CO 81501
(W) 248-1731; (H) 248-9290
Fax: 248-1730
thatten@mesastate.edu

Mr. Jeff Over 01/04
President 1st Term
Western Slope Iron & Supply, Inc.
670 23 Road
Grand Junction, CO 81505
(W) 243-9770; (H) 858-3880
Fax: 241-9770
jover@wsiron.com

Mr. Bill Petty 01/04
1936 S. Broadway 2nd Term
Grand Junction, CO 81503
(H) 245-4097
wpetty@attbi.com

Mr. Richard Scariano 01/05
Omega Realty & Assoc., Inc. 1st Term
1048 Independent Avenue, #201
Grand Junction, CO 81505
(W) 245-7571
Fax: 245-7555
omega@gvii.net

Mr. Rick Taggart 07/05
Pyramid Printing 1st Term
1119 N. 1st Street
Grand Junction, CO 81501
(W) 245-7784; (H) 248-9048
Fax: 242-0725
ricktag@pyramidprinting.com

Ms. Diana Tarasiewicz 01/06
DMT Culinary Adventures 1st Term
104 Orchard Avenue, Ste. A-1
Grand Junction, CO 81501
(W) 241-1865 (H) 241-8296
Fax: 254-9460
diana@dmtcatering.com

Ex-Officio Members

Ms. Ann Driggers
President, Grand Junction
Economic Partnership
2828 Walker Field Dr., Ste. 302
Grand Junction, CO 81506
(W) 245-4332
Fax: 245-4346

Ms. Diane Schwenke
President, Chamber of Commerce
360 Grand Avenue
Grand Junction, CO 81501
(W) 242-3214; (H) 242-0382
Fax: 242-3694
diane@gichamber.org

Board can have up to
13 Members



The Honorable Mayor and City Council Members
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

April 30, 2003

Dear Mayor Enos-Martinez and Members of City Council:

Congratulations on the recent elections and the new City Council taking seat. We look forward to working with you in continuing to create quality jobs and strengthening the economy of Grand Junction.

I understand that one of Council's first tasks will be to appoint City representatives to various Boards and Commissions. In order to strengthen the relationship between GJEP, the City and our other economic development partners we would like to invite a representative of the City of Grand Junction to participate as an Ex-Officio member of our Board of Directors. Our Board meetings provide a forum for communication and participation by all parties interested in economic development.

Other Ex-Officio members include representatives from Mesa County (Tillie Bishop and Jon Peacock), the City of Fruita (Clint Kinney), the Town of Palisade (Bill Beckwith), the Grand Junction Area Chamber of Commerce (Diane Schwenke), the Business Incubator (Thea Chase), Industrial Development, Inc (Jim Fleming), the Downtown Development Authority (Harold Stalf), the Visitors and Conventions Bureau (Debbie Kovalik), the Mesa County Workforce Center (Scott Aker), Mesa State College (Sam Gingerich) and UTEC (Kerry Youngblood).

We respectfully request that Kelly Arnold be appointed the GJEP representative from the City. We feel that his presence and involvement would be of great benefit to GJEP and area economic development. The Board meetings occur monthly, usually on the fourth Wednesday, at 7:00 a.m.

Also, in the near future we would like to schedule an informal lunch meeting between yourselves, the City Council, and the Executive Committee of GJEP.

A handwritten signature in black ink that reads "Andy Driggers". The signature is written in a cursive, slightly slanted style.

Again, congratulations, and thank you for your consideration.

Sincerely,

Ann Driggers
President, Grand Junction Economic Partnership

cc. Kelly Arnold
Jim Saad, GJEP Board Chair

CML on the Web: www.cml.org

CML is accepting board applications for 2003-04

Letters of application are being accepted to fill 10 positions on the CML Executive Board. Municipal officials wishing to be considered for one of these positions should adhere to the following instructions. Members whose names are placed on the ballot by the League's Nominating Committee will be voted on by the membership at the CML annual business meeting scheduled for Thursday, June 19, at 2:15 p.m. in Pueblo. The 10 vacancies to be filled at the election are:

- three positions from cities with a population of 80,000 or more,
- three positions from cities with a population of at least 8,000 but less than 80,000, and
- four positions from cities and towns with a population of less than 8,000.

Three positions in each category are for two-year terms and the remaining position is for a one-year term.

The Executive Board is a great way to become more involved with CML and its members. The board determines League policy on many issues and is responsible for the overall operation of the organization. Meetings are held approximately twice a month during the legislative session and there are several other meetings during the remainder of the year.

Each League participating member municipality is entitled to vote to fill all vacancies on the board regardless of the population categories. The election is held at the annual business meeting.

Nomination procedures

Under CML bylaws, Executive Board members must be elected or appointed officials of participating cities and towns. Any official who desires to be nominated for a position on the Executive Board can ensure nomination by the following means:

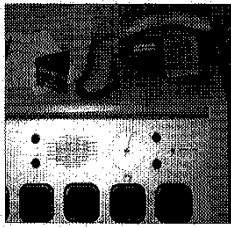
- Filing an application (in letter or other written form) for nomination with the Nominating Committee. The application must be received in writing in the League office at least 15 days prior to the annual business meeting (by Tuesday, June 3).
- Including with the application an endorsement in writing from the applicant's city council or board of trustees. This endorsement also must be received at the League office by Tuesday, June 3. A city council or board of trustees may endorse the nomination of only one official from the city or town for election.

Municipal officials who meet the above qualifications will automatically be placed on the Nominating Committee's slate for consideration at the election during the annual business meeting.

If there are not enough qualified candidates to satisfy the minimum slate requirement, the committee may request that one or more additional officials become nominees to satisfy the minimum slate requirement.

The minimum requirement under the bylaws is equal to the number of vacancies to be filled in each population category. Any officials added by the Nominating Committee to meet the

continued on page 2



Digital trunked radio

State funding in doubt
page 3



Diversity, value of differences

To be explored
page 7

In memory

Ed Touber, mayor of Salida from 1959 until 1986, and long-time CML leader, passed away unexpectedly April 15. He was 84.

Mayor Touber's service to CML spanned five decades. First elected to the CML Executive Board in 1966, he served continuously on the board until 1991. He was president of CML during 1972-73.

He continued to serve municipalities after his retirement as mayor. For many years and until his death he was a member of the CML-CCI Special Highway Committee. He also served on the board of the Colorado Intergovernmental Risk Sharing Agency.

According to CML Executive Director Ken Bueche, Touber was easy going, friendly, intelligent, jovial and public-spirited. He was prone to lighting up a meeting. Once, at the request of the General Assembly's Joint Budget Committee, he testified on the problems of small municipalities complying with various state mandates. When questioned by a concerned legislator as to how the city coped with all the mandates, Touber replied, "It's easy, I just ignore them all."

He served on so many CML committees that his conference name badge was plastered with ribbons. Whenever it was proposed that CML form a new committee, Touber ordinarily offered a motion for the League to issue "a new ribbon." ■

CML Newsletter

Published biweekly by the Colorado Municipal League for Colorado's municipal officials. (USPS 075-590). Periodical Postage Paid at Denver, Colorado

Communications Manager: Allison Lockwood
Information Technology and Research Associate: Gerilyn Wilson

POSTMASTER: Send address change form 3579 to Colorado Municipal League, 1144 Sherman St., Denver, CO 80203-2207; (303) 831-6411. Fax (303) 860-8175

Subscriptions to *CML Newsletter* are offered as a portion of member dues. Cost for nonmembers is \$300 a year.

CML BOARD Continued from page 1

minimum number of candidates do not need to have received the endorsement from the official's city council or board of trustees, nor to have filed an application with the Nominating Committee.

Finally, not later than five hours prior to the annual business meeting, other nominations for Executive Board members may be made by petition to the committee. The petition must be signed by at least 10 municipal officials representing at least 10 municipalities in attendance at the conference. Officials who are placed on the ballot by petition do not need the endorsement of their city council or board of trustees.

File applications by June 3

Municipal officials who wish to pursue nomination and election to the CML Executive Board are encouraged to file a written application with the Nominating Committee. This must be received at CML by June 3 and must be accompanied by the required written endorsement from the official's city council or board of trustees. These

materials should be mailed or delivered to the League office at 1144 Sherman St., Denver, CO 80203, or faxed to (303) 860-8175. Sample application and endorsement forms are available by calling (303) 831-6411.

Several members will continue on the board, serving the second year of a two-year term. These holdovers include three municipal officials in the large-population category, three in the medium category and two in the small category. In addition, Michael Bertaux, Breckenridge councilmember and the current CML president, will remain on the Executive Board as immediate past president.

Under League bylaws, population figures for the June 2003 election will be the 2000 census figures. These are the same population figures that were used in computing 2003 municipal dues for member municipalities.

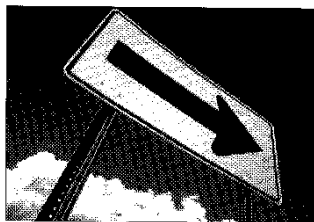
Any questions regarding population figures and nominating committee procedures may be directed by e-mail to Katy Priest, kpriest@cml.org, or Ken Bueche, kbueche@cml.org, or by phone to (303) 831-6411, or fax to (303) 860-8175. ■

Model Traffic Code updated

The 2003 *Model Traffic Code* has been printed and is available. The Colorado Department of Transportation *Model Traffic Code* establishes uniform motor vehicle laws throughout the state. Municipalities are allowed to adopt the code, in whole or any part, by reference. To ensure that any traffic code adopted by municipalities is consistent with current state law, CDOT periodically updates the

code; the 2003 version updates the 1995 publication.

CDOT will provide three copies of the revised code, at no cost, to municipalities upon request. Three copies is the minimum requirement established by state law for adoption by reference. Additional copies may be purchased for \$6 plus shipping and purchase orders are accepted from local government agencies. Contact CDOT for additional information: Colorado Department of Transportation, Bid Plans Room 117, 4201 E. Arkansas Ave., Denver, CO 80222-3406, telephone (303) 757-9313. The 2003 *Model Traffic Code* also is available in PDF format on the CDOT Web site at www.dot.state.co.us/Rules/Model_Traffic_Code_2003.pdf ■



**Attach 3
Reschedule June 18th Meeting**

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|--|-------------------------------------|-------------------------------------|------------|-------------------------------------|---------------------------------|
| Subject | Reschedule June 18 th Meeting | | | | | |
| Meeting Date | May 7, 2003 | | | | | |
| Date Prepared | April 30, 2003 | | | | File # | |
| Author | Stephanie Tuin | | City Clerk | | | |
| Presenter Name | Stephanie Tuin | | City Clerk | | | |
| 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 | |
| | Workshop | <input checked="" type="checkbox"/> | Formal Agenda | | <input checked="" type="checkbox"/> | Consent |
| | | | | | | Individual Consideration |

Summary: On January 15, 2003, the City Council adopted Resolution No. 01-03 which set the meeting schedule for the year. Since several members of Council will be attending the CML Conference in Pueblo on June 18th, it has been proposed that the meeting schedule be amended to have the regular meeting on the previous Monday, June 16th in conjunction with the workshop.

Budget: None

Action Requested/Recommendation: Adopt resolution.

Attachments: Resolution

CITY OF GRAND JUNCTION

RESOLUTION NO. ____-03

A RESOLUTION OF THE CITY OF GRAND JUNCTION
AMENDING RESOLUTION NO. 01-03 WHICH SET
THE CITY COUNCIL MEETING SCHEDULE FOR THE YEAR 2003

Recitals.

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

The City Council established the meeting schedule for the year 2003 by the adoption of Resolution No. 01-03 on January 15, 2003.

The City Council has determined that it is necessary to amend that resolution in order to reschedule the regular meeting set for June 18, 2003.

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

1. Resolution No. 01-03 is hereby amended to reschedule the regularly scheduled meeting of June 18, 2003 to Monday, June 16, 2003 at 7:30 p.m.
2. All other provisions of Resolution No. 01-03 are still in effect.

Read and approved this ____ day of May, 2003.

President of the Council

ATTEST:

City Clerk

Attach 4

Purchase of 3/8" Aggregate Road Chips Required for City Chip Seal for Year 2003

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|-----------------|----------------------------|----------------------|--|----------------|---------------------------------|
| Subject | | 3/8 " Aggregate Road Chips | | | | |
| Meeting Date | | May 7, 2003 | | | | |
| Date Prepared | | April 18, 2003 | | | File # | |
| Author | | Rex Sellers Tim Moore | | Senior Buyer Public Works Manager | | |
| Presenter Name | | Mark Relph | | Director of Public Works | | |
| Report results back to Council | | X | No | Yes | When | |
| Citizen Presentation | | | Yes | No | Name | |
| | Workshop | | Formal Agenda | X | Consent | Individual Consideration |

Summary: A 3/8" aggregate materials contract award for the City's annual "Chip Seal" street maintenance program. Three bids were received based upon an estimated amount of 4400 tons.

| Contractor | Location | Units | Unit Bid Price | Lump Sum Price |
|--------------|----------------|-----------|----------------|----------------|
| United Co. | Grand Junction | 4400 tons | \$12.50 ton | \$55,000.00 |
| Bogue Const. | Fruita | | \$13.60 ton | \$59,840.00 |
| WhiteWater | Grand Junction | | \$15.00 ton | \$66,000.00 |

Budget: There are sufficient funds currently to purchase 4,160 tons at the low bid unit price of \$12.50 per ton for a total contract price of \$52,000 (acct. #100-6164-61390-30-12910).

Action Requested/Recommendation: Authorize the Purchasing Department to sign and issue a Purchase order for 4,160 tons of 3/8" chips to the low bidder, United Companies, for a total price of \$52,000.00.

Attachments: N/A

Background Information:

It was estimated by the Street Division of Public Works that 4400 tons of 3/8" Aggregate Road Chips would be needed for the 2003 City chip seal program. The price for the chips increased this year by 67% over last year's price of \$7.50 ton because of the new

specification requirements. The 2003 chip gradation specifications have been upgraded to improve job quality by providing a finished product that:

- Reduces the time necessary to leave the chips on the street from 4 days to 2 days or less.
- Reduces public's concerns with loose chips, vehicle damage, dust, etc.
- Higher chip retention on the street.
- Greater skid resistance for increased vehicle safety.
- Improved materials match between the chips and today's asphalt products.

The difference in the estimated amount of chips required at 4200 tons and the award amount of 4160 tons is not significant enough to affect the quality or intent of the maintenance program.

The City is divided into 10 areas with each area roughly containing an equal amount of lane miles. The seal coating program, along with Street Overlays, allows the City to properly apply maintenance to every street within the City at least once every 10 years. This year's seal coating program is between North Ave. & Patterson Road and 12th Street to 29 Road.

The solicitation package was advertised in the Daily Sentinel. There were nine solicitation packages sent to suppliers and the two (2) local plan rooms. There were three (3) responsive responsible bids received and opened on April 9, 2003.

file: 46BAggregateCCAgenda

**Attach 5
Purchase of Solid Waste Front Load Refuse Truck**

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|--|----------------------|-------------------------------------|-------------------------------------|-------------------------------------|----------------|---------------------------------|
| Subject | Purchase of a Solid Waste Front Load Refuse Truck | | | | | | |
| Meeting Date | May 7, 2003 | | | | | | |
| Date Prepared | April 30, 2003 | | | | | | |
| Author | Julie M. Hendricks | | | Buyer | | | |
| Presenter Name | Julie M. Hendricks Ronald L. Watkins | | | Buyer Purchasing Manager | | | |
| 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 | | |
| Workshop | <input checked="" type="checkbox"/> | Formal Agenda | | | <input checked="" type="checkbox"/> | Consent | Individual Consideration |

Summary: This purchase is being requested by the Fleet Department to replace an existing refuse truck with a new model. Bid details are as follows:

| Vendor | Location | Cab/Body | Price |
|---------------|-----------------|-----------------|--------------|
| Kois Brothers | Denver | Mack/LoDal | 169,192.00 |

Budget: 2003 funds have been approved in the fleet replacement and CIP budgets.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase one Mack cab and chassis and one LoDal body from Kois Brothers Equipment in the amount of \$169,192.00.

Background Information: This solicitation was published in the Daily Sentinel on Thursday, February 27, 2003 with responses due not later than March 17. A total of seven (7) vendors requested bid documents, and one responsive and responsible offer was received. Nine bids were received, however eight bids were found non-responsive or responsible because of specification or special provision non-compliance. The bids ranged from \$139,504.00 to \$169,192.00.

Chuck Leyden, Fleet & Facility Manager felt that the following technical specifications were not met by the other eight bidders:

Cab and Chassis issues: engine horsepower, required torque ratings, liter size, and rear axle requirements.

Body issues:. A-frame attachment capabilities in relation to Solid Waste's inventory of dumpsters, and the design of the unit to prevent trash from accumulating on streets when being dumped.

The Mack cab and chassis will be delivered through Mesa Mack, Grand Junction, Co.

Attach 6
Purchase of a Knuckle Boom Truck
CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|--------------------------------------|-------------------------------------|---|------------|-------------------------------------|---------------------------------|
| Subject | Knuckle Boom Truck | | | | | |
| Meeting Date | May 7, 2003 | | | | | |
| Date Prepared | April 30, 2003 | | | | File # | |
| Author | Ronald L. Watkins | | Purchasing Manager | | | |
| Presenter Name | Ronald L. Watkins Julie Hendricks | | Purchasing Manager Buyer | | | |
| 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 | |
| | Workshop | <input checked="" type="checkbox"/> | Formal Agenda | | <input checked="" type="checkbox"/> | Consent |
| | | | | | | Individual Consideration |

Summary: This replacement purchase is being requested by the City Fleet Division on behalf of the Parks Department. Bid details are as follows:

| | | |
|------------------|--------------------|------------------------------|
| Transwest Trucks | Commerce City, CO | Freightliner/National Crane |
| \$87,841. | | |
| Hanson Equipment | Grand Junction, CO | International/National Crane |
| \$90,877. | | |
| Hanson Equipment | Grand Junction, CO | International/Auto Crane |
| \$88,484. | | |

Budget: Funds have been approved in the 2003 fleet replacement budget.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase one Freightliner truck with National Crane knuckle boom from Transwest Trucks in the amount of \$87,841.

Attachments: N/A

Background Information: The solicitation was published in the Daily Sentinel. A total of two (2) bidders responded with five (5) bids. Two (2) bids were found to be non-responsive for non-compliance with specifications.

**Attach 7
Vacation of Easement Independence Ranch Filings 10 and 11**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|---|-------------------------------------|-------------------------------------|-------------------------------------|--------------------|---------------------------------|
| Subject | Easements Vacation – Independence Ranch Filings 10 & 11 | | | | | |
| Meeting Date | May 7, 2003 | | | | | |
| Date Prepared | April 20, 2003 | | | | File #FPP-2002-159 | |
| Author | Ronnie Edwards | | Associate Planner | | | |
| Presenter Name | Ronnie Edwards | | Associate Planner | | | |
| 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 | |
| | Workshop | <input checked="" type="checkbox"/> | Formal Agenda | <input checked="" type="checkbox"/> | Consent | Individual Consideration |

Summary: The applicant proposes to vacate two sanitary sewer easements, one utility easement, two temporary turn-around easements, one stormwater detention easement and two stormwater retention easements that were created in previous filings of Independence Ranch Subdivision. The Planning Commission recommended approval on April 22, 2003.

Budget: N/A

Action Requested/Recommendation: Approve the resolution vacating the various referenced easements.

Attachments:

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City and County Zoning Map
5. Easements Vacation Exhibit Map
5. Resolution with exhibits

Background Information: See attached

BACKGROUND INFORMATION

| | | | | | |
|-------------------------------------|--------------|--|------------|--|-----------|
| Location: | | <i>NE corner 20 ½ Road & F ¾ Road</i> | | | |
| Applicants: | | Hans Brutsche | | | |
| Existing Land Use: | | <i>Vacant</i> | | | |
| Proposed Land Use: | | <i>33 single family residential lots</i> | | | |
| Surrounding Land Use: | North | <i>Colorado River & open space</i> | | | |
| | South | Forrest Hills Subdivision | | | |
| | East | Panorama Subdivision | | | |
| | West | Country Meadow Subdivision | | | |
| Existing Zoning: | | PD (PR 1.7) | | | |
| Proposed Zoning: | | <i>No change proposed</i> | | | |
| Surrounding Zoning: | North | <i>County RSF-4</i> | | | |
| | South | County RSF-4 | | | |
| | East | County RSF-4 | | | |
| | West | County RSF-4 | | | |
| Growth Plan Designation: | | Residential Medium Low: 2 – 4 du/ac | | | |
| Zoning within density range? | | X | Yes | | No |

PROJECT DESCRIPTION: Applicant is requesting approval to vacate two sanitary sewer easements created in phases 5 and 8, two turn-around easements created in phases 5 and 6, one utility easement created in phase 8, one stormwater detention easement created in phase 5 and two stormwater retention easements created in phases 5 and 7.

RECOMMENDATION: Approve the resolution to vacate eight easements.

ANALYSIS

1. Background

The various easements referenced were required by the Zoning and Development Code to aid in the development of Filings 5 thru 8. By the development of the infrastructure with Filings 10 and 11, these easements are no longer needed.

2. Consistency with the Growth Plan

Policy 3.5 states the City will coordinate with service providers to develop and maintain public improvements which efficiently serve existing and new development.

The petitioner is working with service providers by developing the infrastructure for the future filings so these easements are no longer needed. New easements will be formed with the recordation of new subdivision phases.

3. 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 the easement vacations does not conflict with applicable Sections of the Growth Plan, major street plan and other adopted plans and policies of the City.

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

No parcel becomes landlocked with these vacations.

- 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 health, safety or welfare of the general community. The quality of public facilities and services provided is not reduced due to these vacations.

- 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.

Provision of adequate public facilities and services will not be inhibited to any property as required in Chapter 6 of the Code.

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

Proposal provides benefits to the City by allowing further development of this multi-phased subdivision. These easements are no longer needed as they were only implemented to aid in the development of the previous phases.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the vacation application, FPP-2002-159, Staff makes the following findings of fact and conclusions:

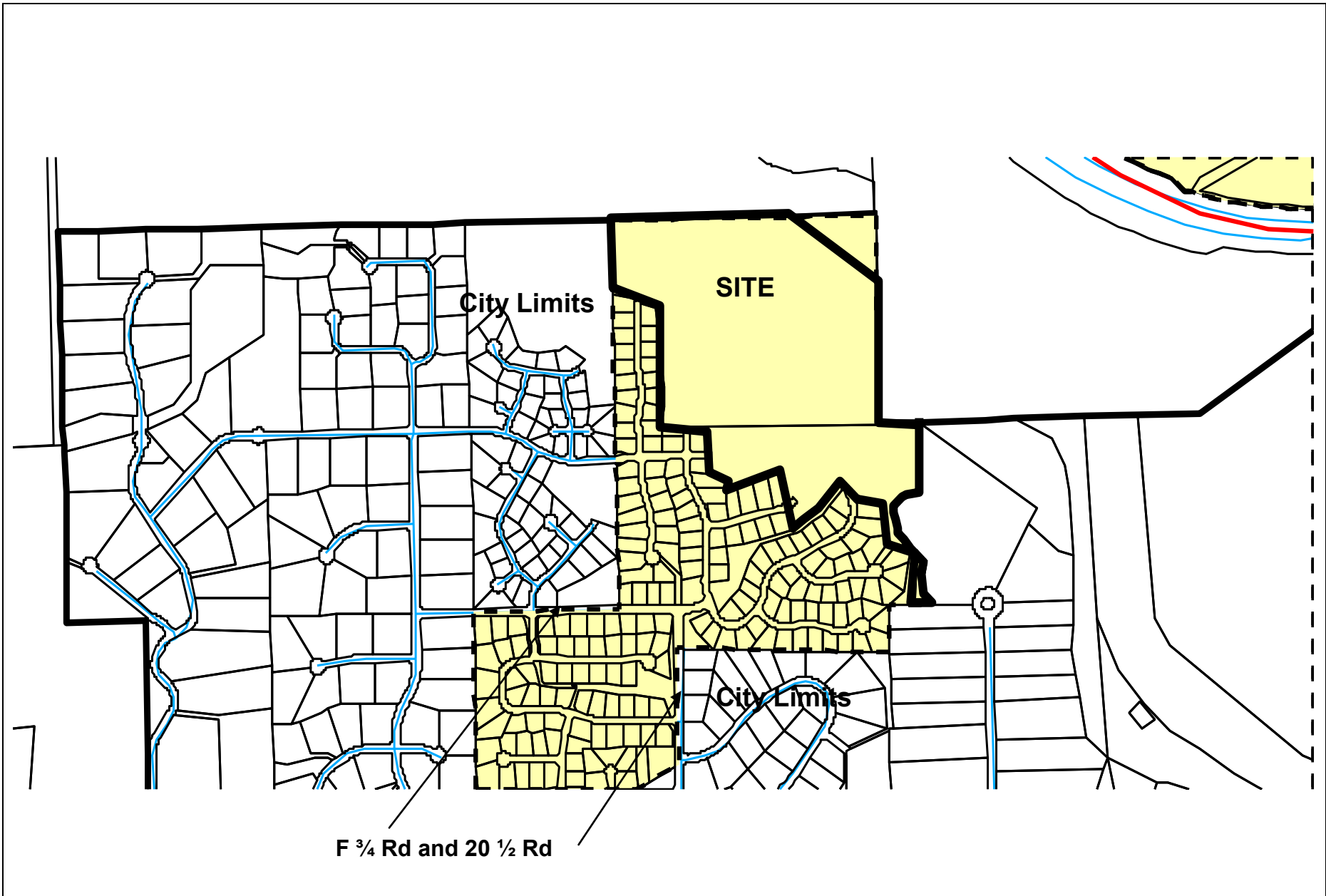
- The requested easement vacations are consistent with the Growth Plan.
- The review criteria in Section 2.11.C of the Zoning and Development Code have been satisfied.

STAFF RECOMMENDATION:

Approval of the resolution for the requested easement vacations with the findings and conclusions listed above.

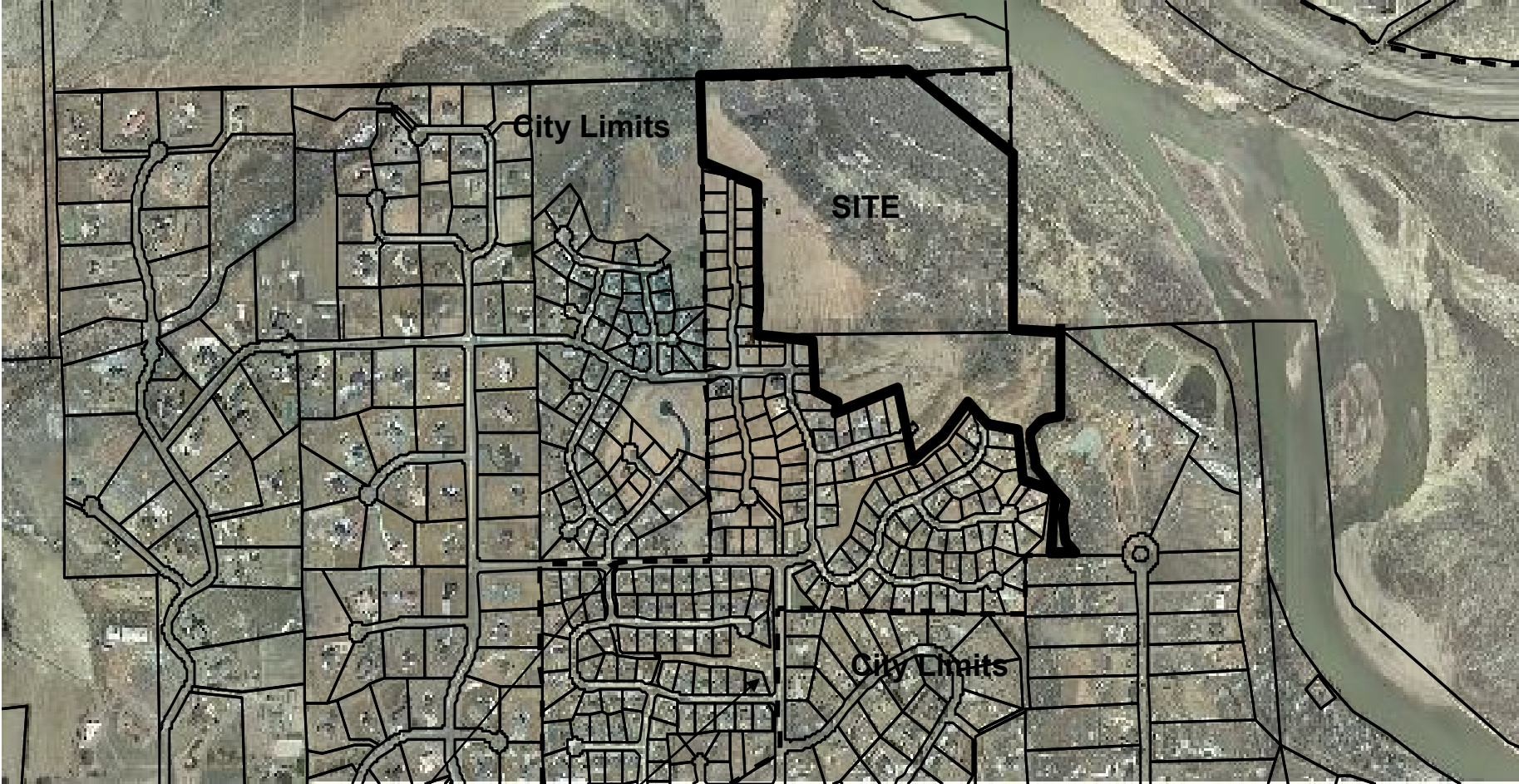
Site Location Map

Figure 1



Aerial Photo Map

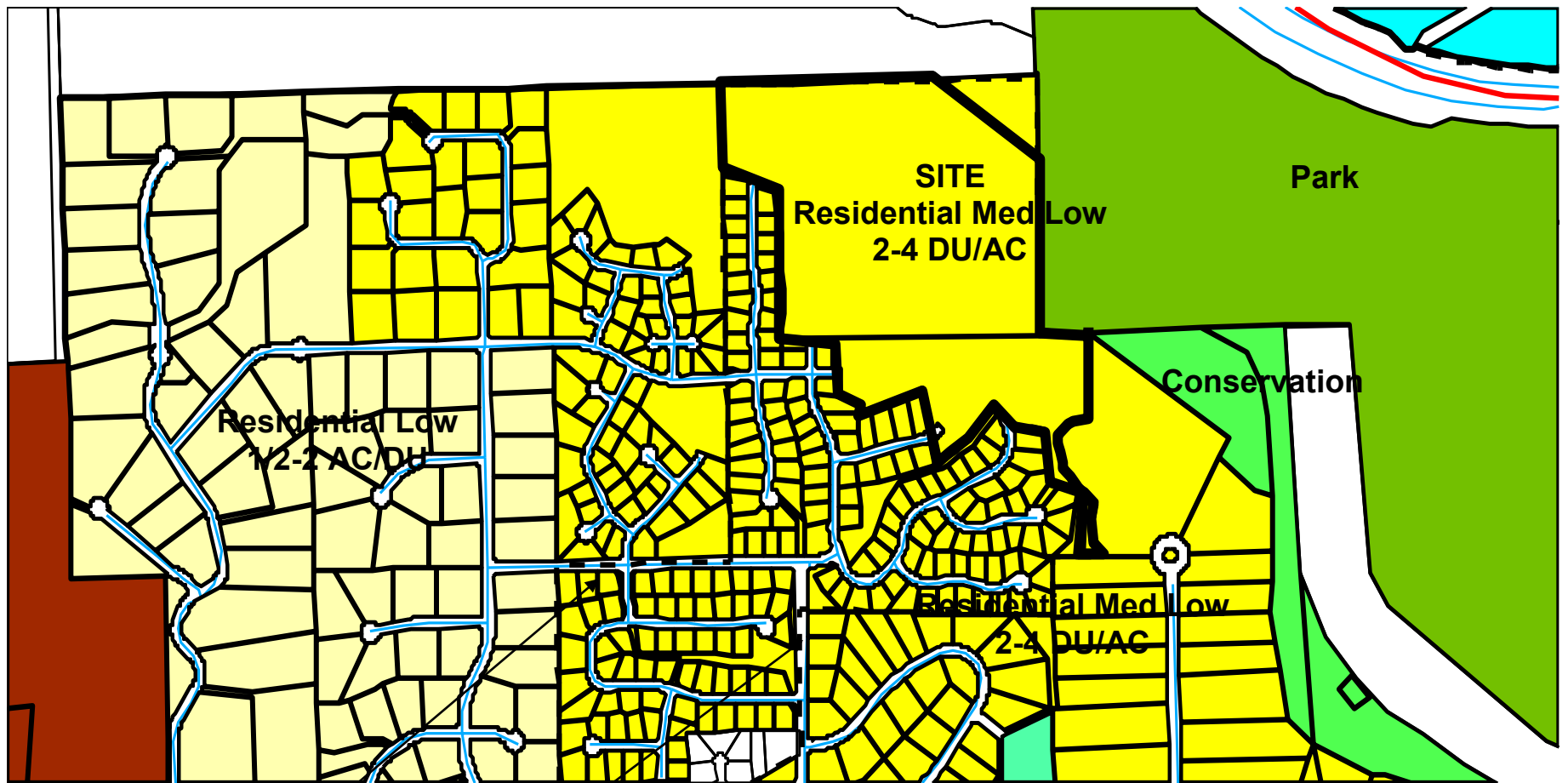
Figure 2



F ¾ Rd and 20 ½ Rd

Future Land Use Map

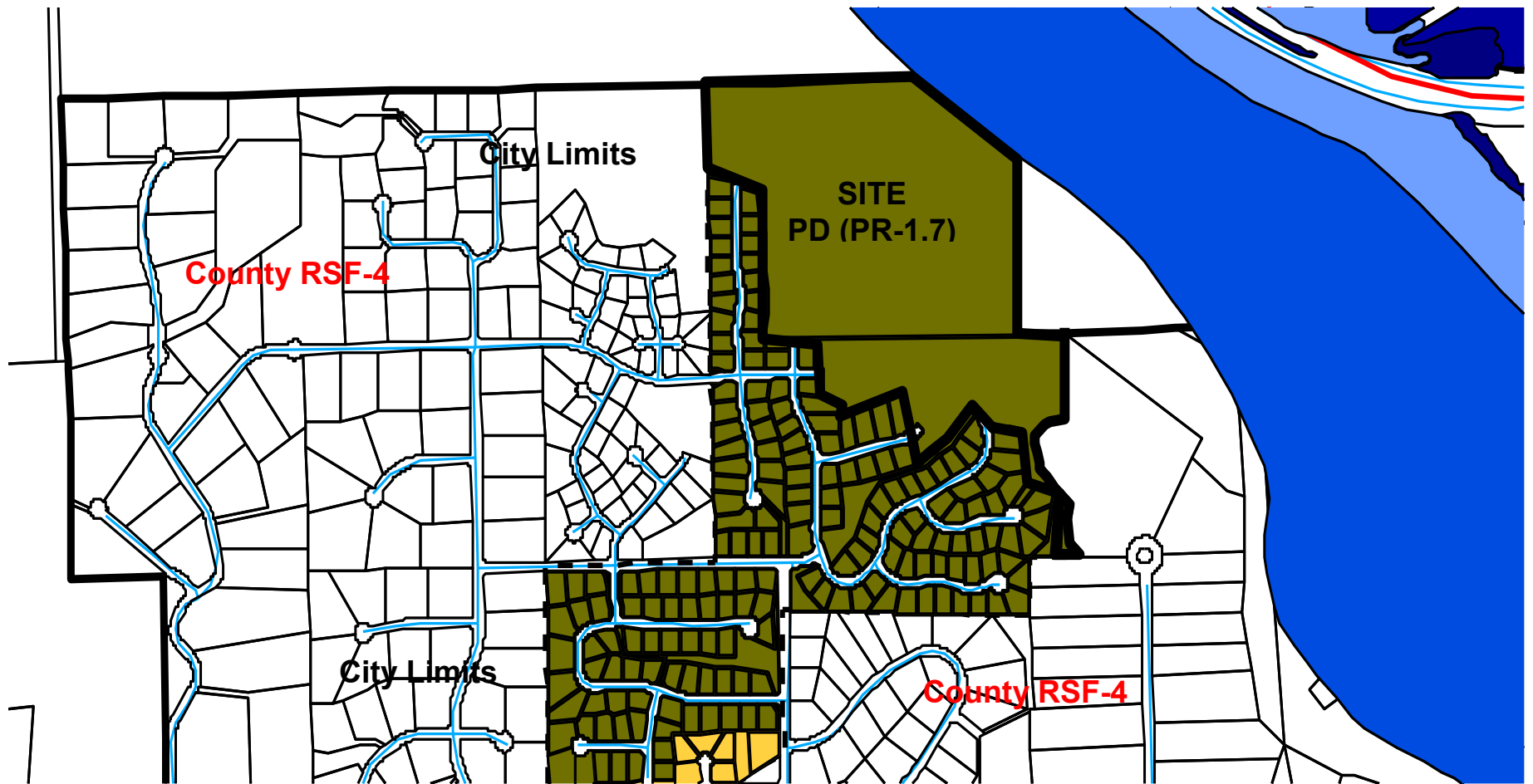
Figure 3



F 3/4 Rd and 20 1/2 RD

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."



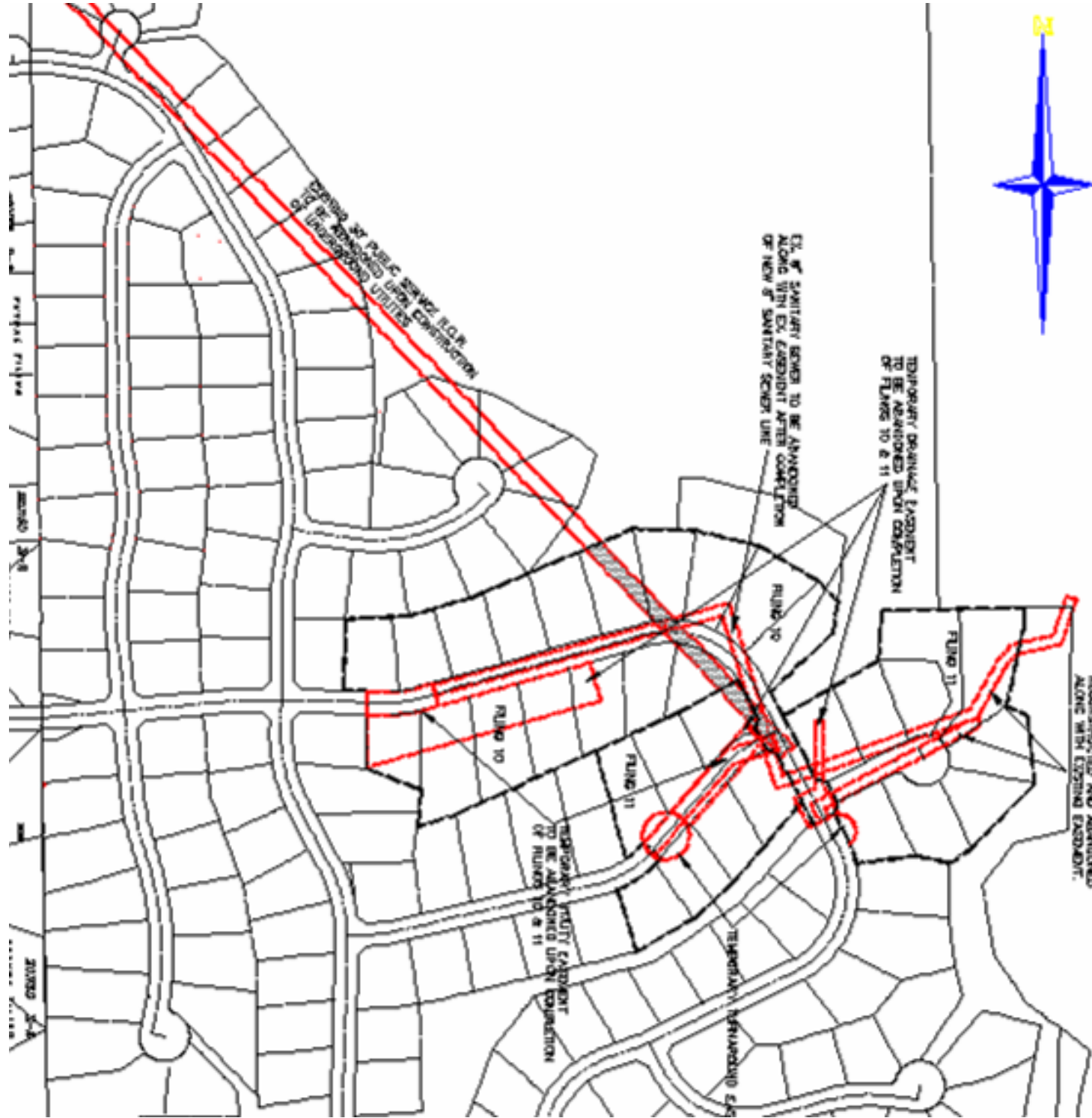
EXISTING 8" SANITARY SEWER TO BE RECONSTRUCTED AND ABANDONED ALONG WITH EXISTING EASEMENT.

TEMPORARY DRAINAGE EASEMENT TO BE ABANDONED UPON COMPLETION OF RUNS 10 & 11

EX. 8" SANITARY SEWER TO BE ABANDONED ALONG WITH EX. EASEMENT AFTER COMPLETION OF NEW 8" SANITARY SEWER LINE

TEMPORARY MULTI-CASEMENT TO BE ABANDONED UPON COMPLETION OF RUNS 10 & 11

STANDARD 30" PUBLIC SEWER I.D.P. TO BE ABANDONED UPON COMPLETION OF INTERCONNECTED UTILITIES



**VACATING VARIOUS EASEMENTS IN
CONJUNCTION WITH FILINGS 10 AND 11 OF INDEPENDENCE RANCH
LOCATED AT 20 ½ AND F ¾ ROADS**

RECITALS:

In conjunction with a request to develop Independence Ranch Filing 10 and 11, the applicant proposes to vacate the interests the City has in various easements in the development, as the easements are no longer required.

At its April 22, 2003 hearing the Planning Commission found that the request to vacate the easements conform to the Growth Plan and the review criteria as set forth in Section 2.11.C of the Code and recommended approval.

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

City Council finds that the eight vacations described below meet the criteria set forth in Section 2.11.C of the Grand Junction Zoning and Development Code and in accordance therewith the following described easements are hereby vacated, effective upon recordation of the plats, which provide alternative locations for utilities and access:

- A) An easement described in Book 1973 Page 742 of the Mesa County records crossing Lot 4 of Independence Ranch Filing 8 Replat, as shown and described on the plat thereof recorded at Reception No. 2055438 of the Mesa County records, County of Mesa, State of Colorado; said easement being more particularly described as follows:

Commencing at the southwest corner or fractional NE1/4 of the NW1/4 of Section 15, T11S, R101W of the 6th P.M., thence S89°32'E a distance of 937.5 feet, thence North a distance of 2173.63 feet to the Point of Beginning; thence S76°47'22"E a distance of 207.27 feet; thence S38°57'41"E a distance of 375.65 feet; thence S39°14'52"E a distance of 373.14 feet; thence S33°17'16"W a distance of 429.06 feet; thence S09°23'16"W a distance of 183.34 feet; thence S83°33'08"E a distance of 340.12 feet; thence N75°20'14"E a distance of 298.80 feet; thence N75°29'05"E a distance of 281.42 feet; thence S16°26'16"E a distance of 344.99 feet; thence N71°30'07"E a distance of 392.60 feet; thence N30°20'08"E a distance of 118.45 feet; thence N47°55'48"E a distance of 29.73 feet; thence N76°27'17"E a distance of 82.23 feet; thence N19°08'40"E a distance of 84.85 feet to the Point of Terminus, containing 1.63 acres as described above.

- B) An easement described in Book 2384 Page 65 of the Mesa County records crossing Lot 4 of Independence Ranch Filing 8 Replat, as shown and described on the plat thereof recorded at Reception No. 2055438 of the Mesa County records, County of Mesa, State of Colorado; said easement being more particularly described as follows:

A 30' wide easement for the installation, operation and maintenance of a sanitary sewer line across a parcel of land situated in the North ½ of Section 15, T11S, R101W of the 6th P.M., County of Mesa, State of Colorado, lying 15 feet on each side of the following described centerline: Beginning at a point on the easterly right-of-way line of 20 ½ Road, whence a rebar and cap LS4307 for the Center-North 1/16 corner of said Section 15 bears S89°35'44"W, a distance of 30.00 feet, and considering the line between said Center-North 1/16 corner and the Mesa County survey marker for the Center ¼ corner of said Section 15 to bear S00°00'00"W; thence N89°35'44"E a distance of 6.53 feet; thence N78°29'14"E a distance of 159.41 feet; thence N07°00'29"W a distance of 97.59 feet; thence N01°59'49"E a distance of 362.45 feet; thence N77°09'32"E a distance of 482.31 feet; thence N54°29'02"E a distance of 111.22 feet; thence N40°45'09"E a distance of 245.55 feet; thence N73°01'43"E a distance of 93.45 feet to the point of Termination. The sidelines of said easement shall be shortened or extended to terminate at the easterly right-of-way line of 20 ½ Road.

- C) A 45-foot radius temporary turn-around easement at the easterly terminus of Spur Cross Road as shown and dedicated on the plat of Independence Ranch Filing 6, a subdivision of the City of Grand Junction recorded at Reception No. 1969569 of the Mesa County records; said easement being more particularly described as follows:

Beginning at the easterly terminus of the northerly right-of-way of Spur Cross Road as shown on said plat Independence Ranch Filing 6; thence 118.38 feet along the arc of a 45-foot radius curve to the right, through a central angle of 150°43'57", the chord which bears N55°23'10"E a distance of 87.08 feet; thence continuing along said arc 118.38 feet of a 45-foot radius curve to the right, through a central angle of 150°43'57", the chord which bears S26°07'07"W a distance of 87.08 feet; thence N49°14'51"W a distance of 44 feet to the point of beginning.

- D) A 32-foot radius temporary turn-around easement at the northerly terminus of Long Rifle Road as shown and dedicated on the plat of Independence Ranch Filing 5, a subdivision of the City of Grand Junction recorded at Reception No. 1907917 of the Mesa County records; said easement being more particularly described as follows:

Beginning at the northerly terminus of the westerly right-of-way of Long Rifle Road, N62°21'38"E a distance of 44.00 feet to the point of beginning; thence 85.05 feet along the arc of a 32-foot radius non-tangent curve to the right, through a central angle of 152°17'04", with a chord bearing S27°17'07"E a distance of 62.14 feet, to a point on a curve, from which the radius point bears S65°55'59"W; thence northwesterly a distance of 10.73 feet along the arc of said curve concave to the southwest, having a radius of 202.00 feet and a central angle of 3°02'39"; thence N27°38'22"W a distance of 51.41 feet, to the point of beginning.

- E) A 20-foot wide sanitary sewer easement across Lot 11 Block 1 as shown and dedicated on the plat of Independence Ranch Filing 5, a subdivision of the City of Grand Junction recorded at Reception No. 1907917 of the Mesa County records; said easement being more particularly described as follows:

Beginning at a point on the northerly terminus of the westerly right-of-way of Long Rifle Road, N62°21'38"E a distance of 12.00 feet to the point of beginning; thence N27°38'26"W a distance of 39.98 feet; thence N62°21'53"E a distance of 337.82 feet; thence N70°37'51"E a distance of 19.58 feet; thence N29°27'52"E a distance of 10.50 feet; thence S00°18'41"W a distance of 25.91 feet; thence S62°21'53"W a distance of 333.88 feet; thence S27°38'26"E a distance of 19.98 feet; thence S62°21'38"W a distance of 20.00 feet, to the point of beginning.

- F) A temporary stormwater detention easement which is shown on the plat of Independence Ranch Filing 5, a subdivision of the City of Grand Junction recorded at Reception No. 1907917 of the Mesa County records; the said easement being more particularly described as follows:

Beginning at a point on the easterly terminus of the northerly right-of-way line of Long Rifle Road as shown on said plat of Independence Ranch Filing 5; thence N62°21'38"E a distance of 7.03 feet; thence N27°38'22"W a distance of 60.83 feet; thence N00°19'22"E a distance of 120.65 feet; thence N89°40'38"W a distance of 15.00 feet; thence S00°19'22"W a distance of 126.32 feet; thence S62°21'38"W a distance of 46.09 feet; thence S27°38'22"E a distance of 62.85 feet; thence N62°21'38"E a distance of 54.97 feet to the point of beginning.

- G) A 44-foot wide temporary stormwater retention easement which is shown on the plat of Independence Ranch Filing 6, a subdivision of the City of Grand Junction recorded at Reception No. 1969569 of the Mesa County records; said easement being more particularly described as follows:

Beginning at a point on the easterly terminus of the southerly right-of-way line of Spur Cross Road as shown on said plat of Independence Ranch Filing 6; thence N40°45'09"E a distance of 296.71 feet; thence N48°54'12"W a distance of 44.00 feet; thence S40°45'09"W a distance of 296.97 feet to the westerly terminus of right-of-way of Spur Cross Road; thence S49°14'51"E a distance of 44.00 feet to the point of beginning.

- H) A temporary stormwater retention easement as shown and dedicated on the plat of Independence Ranch Filing 7, a subdivision of the City of Grand Junction recorded at Reception No. 2006386 of the Mesa County records; said easement being more particularly described as follows:

Beginning at a point on the easterly terminus of the southerly right-of-way line of Baseline Road as shown on said plat of Independence Ranch Filing 7; thence S89°26'10"E a distance of 47.94 feet; thence 57.77 feet along the arc of a 202.00-

foot radius curve to the left, through a central angle of 16°23'07", the chord of which bears N82°22'16"E a distance of 57.57 feet; thence N74°10'43"E a distance of 333.48 feet; thence S15°49'17"E a distance of 75.00 feet; thence S74°10'43"W a distance of 463.93 feet to the east line of Lot 3 Block 2 of Independence Ranch Filing 7; thence along said east line, N00°01'57"E a distance of 100.55 feet to the point of beginning.

PASSED and ADOPTED this _____ day of _____, 2003.

ATTEST:

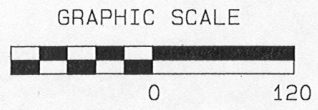
City Clerk

President of City Council

Exhibit A

①

EASEMENT VACATION EXHIBIT



BLOCK 3
LOT 2
Filing 9

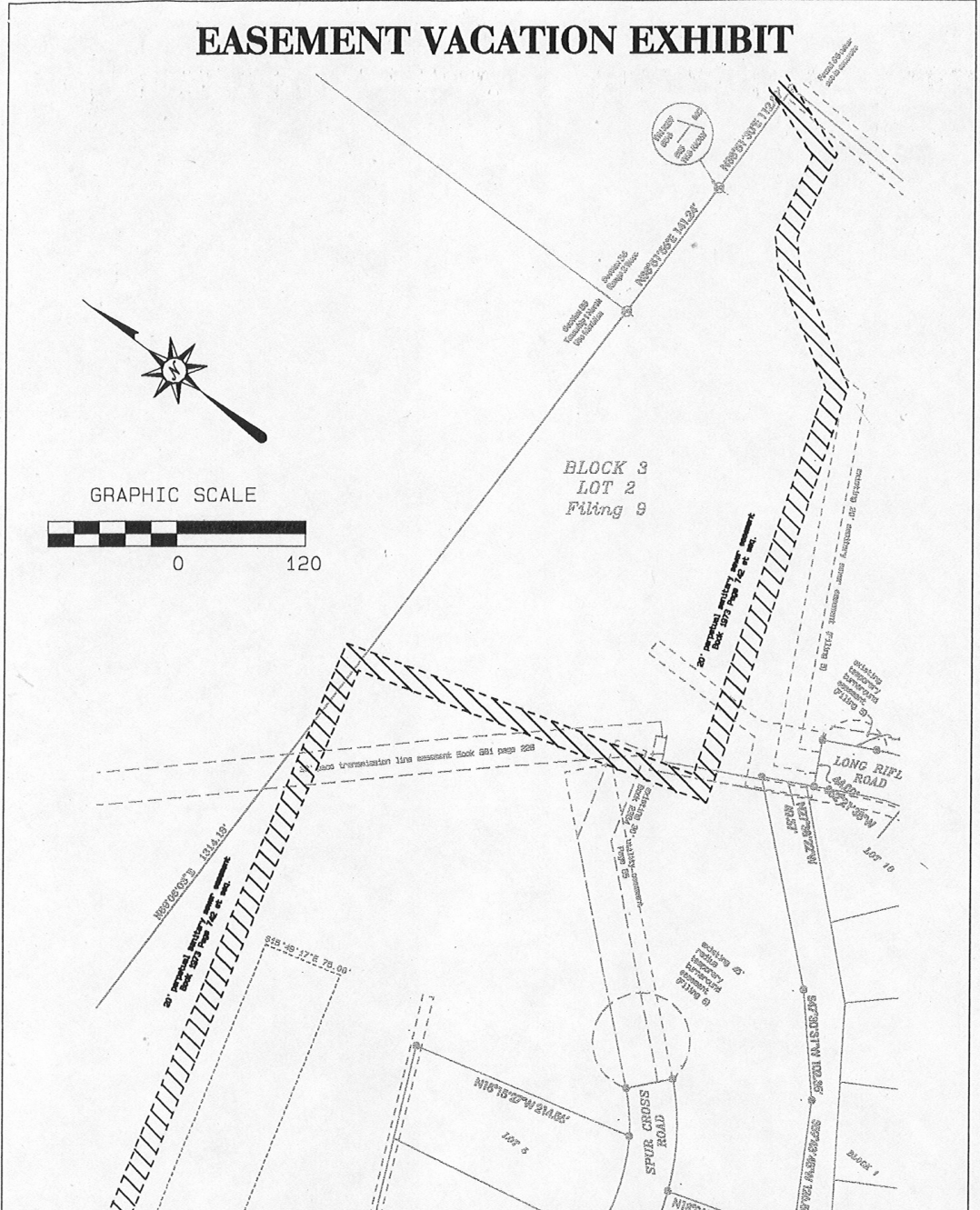


Exhibit B

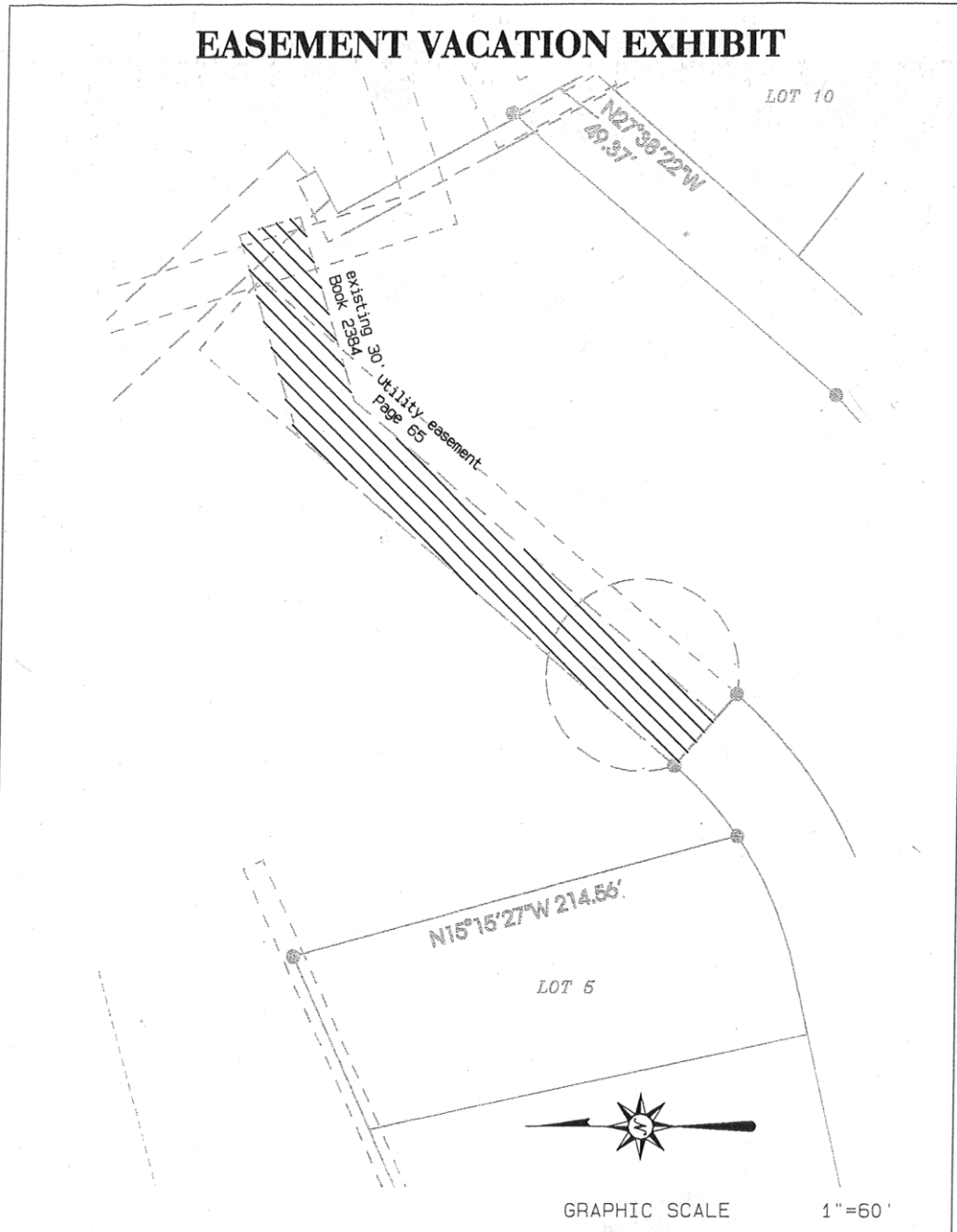


Exhibit C

4

EASEMENT VACATION EXHIBIT

BLOCK 3
LOT 2
Filing 9

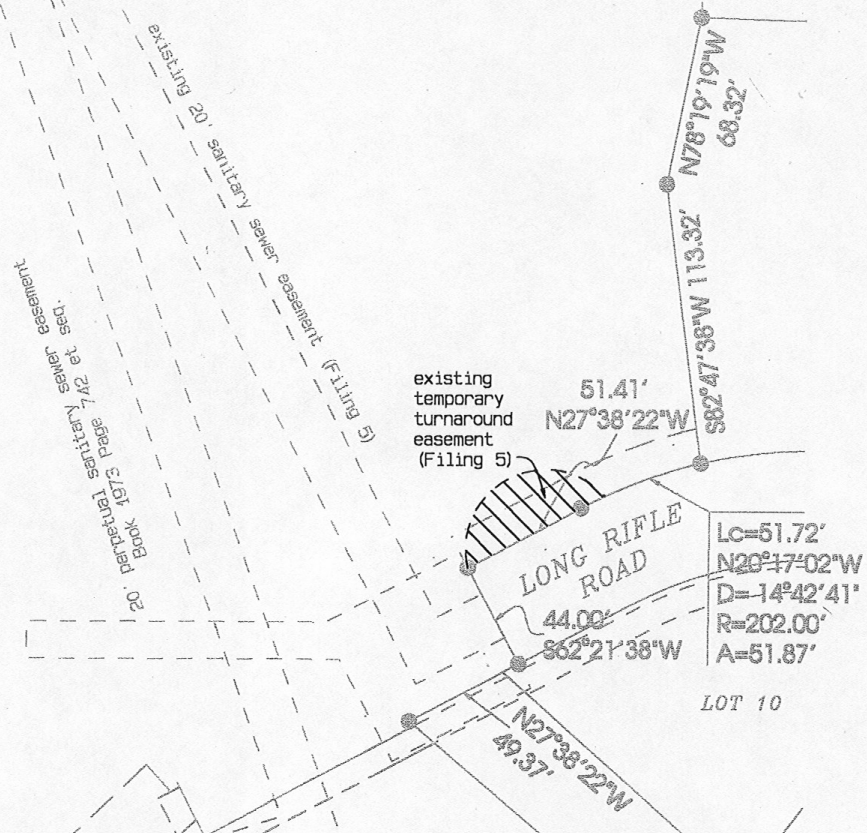
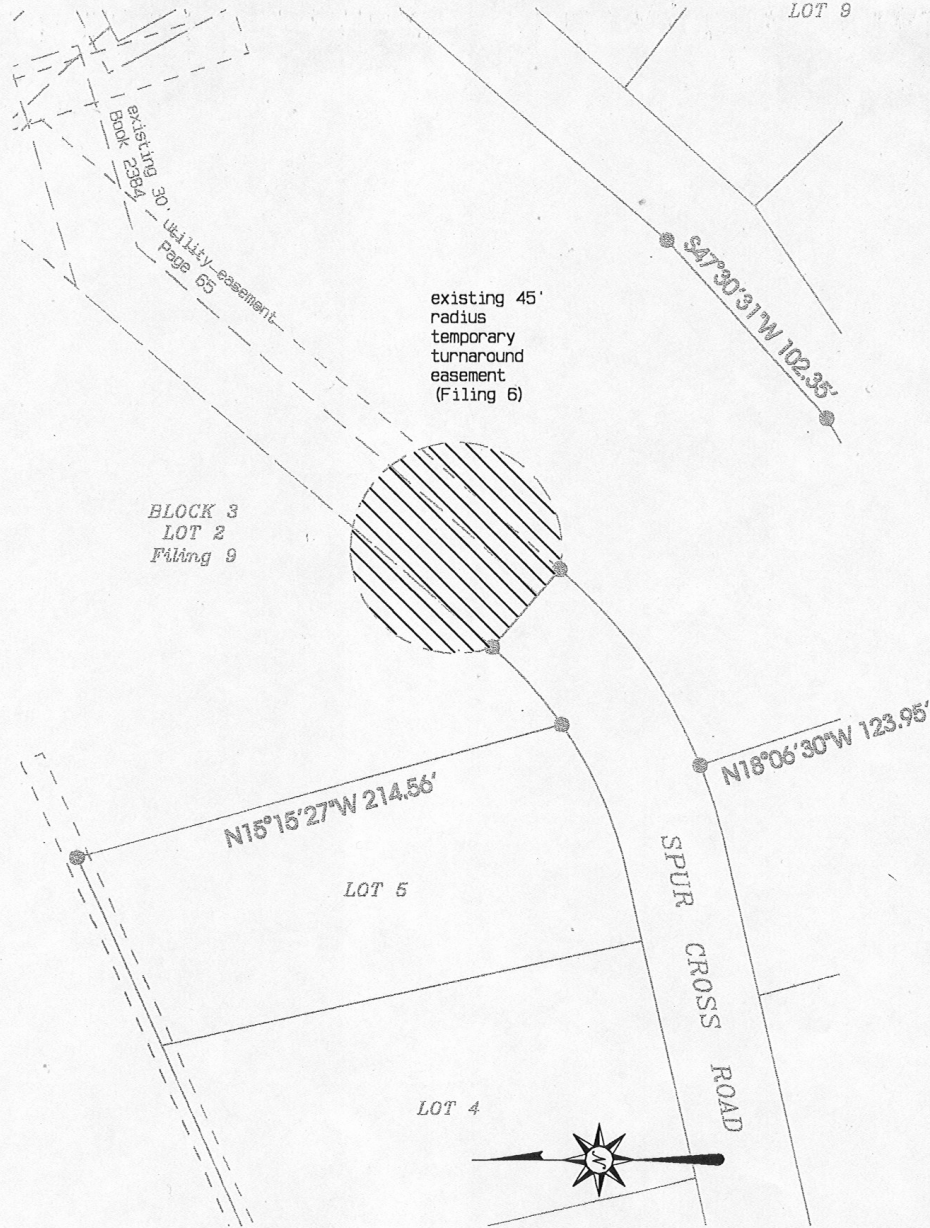


Exhibit D

3

EASEMENT VACATION EXHIBIT



BLOCK 3
LOT 2
Filing 9

existing 45'
radius
temporary
turnaround
easement
(Filing 6)

existing 30'
utility easement
Box 2382
Page 65

$N15^{\circ}15'27''W$ 214.56'

$N18^{\circ}06'30''W$ 123.95'

SPUR
CROSS
ROAD

LOT 4



GRAPHIC SCALE 1" = 50'

Exhibit E

EASEMENT VACATION EXHIBIT

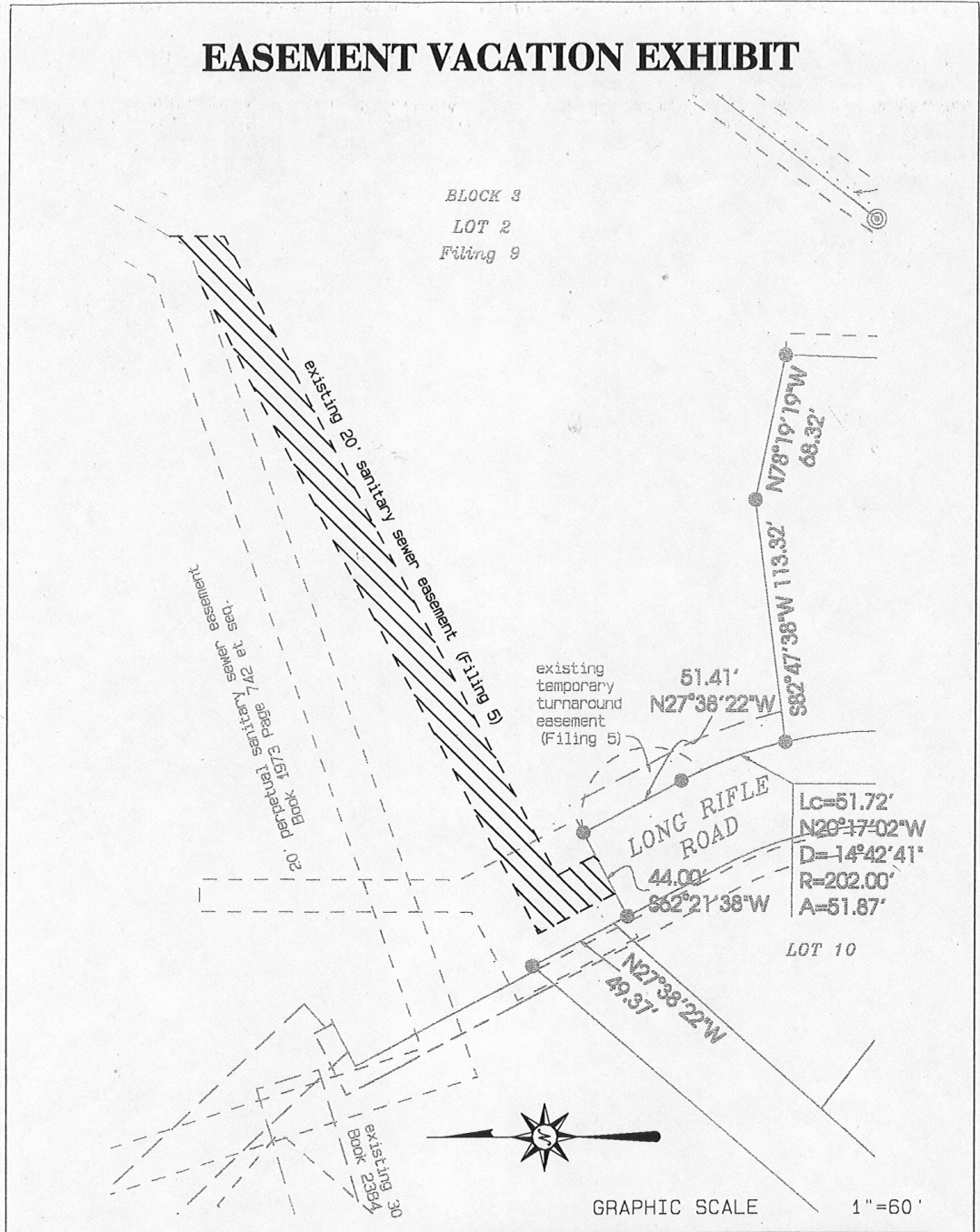
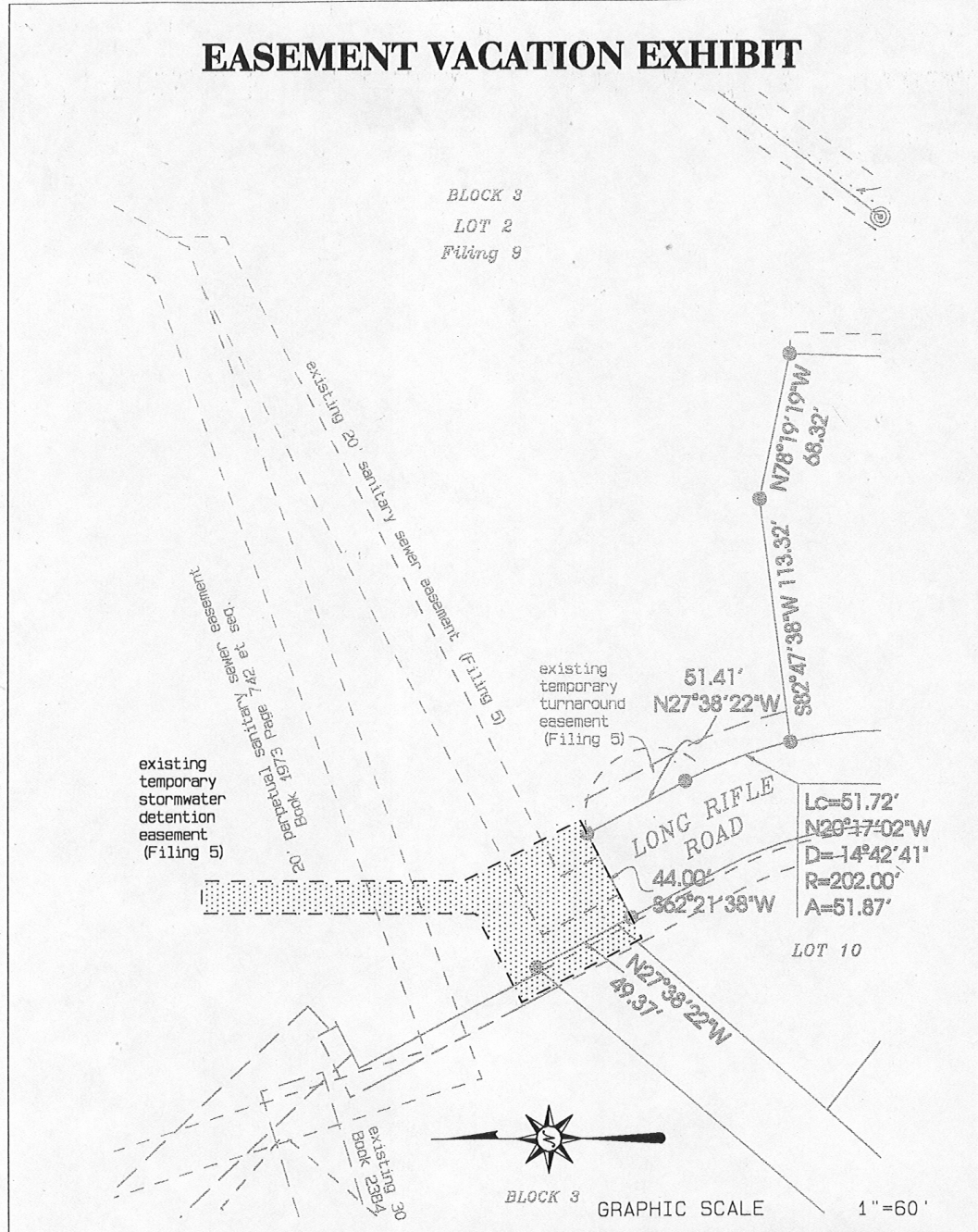


Exhibit F

6

EASEMENT VACATION EXHIBIT



BLOCK 3
LOT 2
Filing 9

existing temporary stormwater detention easement (Filing 5)

existing temporary turnaround easement (Filing 5)

LONG RIFLE ROAD

LC=51.72'
N20°17'02"W
D=14°42'41"
R=202.00'
A=51.87'

LOT 10



BLOCK 3 GRAPHIC SCALE

1"=60'

Exhibit G

7

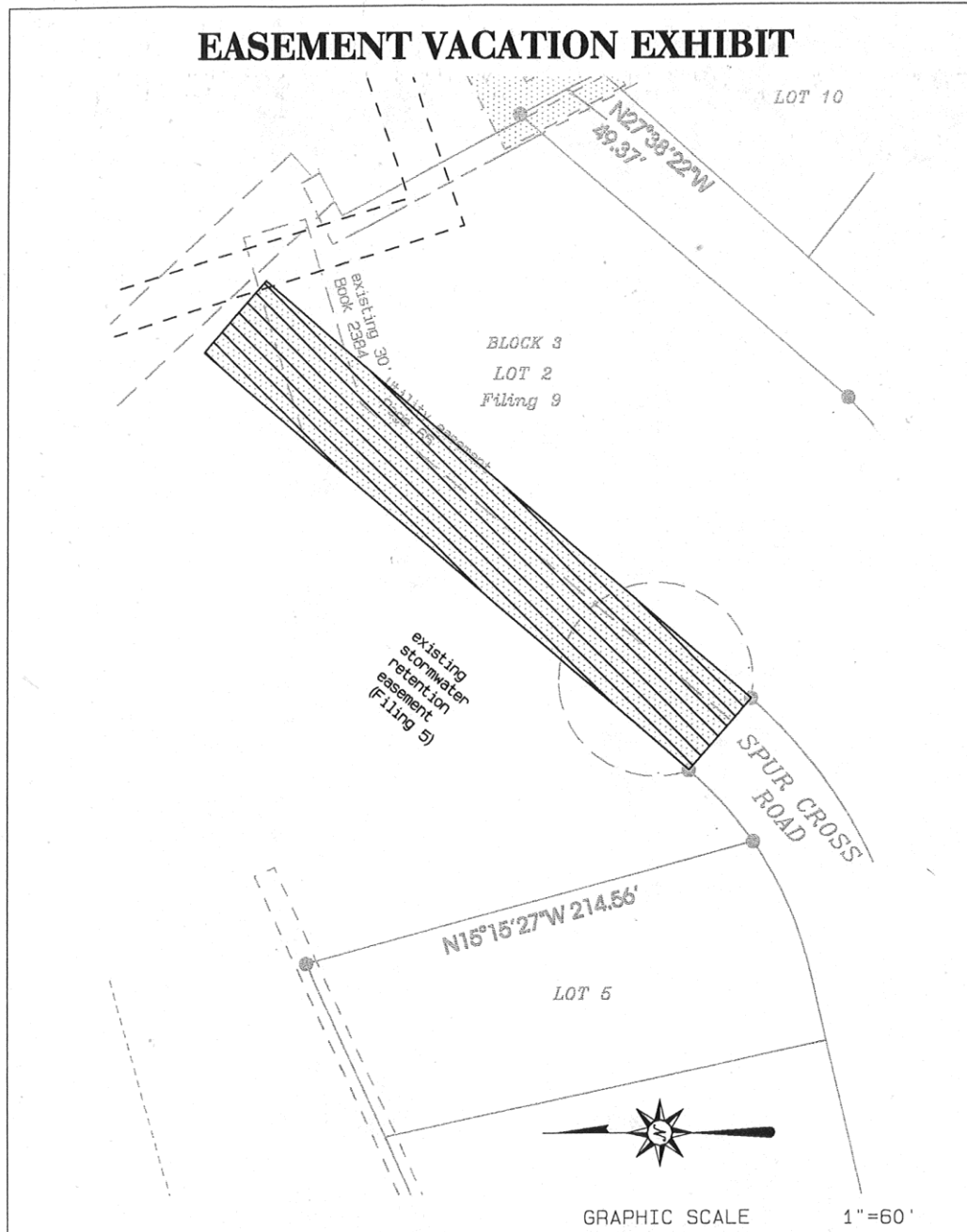
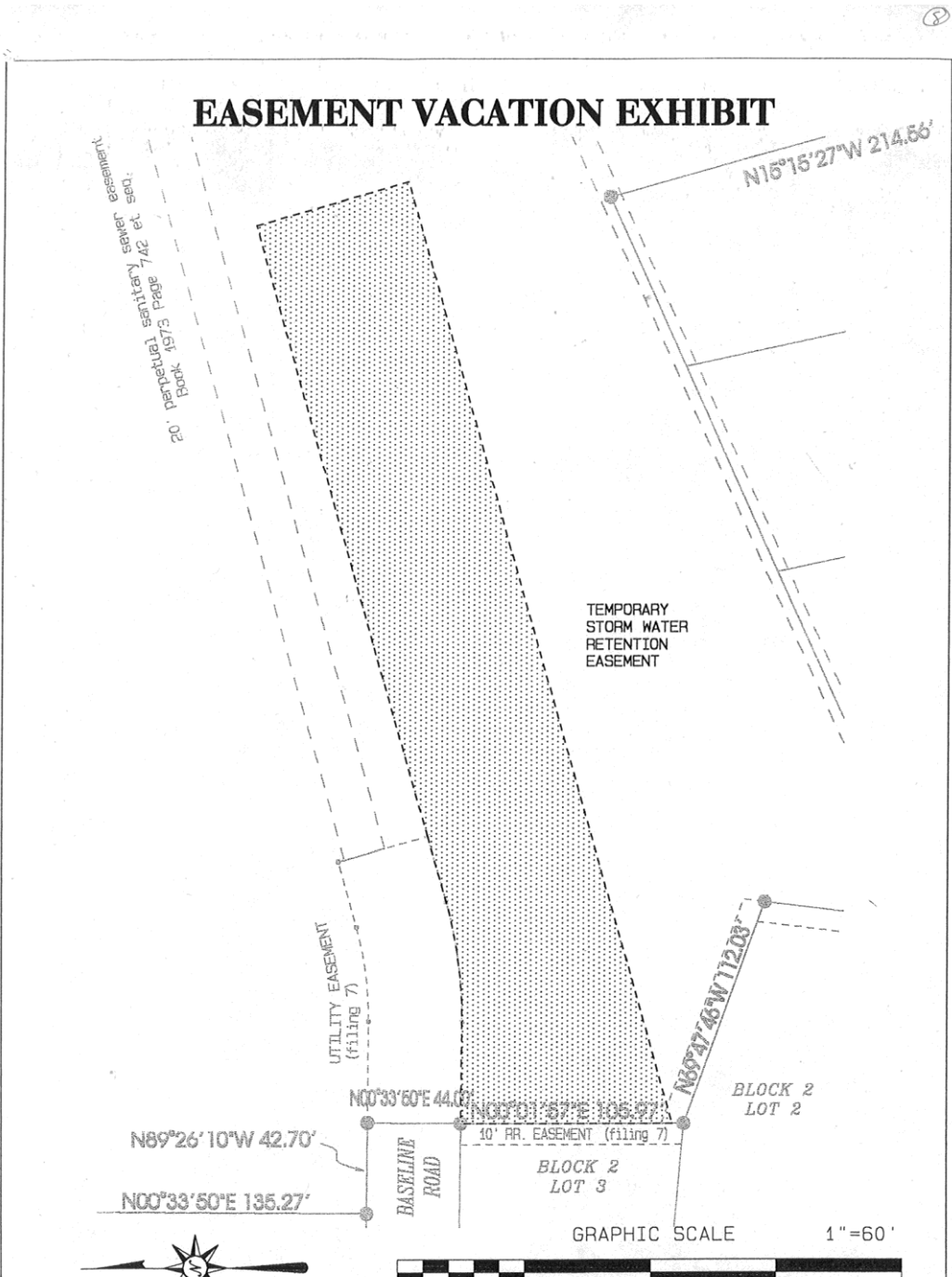


Exhibit H



**Attach 8
Setting a Hearing for Amendments to the Future Land Use Map**

**CITY COUNCIL AGENDA
CITY OF GRAND JUNCTION**

| CITY COUNCIL | | | | | | | |
|--|--|-------------------------------------|--------------------------|---------------------------|-------------------------------------|----------------|---------------------------------|
| Subject: | Amendments to the Future Land Use Map (Housekeeping items). | | | | | | |
| Meeting Date: | May 7, 2003 | | | | | | |
| Date Prepared: | December 16, 2011 | | | File #GPA-2003-061 | | | |
| Author: | Senta Costello | | Associate Planner | | | | |
| Presenter Name: | Kathy Portner | | Planning Manager | | | | |
| Report results back to Council: | <input checked="" type="checkbox"/> | No | | Yes | When | | |
| Citizen Presentation: | <input checked="" type="checkbox"/> | No | | Yes | Name | | |
| | Workshop | <input checked="" type="checkbox"/> | Formal Agenda | | <input checked="" type="checkbox"/> | Consent | Individual Consideration |

Summary: A request to amend the Future Land Use Map at Bookcliff Avenue, east of 7th Street and the NE corner of Grand Avenue and 28 Road, to be consistent with existing zoning.

Budget: N/A

Action Requested/Recommendation: Approval of a resolution amending the Future Land Use Map for various properties on Bookcliff Avenue, east of 7th Street, and the NE corner of Grand Avenue and 28 Road.

Attachments:

1. Staff Report
2. Site Location Maps
3. Aerial Photos

4. Future Land Use Maps
5. Zoning Maps
6. Draft Resolution

Background Information: See attached report.

AGENDA TOPIC: GPA-2003-061 Amendments to the Future Land Use Map (Housekeeping items).

ACTION REQUESTED: Approval of a resolution amending the Future Land Use Map for various properties on Bookcliff Avenue, east of 7th Street, and the NE corner of Grand Avenue and 28 Road.

| BACKGROUND INFORMATION #1 | | | |
|----------------------------------|--|--|----|
| Location: | <i>West of 12th St. in the Bookcliff Ave to Walnut Ave area</i> | | |
| Applicants: | City of Grand Junction | | |
| Existing Zoning: | RMF-24 (Residential Multi-Family 24 du/ac) | | |
| Proposed Zoning: | RMF-24 (Residential Multi-Family 24 du/ac) | | |
| Surrounding Zoning: | North | RMF-8 (Residential Multi-Family 8 du/ac) | |
| | South | C-2 (General Commercial), RMF-8 (Residential Multi-Family 8 du/ac) | |
| | East | RMF-8 (Residential Multi-Family 8 du/ac), RMF-5 (Residential multi-Family 5 du/ac) | |
| | West | C-2 (General Commercial) | |
| Growth Plan Designation: | Proposed Residential High (12+ units/acre) | | |
| Zoning within density range? | X | Yes | No |

| BACKGROUND INFORMATION #2 | | | |
|----------------------------------|--|---|--|
| Location: | <i>East of 7th St, South of Bookcliff Ave</i> | | |
| Applicants: | City of Grand Junction | | |
| Existing Zoning: | B-1 (Neighborhood Business) | | |
| Proposed Zoning: | B-1 (Neighborhood Business) | | |
| Surrounding Zoning: | North | B-1 (Neighborhood Business) | |
| | South | PD – (Planned Development – Hospital) | |
| | East | B-1 (Neighborhood Business) | |
| | West | RMF-8 (Residential Multi-Family 8 du/ac), RMF-16 (Residential Multi-Family 16 du/ac), RMF-24 (Residential Multi-Family 24 du/ac), B-1 (Neighborhood Business) | |
| Growth Plan Designation: | Proposed Commercial | | |

| | | | | |
|------------------------------|---|-----|--|----|
| Zoning within density range? | X | Yes | | No |
|------------------------------|---|-----|--|----|

| BACKGROUND INFORMATION #3 | | | | |
|------------------------------|-------|--|-----|----|
| Location: | | <i>Northeast corner of 28 Rd and Grand Ave</i> | | |
| Applicants: | | City of Grand Junction | | |
| Existing Zoning: | | C-1 (Light Commercial) | | |
| Proposed Zoning: | | C-1 (Light Commercial) | | |
| Surrounding Zoning: | North | C-2 (General Commercial), PD – (Planned Development – 5.8 du/ac) | | |
| | South | C-2 (General Commercial), I-1 (Heavy Industrial) | | |
| | East | I-1 (Heavy Industrial) | | |
| | West | RMF-8 (Residential Multi-Family 8 du/ac) | | |
| Growth Plan Designation: | | Proposed Commercial | | |
| Zoning within density range? | | X | Yes | No |

PROJECT DESCRIPTION: A request to amend the Future Land Use Map at Bookcliff Avenue, east of 7th Street and the NE corner of Grand Avenue and 28 Road, to be consistent with existing zoning.

RECOMMENDATION: Approval of the Resolution

ANALYSIS

1. Background

Future Land Use Map Proposed Changes – “Housekeeping”

These housekeeping items are for properties for which a zoning was applied with the City’s 2000 zoning map that is inconsistent with the Future Land Use Map. For those properties, the City Council made a conscious decision with the zoning map to zone them other than what the land use map shows, with the direction to staff to amend the Future Land Use Map. This area was inadvertently left off the January 8, 2003, Growth Plan Update Housekeeping Map the City and County approved in February and March of 2003.

The proposed changes are as follows:

| Map # | Existing Zoning | Existing Land Use | Proposed Land Use | General Description |
|-------|---------------------|--------------------|-------------------|---------------------|
| 1 | RMF-24 (Residential | Residential Medium | Residential | These properties |

| | | | | |
|---|---|---|-------------------|--|
| | Multi-Family not to exceed 24 units/ac) | 4-8 du/ac, Residential Medium High 8-12 du/ac, Commercial | High 12+ du/ac | currently have zoning designations with densities higher than 12 du/ac. Many are developed with densities that exceed 12 units/acre. |
| 2 | B-1 (Neighborhood Business) | Residential Medium High 8-12 du/ac | Commercial | Property is currently zoned for and used as medical offices. |
| 3 | C-1 (Light Commercial) | Residential Medium High 8-12 du/ac, Residential High 12+ du/ac | Commercial | Property is currently zoned commercial and will likely develop as a commercial use in the future. The commercial zoning and land use designation, however, would not preclude it from being developed as high density residential. |

2. Section 2.5.C of the Zoning and Development Code

The Growth Plan can be amended if the City finds that the proposed amendments are consistent with the purpose and intent of the Plan and meet the following criteria:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for.
 - These proposed housekeeping changes are correcting errors on the Future Land Use Map.
- b. Subsequent events have invalidated the original premises and findings.
 - The basic premises and principles of the Plan have not been invalidated, but these proposed changes to the Future Land Use Map are a reflection of existing development and zoning.
- c. The character and/or condition of the area have changed enough that the amendment is acceptable.
 - N/A
- d. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans.

- The proposed changes are consistent with the goals and policies of the plan.
- e. Public and community facilities are adequate to serve the type and scope of the land use proposed.
 - Adequate public and community facilities are adequate, or can be provided to serve the type and scope of land use proposed.
- f. An inadequate supply of suitably designated land is available in the proposed land use.
 - N/A
- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.
 - N/A

FINDINGS OF FACT/CONCLUSIONS

After reviewing the recommendations, GPA-2003-061 for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

1. The proposed amendment is consistent with the purpose and intent of the Plan.
2. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

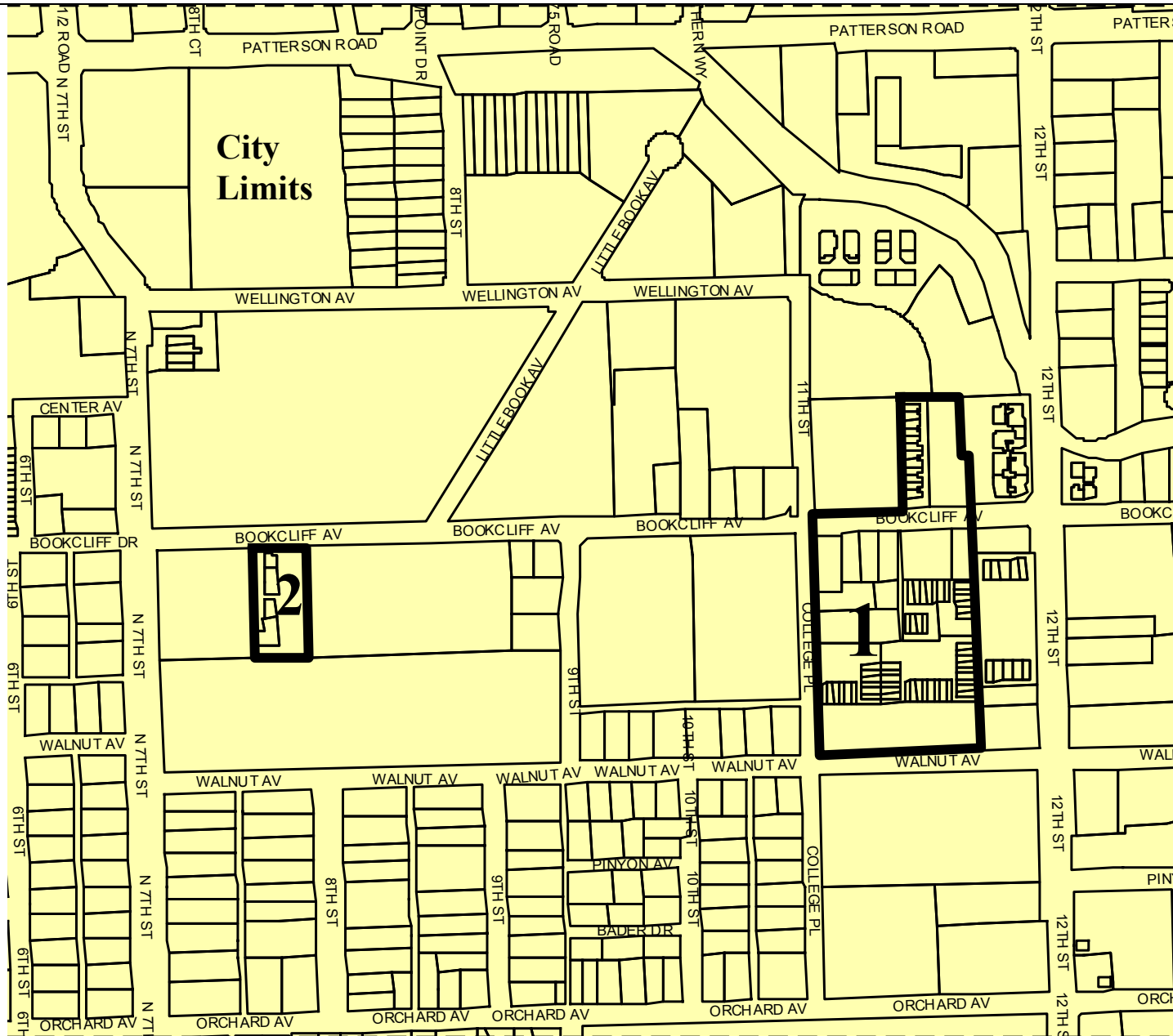
Staff recommends approval of the requested changes to the Future Land Use Map, GPA-2003-061 to the City Council with the findings and conclusions listed above.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the changes on the Future Land Use Map to the City Council.

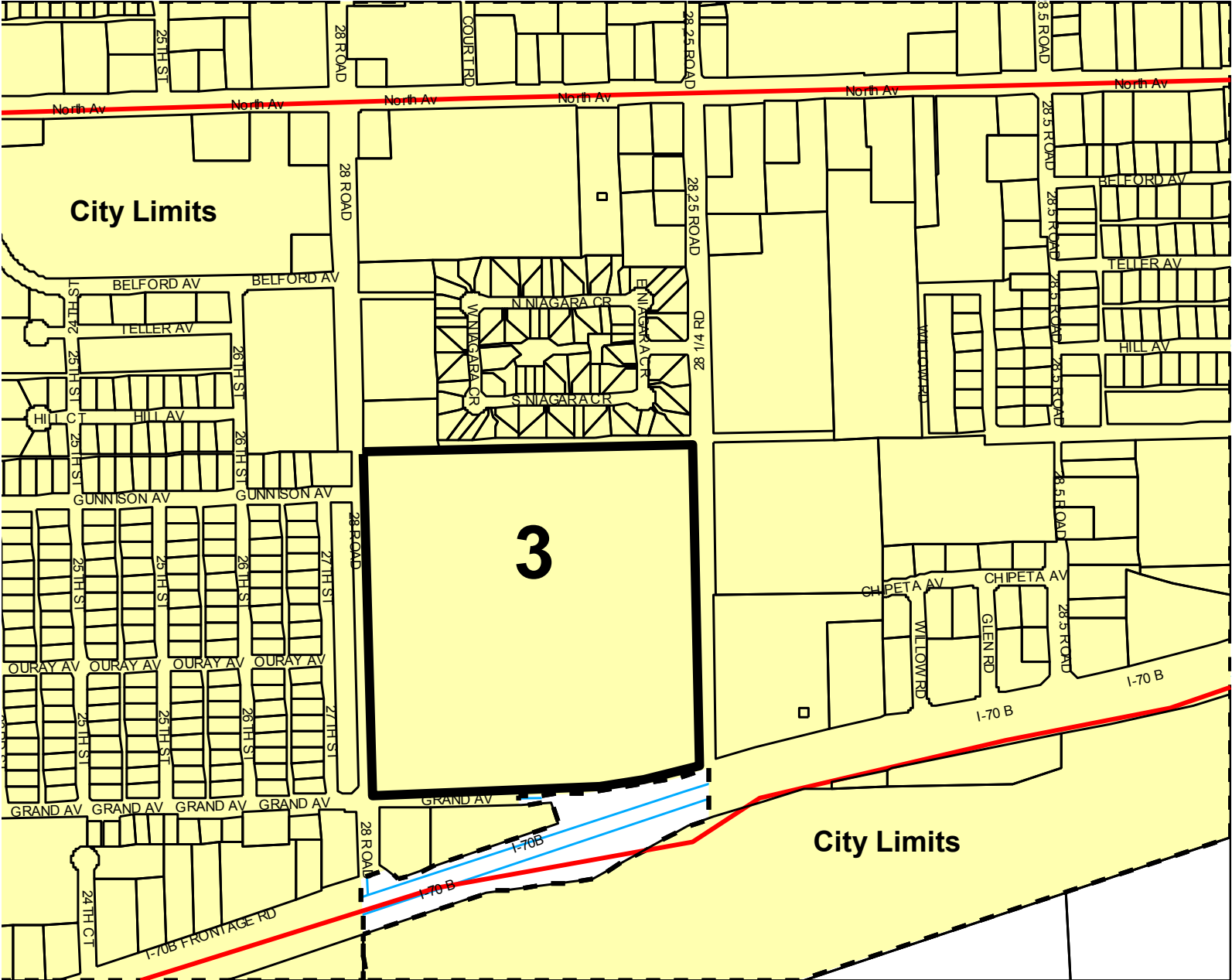
Site Location Map – Areas #1 & 2

Figure 1



Site Location Map – Area #3

Figure 1



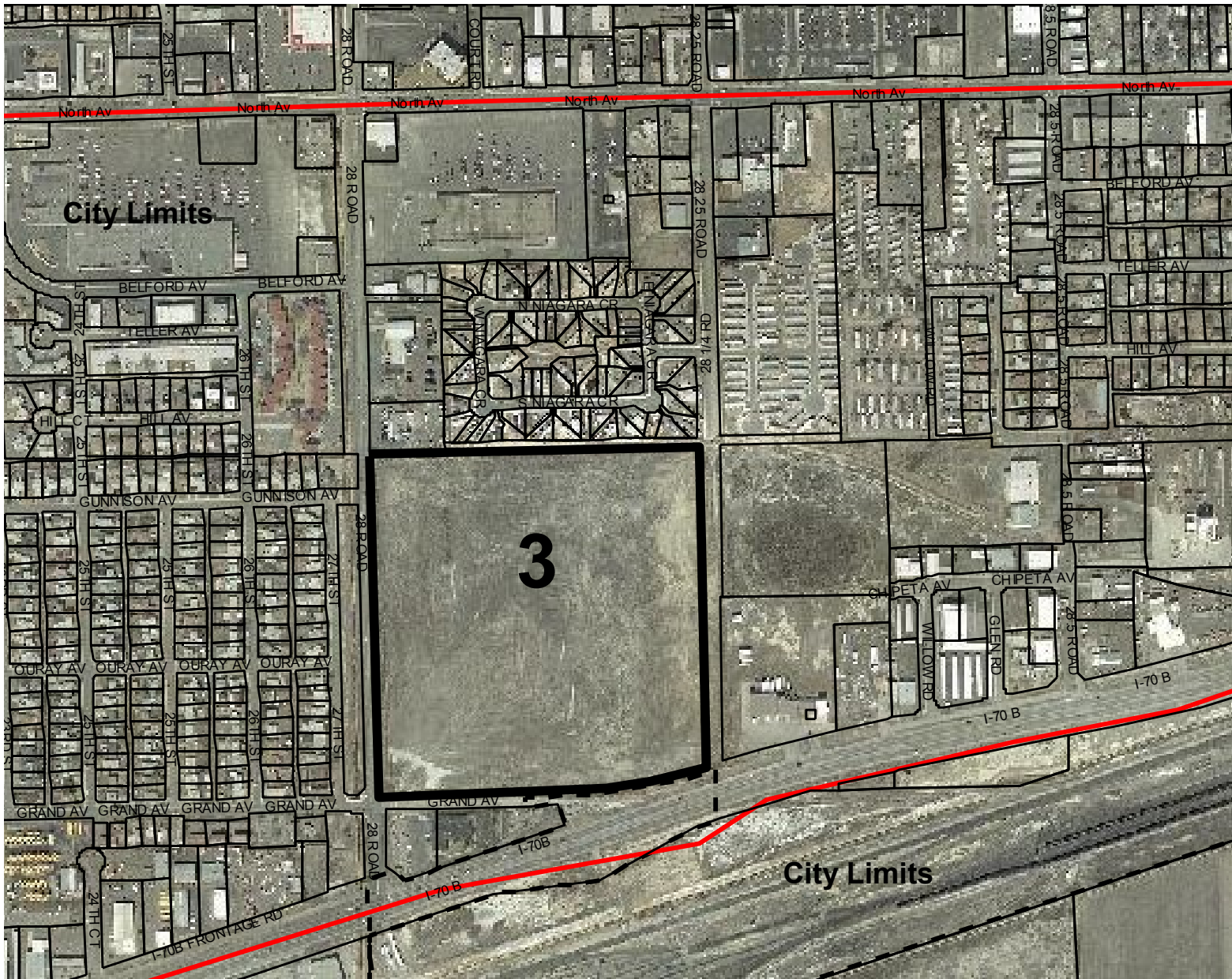
Aerial Photo Map – Areas #1 & 2

Figure 2



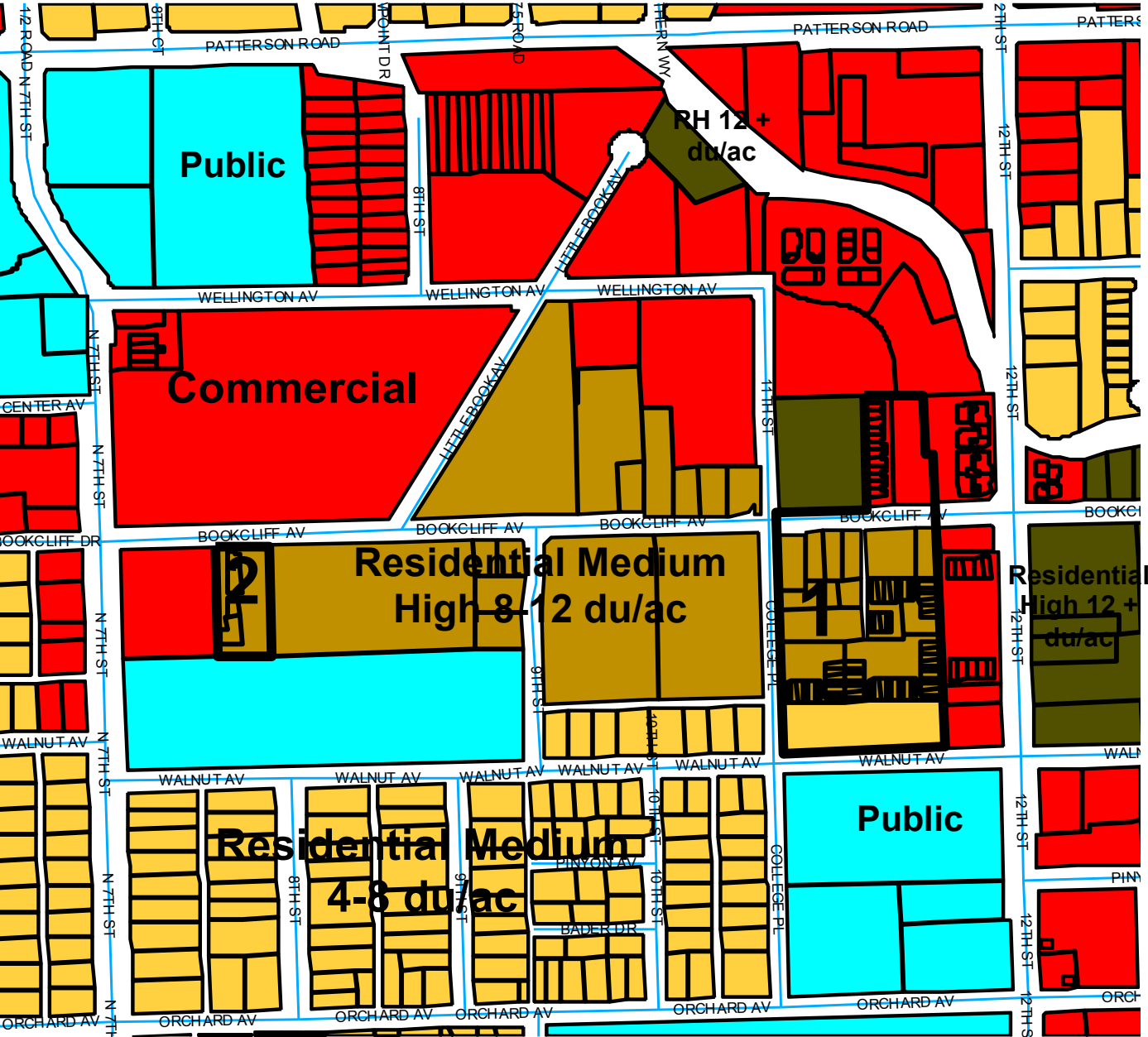
Aerial Photo Map – Area #3

Figure 2



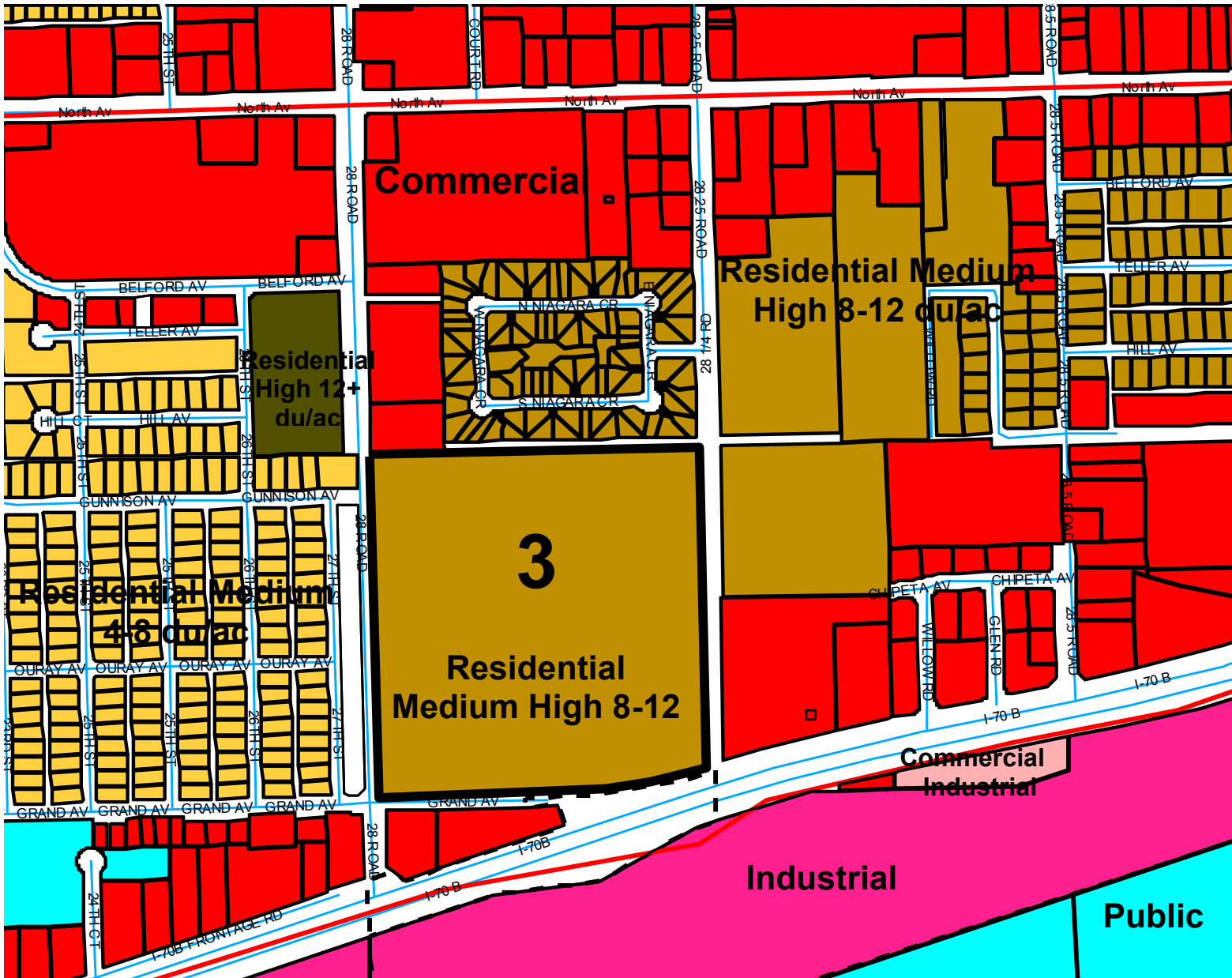
Future Land Use Map – Areas #1 & 2

Figure 3



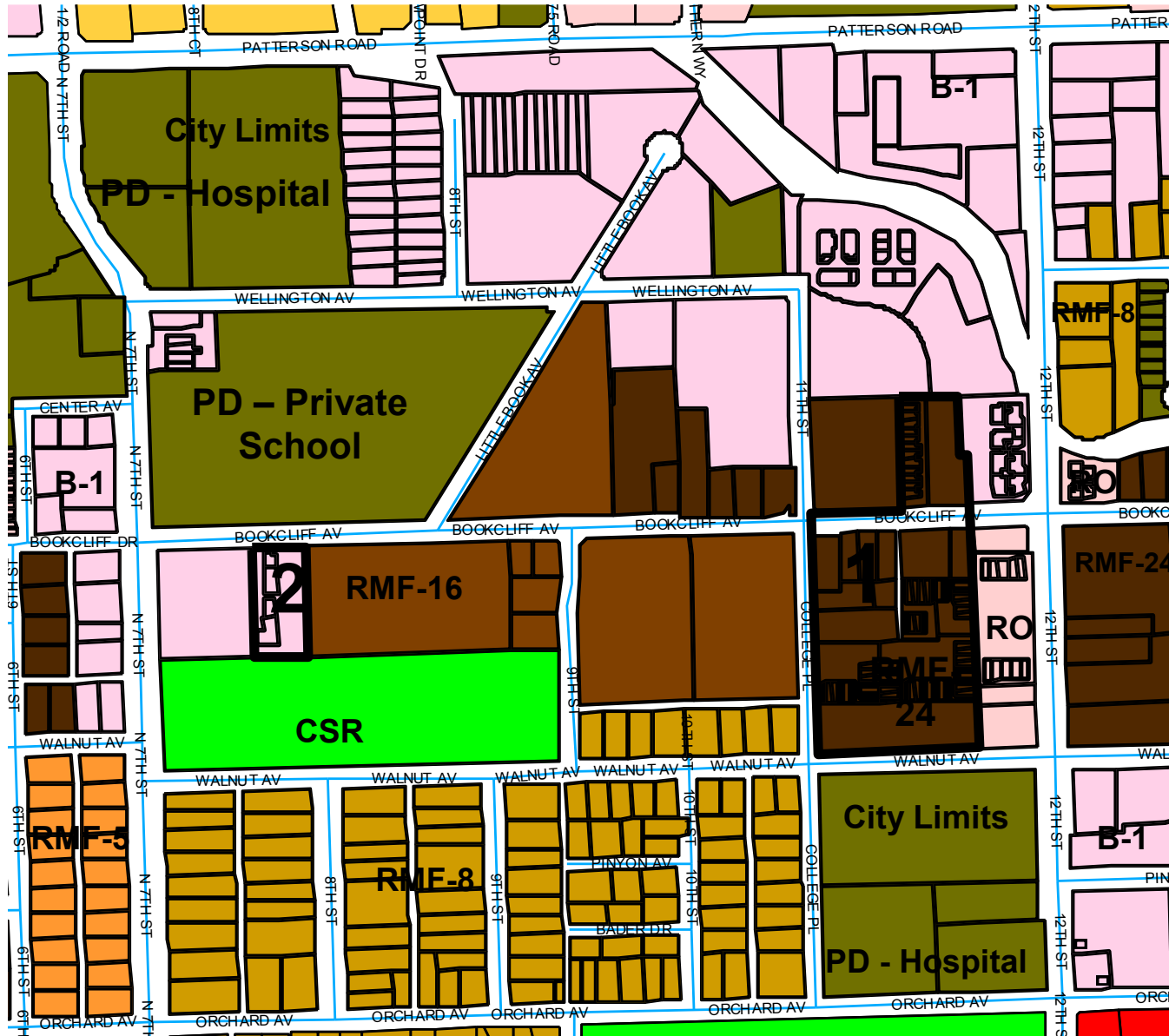
Future Land Use Map – Area #3

Figure 3



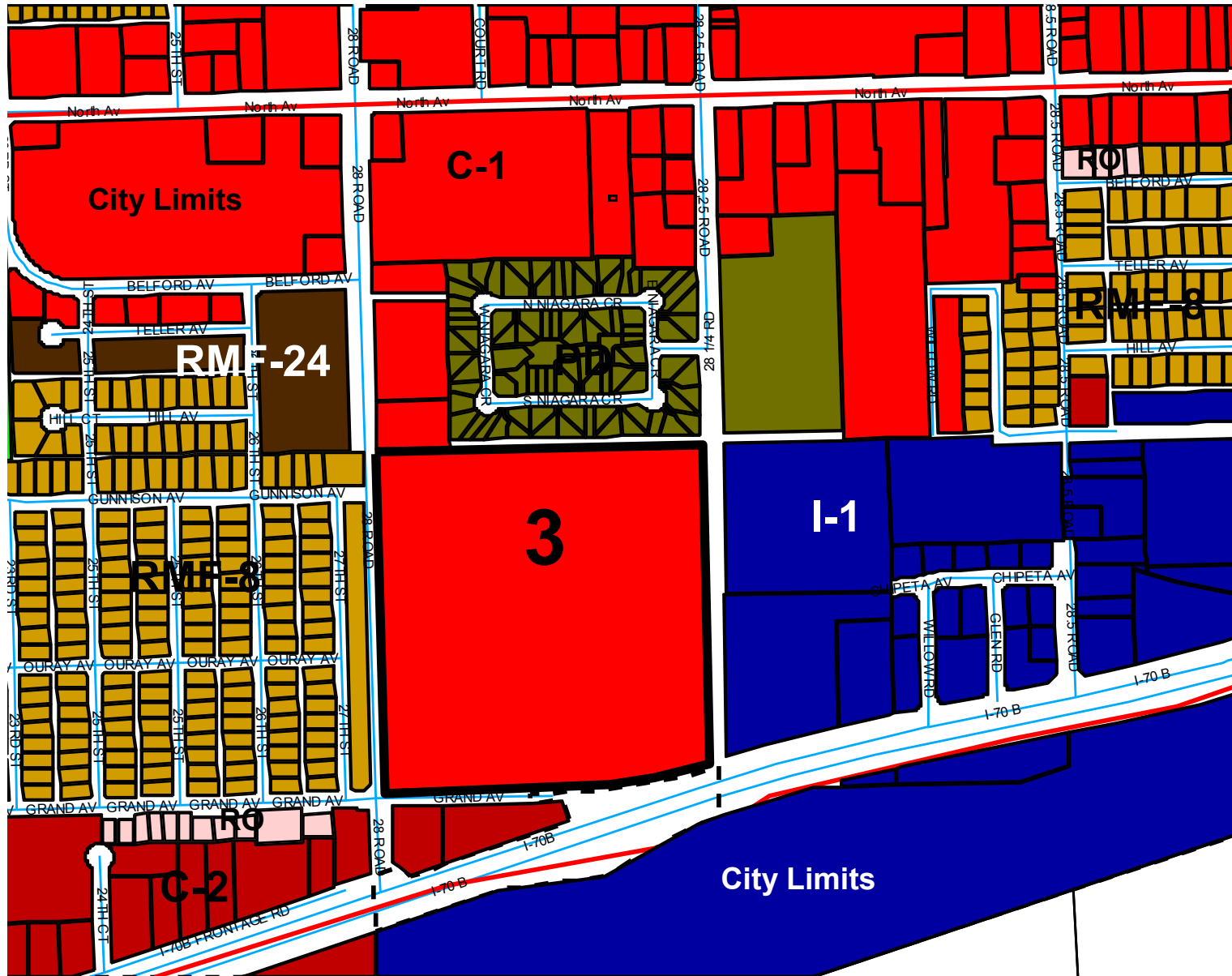
Existing City Zoning – Areas #1 & 2

Figure 4



Existing City Zoning – Area #3

Figure 4



CITY OF GRAND JUNCTION, COLORADO

Resolution No.

AMENDING THE FUTURE LAND USE MAP OF THE CITY OF GRAND JUNCTION
GROWTH PLAN

Recitals:

The City of Grand Junction Commission and planning staff have diligently worked jointly and cooperatively to amend the *Growth Plan* for the urban area of the Grand Valley. These “housekeeping” items are for properties for which zoning was applied with the City’s 2000 zoning map that is inconsistent with the Future Land Use Map. With that zoning decision, the Council directed staff to amend the Future Land Use Map to make the land use designation consistent with the zoning. This area was inadvertently left off the January 8, 2003 Growth Plan Update Housekeeping Map the City and County approved in February and March of 2003.

The Grand Junction Planning Commission has reviewed and approved the recommendations.

The City Council, having held public hearings and considering the recommendations made to it, finds that the proposed amendments to the *Growth Plan* are consistent with the purpose and intent of the Plan and meet the review criteria in Section 2.5.C of the Grand Junction Zoning and Development Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE GRAND JUNCTION GROWTH PLAN IS AMENDED AS STATED HEREIN AND AS DEPICTED AND DESCRIBED IN THE FOLLOWING MAPS WHICH ARE EXHIBITS HERETO OR AS THE SAME MAY BE MAINTAINED ELECTRONICALLY BY THE CITY CLERK:

1. Area #1, generally bounded by Walnut Avenue, College Place and Bookcliff Avenue, and more specifically depicted on the attached map, is designated as Residential High (12+ u/a).
2. Area #2, generally located on the south side of Bookcliff Avenue, east of 7th Street, and more specifically depicted on the attached map, is designated as Commercial.
3. Area #3, generally located at the northeast corner of 28 Road and Grand Avenue, and more specifically depicted on the attached map, is designated as Commercial.

The amendments to the City of Grand Junction Growth Plan provided herein are hereby adopted.

This Resolution is PASSED on this 7th day of May, 2003.

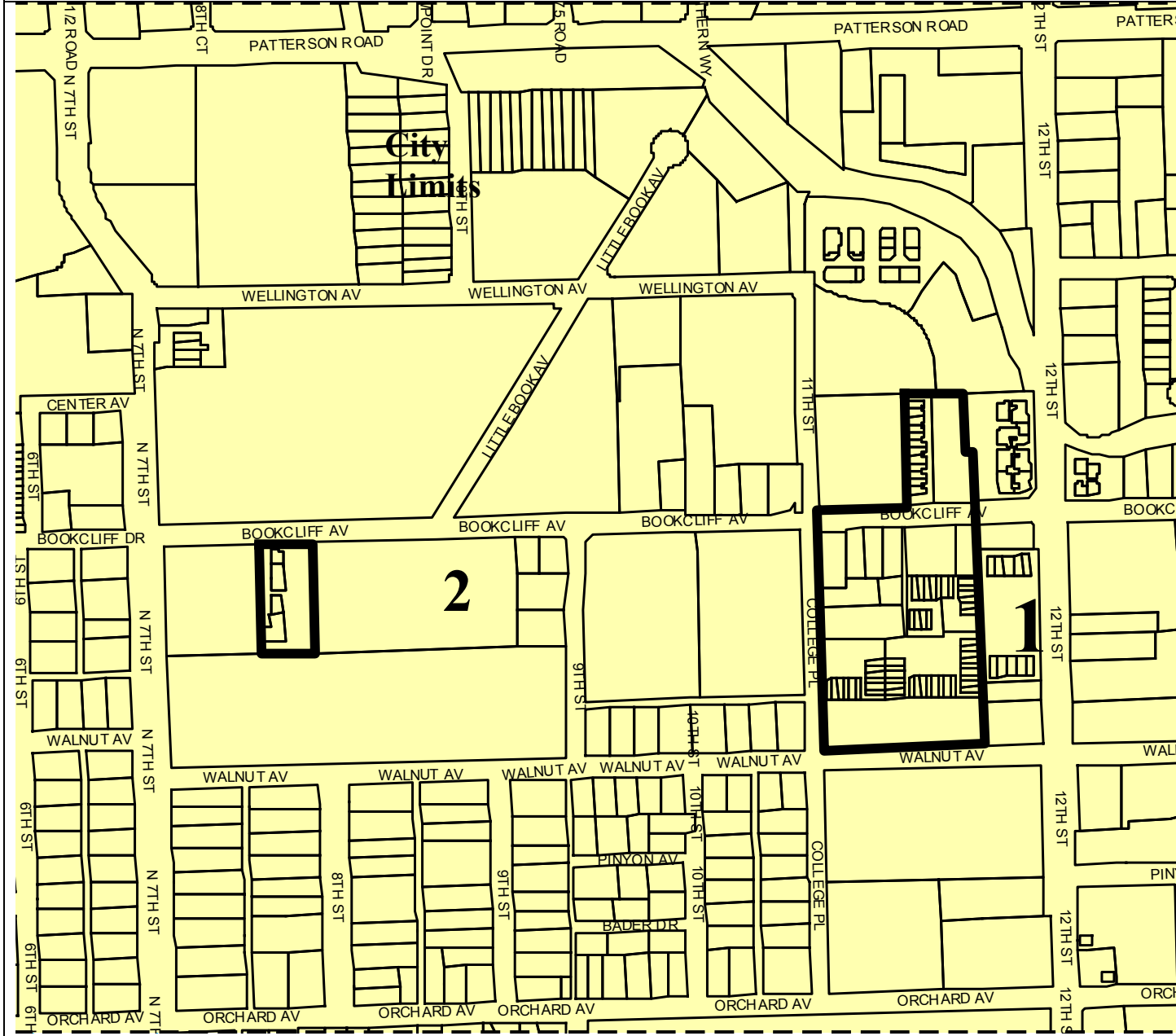
ATTEST:

City Clerk

President of Council

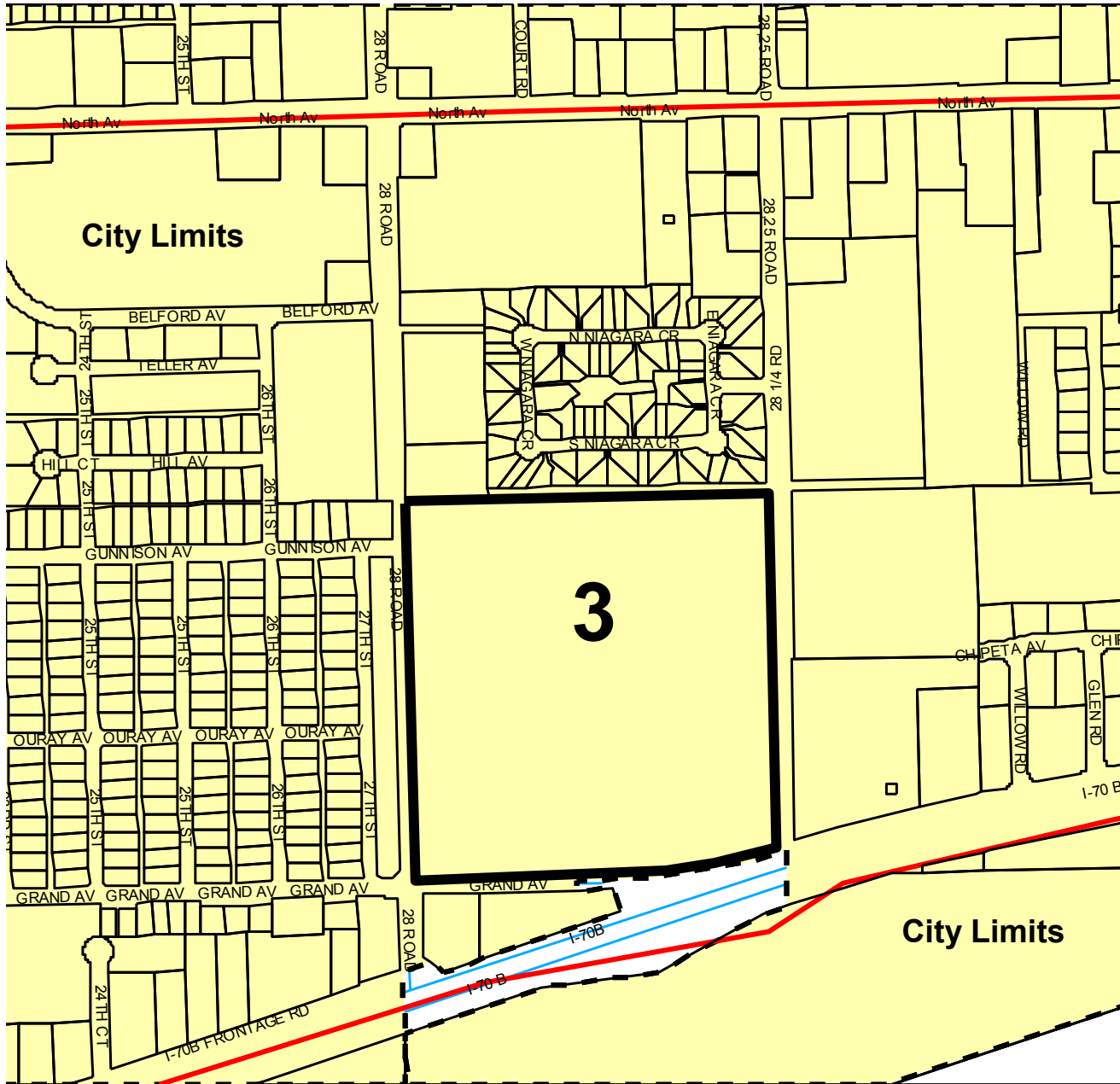
Site Location Map – Areas #1 & 2

Figure 1



Site Location Map – Area #3

Figure 1



Attach 9
Setting a Hearing for Amending Hospice Medical Campus, 3090 & 3150 12th
Street

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|---|-----|----------------|----------------------|----------------------------|---------------------------------|
| Subject | Amending the Hospice Medical Campus Planned Development | | | | | |
| Meeting Date | May 7, 2003 | | | | | |
| Date Prepared | April 30, 2003 | | | | File # PDR-2003-036 | |
| 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 Ordinance to amend Ordinance No. 3391 for the Preliminary Development Plan for the Hospice Medical Campus to be located at 3090 & 3150 North 12th Street.

Budget: N/A

Action Requested/Recommendation: First Reading of the ordinance amending the Planned Development.

Attachments:

- Vicinity Map
- Aerial Photo
- Growth Plan Map
- Zoning Map
- Approved ODP
- Preliminary Plan
- Letter from the GJ Commission on Arts and Culture
- Letter from GVT
- Ordinance No. 3391
- New Ordinance

Background Information: Please see the attached Staff Report.

| BACKGROUND INFORMATION | | | | | |
|-------------------------------|-------|--|-----|--|----|
| Location: | | 3090 & 3150 North 12th Street | | | |
| Applicants: | | Blythe Design for Primary Care Partners / Hospice & Palliative Care of Western Colo. | | | |
| Existing Land Use: | | Two Single Family Homes | | | |
| Proposed Land Use: | | Medical Office & Hospice Campus | | | |
| Surrounding Land Use: | North | Grand Valley Atrium Retirement Home | | | |
| | South | Single family residential | | | |
| | East | The Fountains - Assisted Living Center | | | |
| | West | Multi-family residential – Lakeside | | | |
| Existing Zoning: | | Planned Development (PD) | | | |
| Proposed Zoning: | | PD | | | |
| Surrounding Zoning: | North | RMF-24 | | | |
| | South | RMF-8 | | | |
| | East | PD & RMF-8 | | | |
| | West | PD | | | |
| Growth Plan Designation: | | Residential Medium High 12+ units per acre | | | |
| Zoning within density range? | | X | Yes | | No |

PROJECT DESCRIPTION:

This is a request for approval to build a medical campus including medical offices/clinics, community services and group living on 12.23 acres, in a Planned Development Zone and amend Ordinance No. 3391, increasing the overall square footage of proposed office usage. In accordance with Ordinance No. 3391, "A revised zoning ordinance for this Planned Development shall be required, based on and at the time of, preliminary plan approval. The preliminary

plan shall include all elements shown on the ODP, committed to by the applicant in writing, or verbally at the November 20, 2001 Planning Commission hearing and all requirements in the Planning Commission motion at the same hearing.”

ANALYSIS

1. Background

A Growth Plan Consistency Review and Rezone for the 12th Street Medical Plaza & Hospice Campus was approved on December 19, 2001, by the City Council. The project is located at 3090 & 3150 North 12th Street. The applicant requested a consistency review for a 100,570 square foot medical office and Hospice development at the site formerly referred to as the Miller Homestead Planned Development. Accompanying the application was a request to rezone the property to a new Planned Development zone and approve an Outline Development Plan (ODP).

At the time of the original hearing, the District Map of the Grand Valley Circulation Plan, in the area bounded by Bonito Avenue, F ½ Road, N. 12th Street and N. 15th Street, was revised to show a local loop road. The applicants have since revised their plans to show that the public looped road was not needed and the plan was amended to delete this road from the plan on April 7, 2003.

Ordinance No. 3391, which approved the Outline Development Plan for this Planned Development, included the following:

| Lot | User | Use | Max. Square Feet | *Size in Acres |
|-----|-----------------------|-----------------|------------------|----------------|
| A | Primary Care Partners | Medical Offices | 2,900 | 1.08 |
| B | Primary Care Partners | Medical Offices | 75,800 | 6.27 |
| C | Hospice | Offices | 21,800 | 3.14 |
| | Hospice | Care Facility | 14,400 | |
| | Total | | 114,900 | 10.49 |

* Lot size is approximate / proposed dedicated right-of-way made up the remainder of the 12.23 acre site.

The total square footage was 114,900 square feet, spread out into 3 lots and 4 single story buildings tied together with sidewalks and walkways.

The applicants have worked with City Staff and even held a design charette on the project in November, to address site planning concerns from the ODP approval. The result is one larger medical building with a second floor. Hospice buildings which will be joined by walkways. The original site plan was more dispersed, while the proposed plan is much more compact allowing for more open space. During these working sessions, the applicants indicated the likelihood of future amendment requests to increase their total square footage. In

order to address the total potential impacts of this property the applicants were asked to provide us the maximum square footage of what they thought they would need for now and the future. This application provides that information. This will be a phased project. All parking for now and the future has been accounted for.

Ordinance No. 3391 required that a revised zoning ordinance for this Planned Development be approved at the time of, preliminary plan approval. The revised Ordinance is attached. It is further requested that it be amended to allow for an additional 38,493 square feet of office space. This includes the total anticipated build out of this site including all future possible expansions along with the Hetland House. The Hetland House square footage was not included in Ordinance No. 3391. Staff is supportive of this increase due to the more compact design, placement of the buildings and continued mitigation of traffic impacts.

The Preliminary Development Plan for this Planned Development includes the following:

| Lot | User | Use | Max. Square Feet | Size in Acres |
|-----|--------------------------|----------------------------|------------------|---------------|
| 1 | Primary Care Partners | Medical Offices | 78,719 (phase 1) | 8.43 |
| | Primary Care Partners | Medical Offices | 24,000 (phase 2) | |
| 2 | Hospice – west bldg. | Offices | 20,238 | 3.80 |
| | Hospice – east bldg. | Care Facility | 28,236 | |
| | Hetland House (existing) | Conference and Office area | 2,400 | |
| | Total | | 153,593 | 12.23 |

The anticipated phasing of this project is that Primary Care Partners plan to complete their first phase building in 2004. Timing of future phases has not been determined. Hospice plans to proceed immediately to Final Development Plan stage and build their facilities as soon as their fundraising allows, probably within 2 to 3 years. The Inpatient building will be built first, which is the east building.

2. Consistency with the Growth Plan

Consistency with the Growth Plan was determined previously with a Growth Plan Consistency Review that took place in December of 2001. As noted before, this original Consistency Review was for a 100,520 square foot project (Ordinance 3391, which approved the ODP provided for 114,900 square feet). Staff and the Planning Commission determined that the proposal remains consistent with the Growth Plan by maintaining compatibility with the surrounding neighborhood through improved site design and architecture, while traffic impacts do increase, the Level of Service at nearby intersections remain the same.

3. Section 2.12.C.2 of the Zoning and Development Code

Requests for a Planned Development Preliminary Development Plan must demonstrate conformance with all of the following:

- a) The Outline Development Plan review criteria in Section 2.12.B of the Zoning and Development Code. The ODP was approved in December of 2001. The Major Street Plan was amended to remove the looped public street from this area on April 7, 2003.
- b) The applicable preliminary plat criteria in Section 2.8.B of the Zoning and Development Code have been met.
- c) The applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code will be addressed when the final application is provided.
- d) The ODP was approved in December of 2001, and the only change is the additional square footage.
- e) The appropriate, specific density for all areas included in the preliminary plan approval have been proposed for change in the required amended Ordinance, former Ordinance No. 3391.
- f) The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

4. Chapter 5 of the Zoning and Development Code

A. The granting of a Planned Development zone is contingent on the provisions of substantial community benefits above and beyond those required by the Code. The project was found to exceed Code requirements at the time the property was initially zoned PD and continues to meet these requirements as follows:

1. More effective infrastructure: While most consideration of infrastructure relates to physical infrastructure (water, sewer, roads) this project addresses the social infrastructure by providing comprehensive healthcare and community services closer to the populated north section of town. Consolidating dispersed medical services into one location. Constructing the only inpatient hospice facility in Western Colorado.

2. Reduce Traffic Demands: The applicants feel that they will not be generating the same peak hour traffic demand that was associated with the Miller Homestead project, by lessening after 5:00 PM traffic. Providing neighborhood accessibility to the site through pedestrian connections.

3. Greater Quantity or Quality of Open Space: Providing extensive landscaping of the site; outdoor art displays in cooperation with the Art Commission, (see attached letter); picnic areas along the east and south property lines; a labyrinth; 2 ponds, one with a fountain and bus stops at the Hospice site and the Medical site; Under grounding the drainage ditch to reduce weed growth and eliminate potential hazards.

4. Other Recreational Amenities: Providing a bike path next to piped ditch and across adjacent properties to tie to 15th Street. Constructing small outdoor and indoor play areas and picnic areas for employees and children.

5. Needed Housing Types or Mix: 24 inpatient beds for Hospice.

6. Innovative Designs: The project will provide the only inpatient Hospice facility in Western Colorado. Designed with friendly, residential architecture and a home-like feel, this facility will be accessible to handicapped and the elderly, and will provide family friendly amenities for the visiting guests. The state-of-the-art design for a medical facility will include Internet access for education, preventive care and wellness programs. Providing Art on the Corner displays on the property will enhance the site as well as the surrounding neighborhood.

7. Resource, Habitat, and Natural Features Protection: Piping drainage ditch along south side to reduce salinity of surface runoff into Colorado River. Using every reasonable effort to preserve, move or replace important and significant natural features on property. Preserving character of historical Hetland home on property.

B. A Planned Development zone district requires the identification of an underlying default zone which establishes the development standards for any proposed development. Deviations from the default zone can be approved based on the provisions of community benefits as discussed above. The default zone of B-1 was established during the original zoning. The proposed deviations from the B-1 standards are as follows:

1. Uses allowed include medical offices and typical accessory uses such as a pharmacy, medical supplies and equipment, health food store and day care, and professional offices and a nursing home for Hospice.
2. The site is not located on the intersection of an arterial or collector street with another arterial or collector.
3. The site is located closer than eight-tenths of a mile from another business or commercial zone district.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Hospice Medical Campus application, PDR-2003-036 for a Planned Development, Preliminary Development Plan, staff makes the following findings of fact and conclusions:

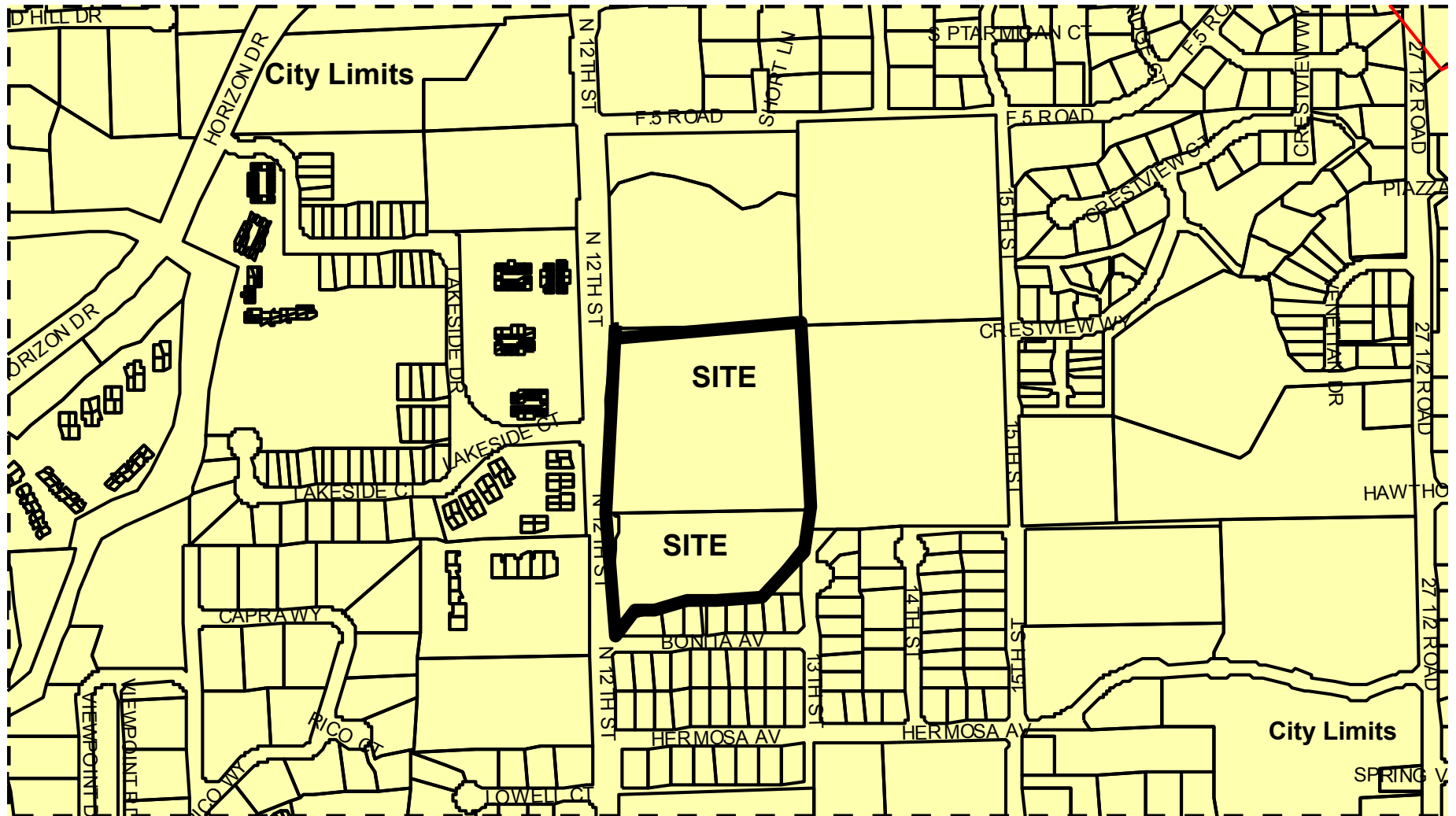
3. The requested amendment to Ordinance No. 3391, Planned Development, Preliminary Development Plan is consistent with the Growth Plan.
4. The review criteria in Section 2.12.C.2 of the Zoning and Development Code, Preliminary Development Plan, have been met.
5. The review criteria in Section 2.8.B of the Zoning and Development Code, Subdivisions, have been met.
6. The review criteria in Section 2.2.D.4 of the Zoning and Development Code, Major Site Plan Review, will be met at the final submittal.
5. The requirements of Chapter 5, of the Zoning and Development Code, Planned Development, have been met.
6. The project remains compatible with the surrounding neighborhood with a square footage increase of 38,693 due to better site design and architecture.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, at their regularly scheduled meeting of April 22, 2003, recommended approval to the City Council on item number PDR-2003-036, finding that the conclusions listed above and presented at the Public Hearing are consistent with the Zoning and Development Code, the Growth Plan and the amended Ordinance for the Preliminary Plan.

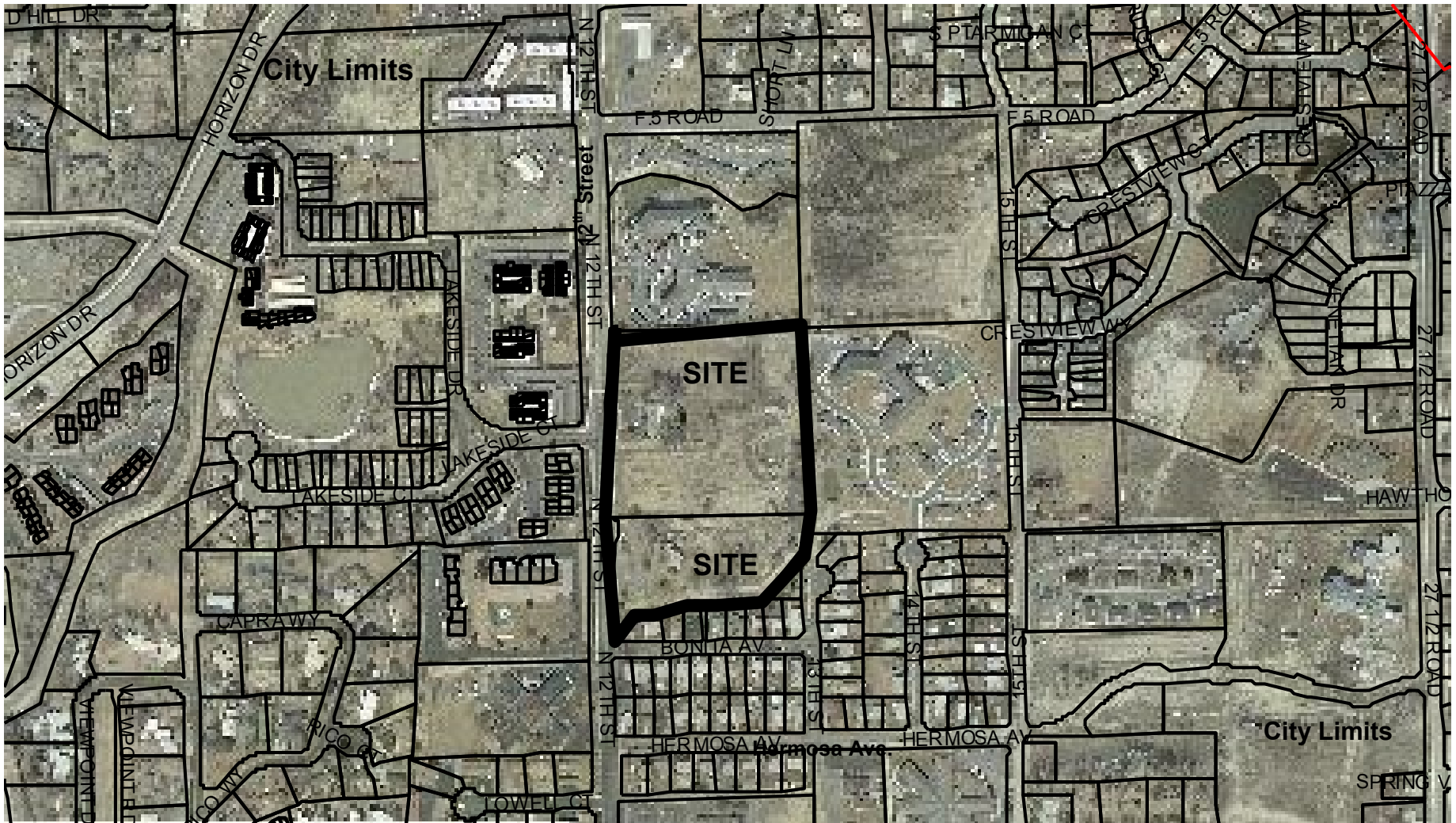
Site Location Map

Figure 1



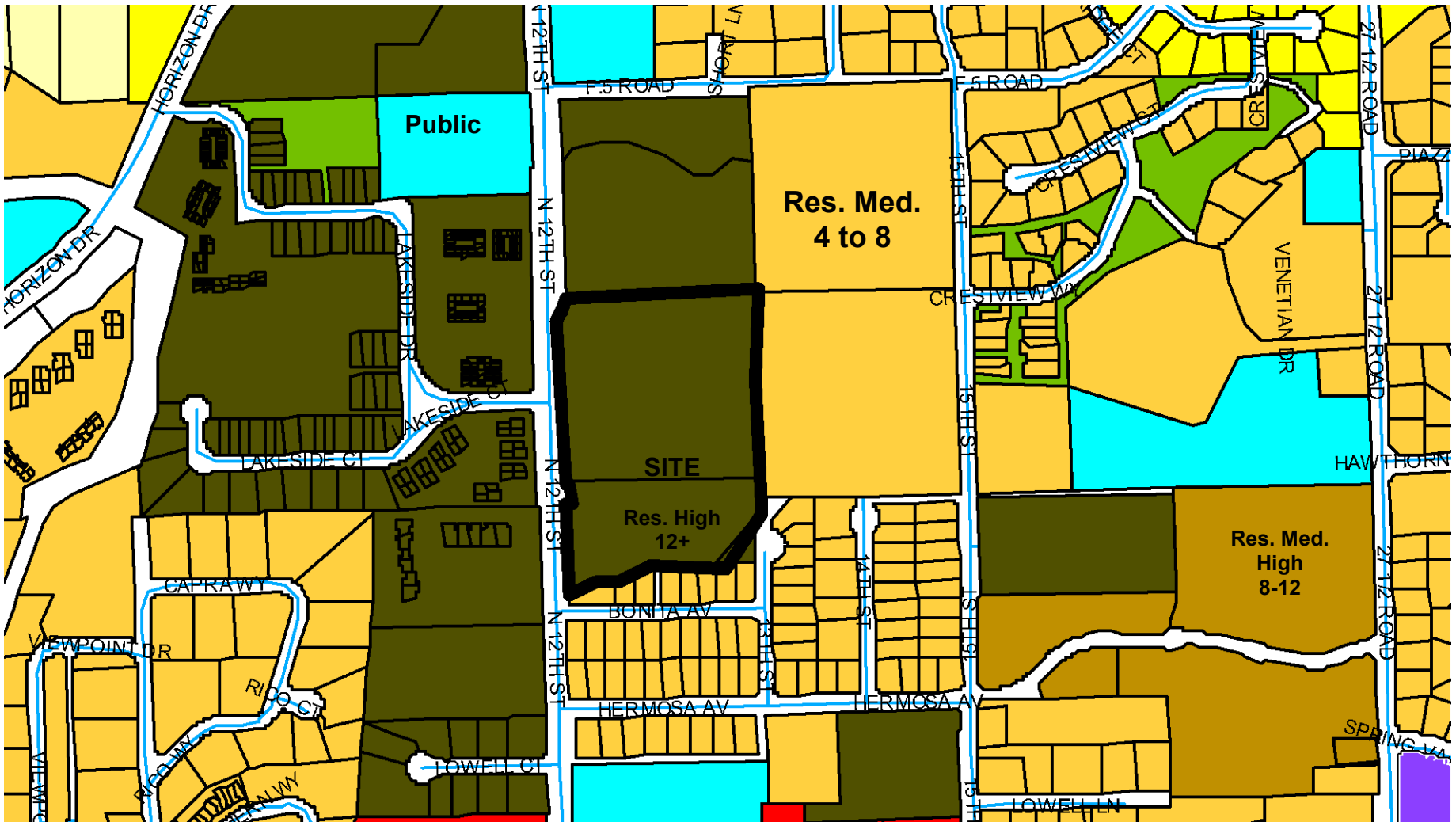
Aerial Photo Map

Figure 2



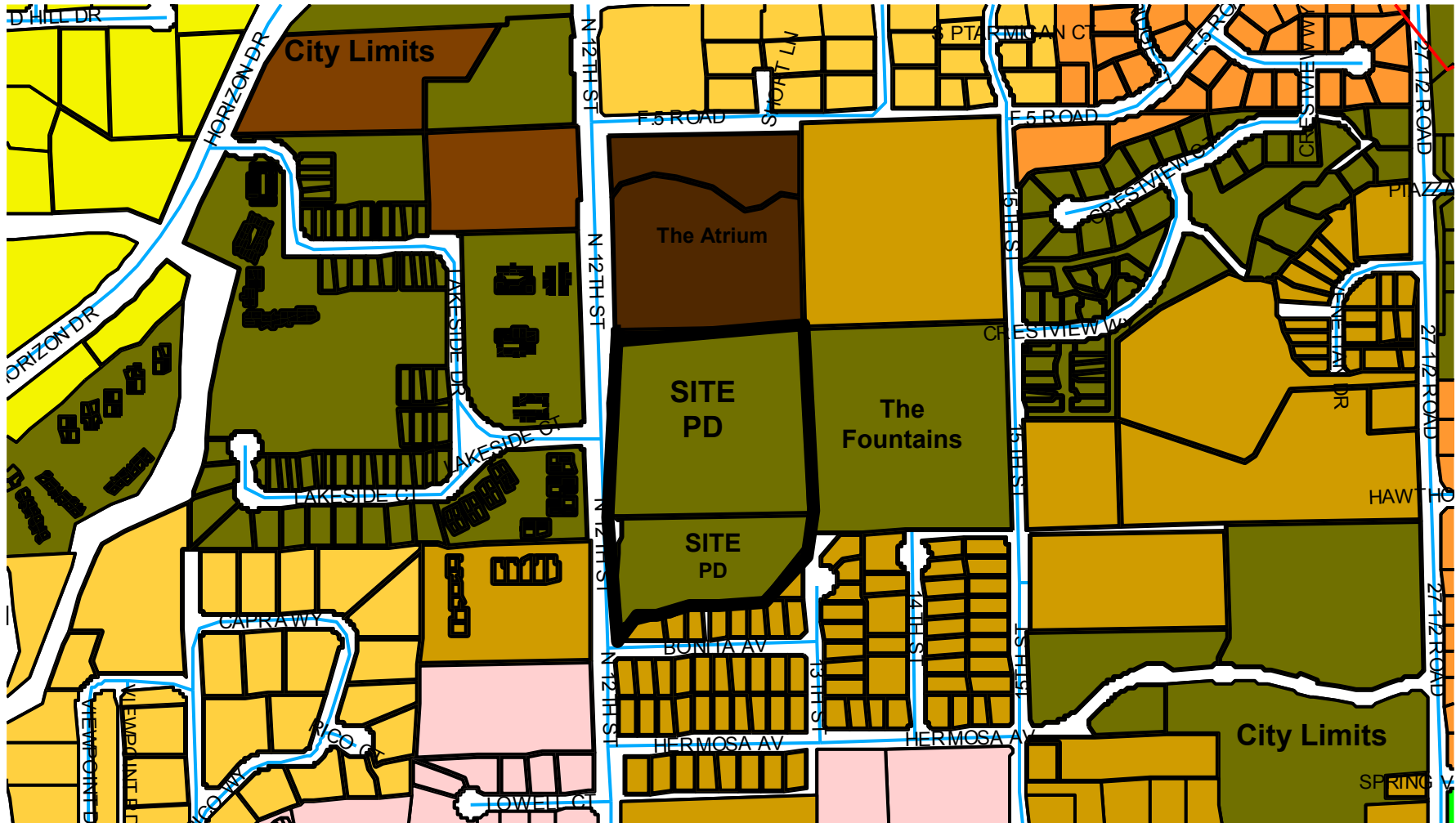
Future Land Use Map

Figure 3

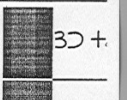


Existing City and County Zoning

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."



Blythe Design + Co.
 618 Rood Avenue
 Grand Junction, CO 81501
 Ph. (970)242-1038
 Fax (970)242-2268
 office@blythedesign.com

GENERAL NOTES

- This drawing is based upon a Site Analysis Map by Rolland Engineering dated 6/1/01.
- Title information from Mesa County real property records and from the following:
 a. Abstract and Title Co., file no. 304627, effective date 08/02/1996.
 b. Abstract & Title Co. of Mesa County, Inc., file no. 901890, effective date 08/02/99.
- Books of bearings derived from the plot of Eagleton Subdivision.
- All lots must be monumented prior to the sale of any lots.
- Previous survey by PLS 31160 was used to determine right-of-way location along 12th Street. Evidence shown on said survey was destroyed by construction along 12th Street.
- The entire site is outside the 100-Year floodplain boundary and there are no natural wetlands.

UTILITY VENDORS

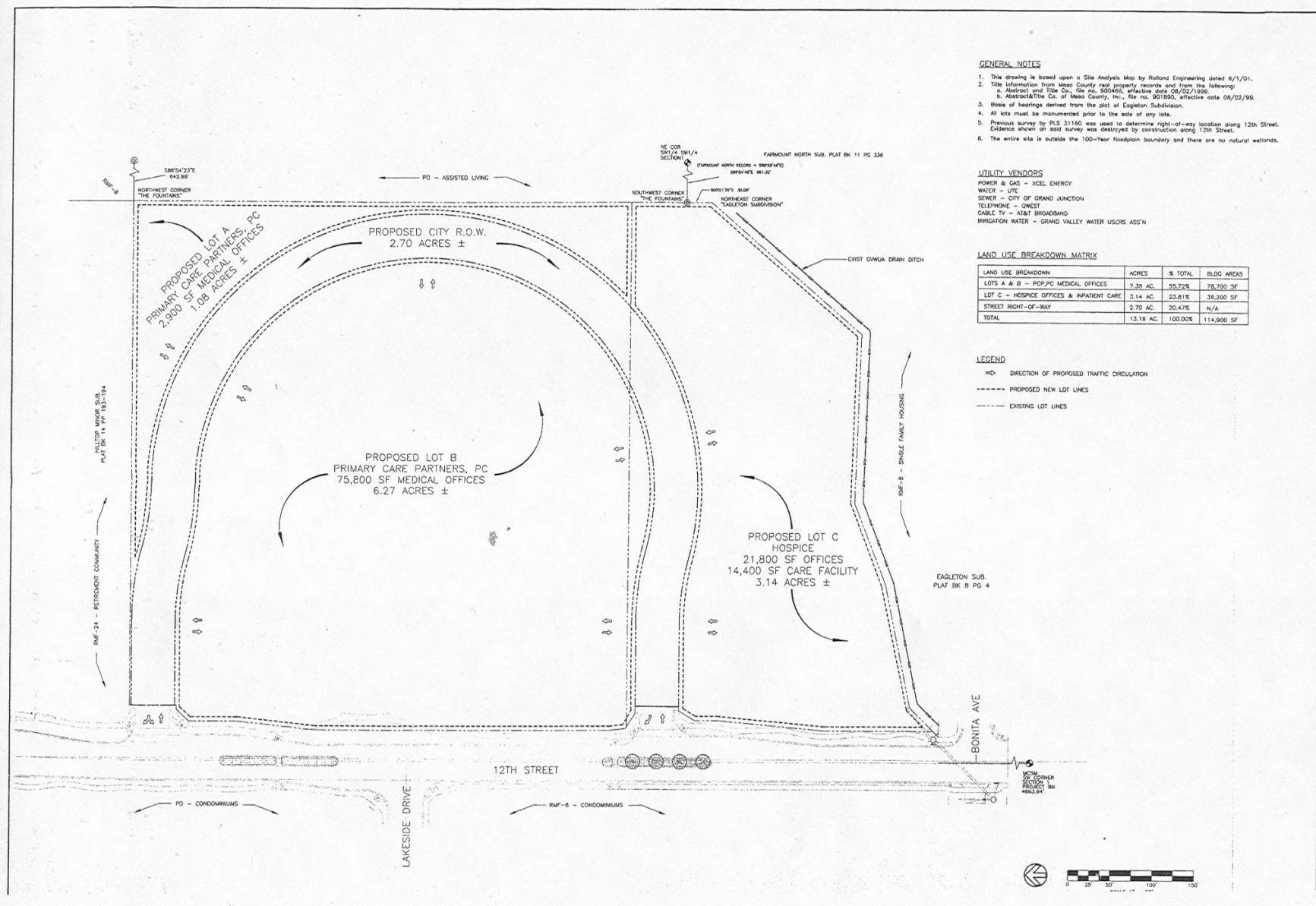
- POWER & GAS - XCEL ENERGY
- WATER - UTE
- SEWER - CITY OF GRAND JUNCTION
- TELEPHONE - QWEST
- CABLE TV - AT&T BROADBAND
- IRRIGATION WATER - GRAND VALLEY WATER USERS ASS'N

LAND USE BREAKDOWN MATRIX

| LAND USE BREAKDOWN | ACRES | % TOTAL | BLDG AREAS |
|--|-----------|---------|------------|
| LOTS A & B - PC/PC MEDICAL OFFICES | 2.39 AC. | 59.22% | 78,200 SF |
| LOT C - HOSPICE OFFICES & INPATIENT CARE | 3.14 AC. | 23.81% | 38,200 SF |
| STREET RIGHT-OF-WAY | 2.70 AC. | 20.47% | N/A |
| TOTAL | 13.18 AC. | 100.00% | 116,900 SF |

LEGEND

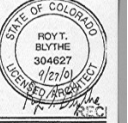
- DIRECTION OF PROPOSED TRAFFIC CIRCULATION
- PROPOSED NEW LOT LINES
- - - EXISTING LOT LINES



HOSPICE CAMPUS AND
 PRIMARY CARE PARTNER
 MEDICAL SERVICES
 3090 & 3150 N 12TH ST
 GRAND JUNCTION
 COLORADO

ODP
 DRAWING

NOT FOR CONSTRUCTION



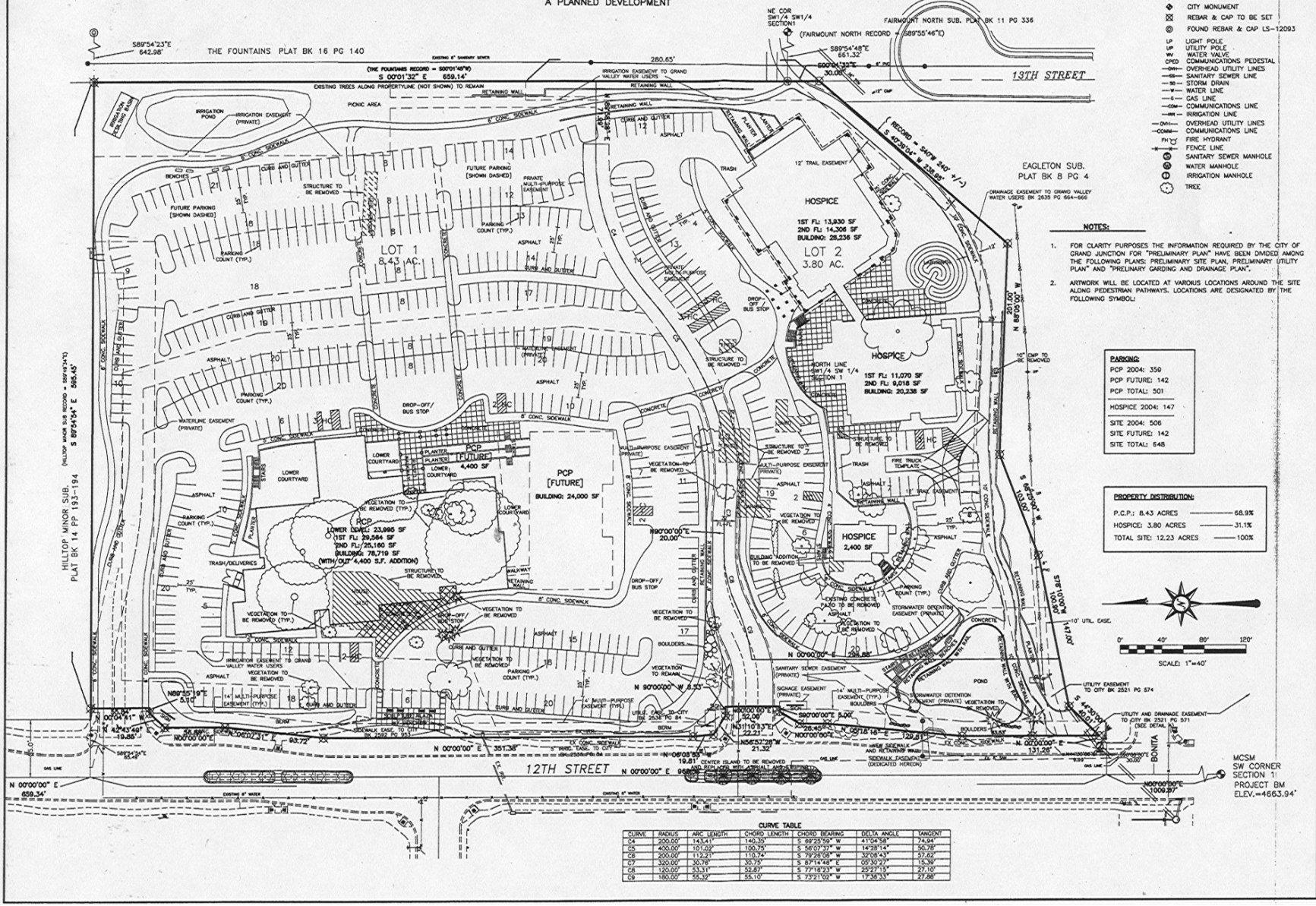
REVISIONS: [blank] DATE: [blank]
 COMMUNITY DESIGN

RECEIVED
 SEP - 27 - 2001
 COMMUNITY DESIGN

Date: 9/27/01

PRIMARY CARE PARTNERS' SERVICES / HOSPICE CAMPUS

A PLANNED DEVELOPMENT



LEGEND

- ◆ MESA COUNTY SURVEY MARKER
- CITY MONUMENT
- ⊗ REPAIR & CAP TO BE SET
- ⊗ FOUND REBAR & CAP LS-12093
- LP LIGHT POLE
- UP UTILITY POLE
- WV WATER VALVE
- CPD COMMUNICATIONS PEDESTAL
- OH— OVERHEAD UTILITY LINES
- S— SANITARY SEWER LINE
- S— STORM DRAIN
- W— WATER LINE
- G— GAS LINE
- C— COMMUNICATIONS LINE
- IR— IRRIGATION LINE
- OH— OVERHEAD UTILITY LINES
- C— COMMUNICATIONS LINE
- PH FIRE HYDRANT
- F— FENCE LINE
- ⊙ SANITARY SEWER MANHOLE
- ⊙ WATER MANHOLE
- ⊙ IRRIGATION MANHOLE
- TREE

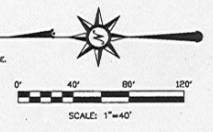
- NOTES:**
- FOR CLARITY PURPOSES THE INFORMATION REQUIRED BY THE CITY OF GRAND JUNCTION FOR "PRELIMINARY PLAN" HAVE BEEN DIVIDED AMONG THE FOLLOWING PLANS: PRELIMINARY SITE PLAN, PRELIMINARY UTILITY PLAN AND "PRELIMINARY CASTING AND DRAINAGE PLAN".
 - ARTWORK WILL BE LOCATED AT VARIOUS LOCATIONS AROUND THE SITE ALONG PEDESTRIAN PATHWAYS. LOCATIONS ARE DESIGNATED BY THE FOLLOWING SYMBOL:

PARKING

| | |
|---------------|-----|
| PCP 2004: | 350 |
| PCP FUTURE: | 142 |
| PCP TOTAL: | 501 |
| HOSPICE 2004: | 147 |
| SITE 2004: | 506 |
| SITE FUTURE: | 142 |
| SITE TOTAL: | 648 |

PROPERTY DISTRIBUTION:

| | | |
|-------------|-------------|-------|
| P.C.P.: | 8.43 ACRES | 58.9% |
| HOSPICE: | 3.80 ACRES | 31.1% |
| TOTAL SITE: | 12.23 ACRES | 100% |



CURVE TABLE

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE | TANGENT |
|-------|--------|------------|--------------|---------------|-------------|---------|
| C1 | 200.00 | 14.81 | 140.39 | S 67°20'00" W | 41°00'00" | 74.19 |
| C2 | 400.00 | 101.02 | 120.79 | S 56°07'39" W | 14°28'14" | 50.78 |
| C3 | 200.00 | 112.21 | 110.74 | S 79°20'00" W | 20°00'00" | 57.62 |
| C4 | 300.00 | 20.78 | 30.79 | S 8°14'28" E | 09°00'00" | 15.39 |
| C5 | 120.00 | 23.31 | 52.87 | S 77°18'23" W | 29°27'13" | 27.10 |
| C6 | 180.00 | 55.39 | 55.10 | S 75°21'09" W | 19°30'13" | 27.80 |

Blythe Design + Co.
616 Rood Avenue
Grand Junction, CO 81601
PH: (970)242-1058
Fax: (970)242-2208
office@blythedesignd.com

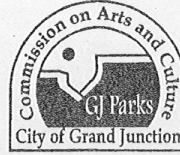
PRIMARY CARE PARTNERS' / HOSPICE & PALLIATIVE CARE OF WESTERN COLORADO

GRAND JUNCTION COLORADO

PRELIMINARY SITE PLAN

REVISIONS DATE
PARKING LINES 4/4/03

DATE: 02/21/03
Scale: 1" = 40'
Drawn: ESS
Sheet: C1



Grand Junction Commission
on Arts and Culture
1340 Gunnison Avenue
Grand Junction, CO 81501
Telephone: (970) 254-3865
Fax: (970) 242-1637

January 24, 2003

Grand Junction Community Development Dept.
City Hall
250 N. 5th Street
Grand Junction, Colorado 81501

Dear Community Development,

The Commission on Arts and Culture would like to take this opportunity to lend our support to the concept of rotating and permanent outdoor art installations in conjunction with the development being submitted to you by Hospice & Palliative Care of Western Colorado and Primary Care Partners. This idea is an excellent realization of exactly the type of public art projects recommended in the recently adopted update of the *Grand Junction Strategic Cultural Plan*. As noted in the strategic plan, and in subsequent communications with your department, the Commission would like to encourage major developers in Grand Junction to "include art as a value-added element to major building and construction projects." Art adds greatly to the uniqueness and identity of the community and enriches our quality of life in so many ways.

Thank you for considering public art as part of this project. The Commission would be happy to work with the developers as a resource to help initiate a rotating or permanent sculpture display, and we have information and expertise we can share about how to accomplish this idea. This could be a great extension of the "Art on the Corner" concept and might give area and regional artists yet another opportunity to exhibit and sell their artwork.

Regards,

Bill Whaley, Chair
GJ Commission on Arts and Culture

cc: Christy Whitney, CEO
Hospice and Palliative Care of Western Colorado

Larry Jokerst
Primary Care Partners



April 14, 2003

Lawrence Jokerst
Primary Care Partners
Grand Junction, CO 8501

Dear Mr. Jokerst:

This letter is in reference to your inquiry concerning the placement of bus stops at the planned Primary Care Partners Medical Services Complex in the 3000 Block of North 12th Street.

Though there is currently no bus service on that particular piece of North 12th street, it is highly likely that bus service will be available in the near future as the transit system expands. Several complexes in the area are transit trip generators and expansion to service in that area is inevitable. Grand Valley Transit wholeheartedly supports the placement of bus stops at this facility and commends your architect, Blythe Design and Company, for including bus pull-ins in the design of the facility. I believe that with the continued success of the transit system, we will see more facilities constructed in this manner.

Thank you for your advance interest in planning necessary and functional facilities for the people of Mesa County. Should you have questions, I can be reached at (970) 245-6466 during business hours.

Sincerely,

Ralph W. Power
Executive Director/CEO

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 3391

ZONING TWO PARCELS LOCATED AT 3090 AND 3150 NORTH 12TH STREET FROM PD (FOR MILLER HOMESTEAD) TO PD FOR THE 12TH STREET MEDICAL PLAZA AND HOSPICE CARE PLANNED DEVELOPMENT

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the Planned Development zone.

After public notice and public hearing before the Grand Junction City Council, City Council approves the PD zone district with the following findings:

- This zone district meets the criteria of Chapter 5 of the Zoning and Development Code regarding Planned Developments by providing substantial community benefits and amenities in excess of what would otherwise be required by the Code.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.
- The zoning is consistent with the Growth Plan.

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

The following property shall be zoned Planned Development (PD) zone district with a default zone of B-1, with exceptions as follows:

1. Uses allowed include medical offices and typical ancillary uses such as a pharmacy, medical supplies and equipment, health food store and day care, and professional offices and a nursing home for Hospice.
2. The site is not located on the intersection of an arterial or collector street with another arterial or collector.
3. The site is located closer than eight-tenths of a mile from another business or commercial zone district.

The Outline Development Plan for this Planned Development includes the following:

| Lot | User | Use | Max. Square Feet | *Size in Acres |
|-----|-----------------------|-----------------|------------------|----------------|
| A | Primary Care Partners | Medical Offices | 2,900 | 1.08 |
| B | Primary Care Partners | Medical Offices | 75,800 | 6.27 |

| | | | | |
|---|---------|---------------|--------|------|
| C | Hospice | Offices | 21,800 | 3.14 |
| | Hospice | Care Facility | 14,400 | |

* Lot size is approximate.

A revised zoning ordinance for this Planned Development shall be required, based on and at the time of, preliminary plan approval. The preliminary plan shall include all elements shown on the ODP, committed to by the applicant in writing, or verbally at the November 20, 2001 Planning Commission hearing and all requirements in the Planning Commission motion at the same hearing.

Includes the following tax parcels: 2945-013-00-008 and 2945-013-00-010.

Parcel 1: The north 9 acres of the SW 1/4, W 1/4, NW 1/4, SW 1/4 Section 1 T. 1S., R1 W, Ute Meridian, excepting therefrom right-of-way described in book 2536, pages 90 and 93 and book 2592, page 947.

Parcel 2: Lots 53, 54, 55 and 56, Block 15 and the W 1/2 of vacated road between Blocks 15 and 16 and the road adjoining Block 15 on the north thereof, AND beginning at the NW cor Lot 54, thence N 30° 10' 00" W, thence S to a pt. on W 1/2 SW 1/4 Lot 53, thence E to thence W to pt. on NE 1/4 SW 1/4 Section 1, T. 1S., R. 1W, Ute Meridian, excepting therefrom the following: Bed at a pt. 30' E and 30' N of SW cor of SW 1/4, NW 1/4, Ute Meridian, except N 68° 25' E 103' thence S 88° 05' E 201' thence N 40° E 240' to pt. 30' E of NE cor Lot 55, Block 15, Fairmont, Subdivision thence W 630' to pob, and excepting right-of-way described in Book 2521, page 567 and 569 and book 2592, page 950.

Introduced on first reading this 5th day of December, 2001.

PASSED and ADOPTED on second reading this 19th day of December, 2001.

Attest:

/s/: Cindy Enos-Martinez
President of the Council

/s/: Stephanie Tuin
City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

AN ORDINANCE ZONING TWO PARCELS LOCATED AT 3090 AND 3150 NORTH 12TH STREET FROM PD (FOR MILLER HOMESTEAD) TO PD FOR THE 12TH STREET MEDICAL PLAZA AND HOSPICE CARE PLANNED DEVELOPMENT

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the Planned Development zone and amends Ordinance No. 3391.

After public notice and public hearing before the Grand Junction City Council, City Council approves the PD zone district with the following findings:

- This zone district meets the criteria of Chapter 5 of the Zoning and Development Code regarding Planned Developments by providing substantial community benefits and amenities in excess of what would otherwise be required by the Code.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.
- The zoning is consistent with the Growth Plan.

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

The following property shall be zoned Planned Development (PD) zone district with a default zone of B-1, with exceptions as follows:

1. Uses allowed include medical offices and typical ancillary uses such as a pharmacy, medical supplies and equipment, health food store and day care, and professional offices and a nursing home for Hospice.
2. The site is not located on the intersection of an arterial or collector street with another arterial or collector.
3. The site is located closer than eight-tenths of a mile from another business or commercial zone district.

The Outline Development Plan for this Planned Development includes the following:

| Lot | User | Use | Max. Square Feet | Size in Acres |
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| | | | | |
|--|-----------------------------|-------------------------------|--------|--|
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Parcel 2: Lots 53, 54, 55 and 56, Block 15 and the W 1/2 of vacated road between Blocks 15 and 16, and the road adjoining Block 15 on the North thereof, AND beginning at the NW cor. Lot 54, thence N 30° thence W 10', thence S to a pt. 10' W of SW cor. Lot 53, thence E 10', thence N to post. All in Fairmont Subdivision. And the S. 1/2 of the W 1/2 NW 30' SW 1/4 Section 1, NW 1/4, SW 1/4 Ute Meridian, excepting therefrom the following: Bed at a pt. 30' E and 30' N of SW cor. NW 1/4, SW 1/4 Ute Meridian, except on N 68° 25' E 102', thence S 88° 02' E 201', thence N 40° E 220' to pt. 30' E of NE cor. Lot 55, Block 15, Fairmont Subdivision, thence W 630' to post, and excepting right-of-way described in Book 2521, page 567 and 569 and book 2592, page 950.

Introduced on first reading this 7th day of May, 2003.

PASSED and ADOPTED on second reading this ___th day of _____, 2003.

Attest:

President of the Council

City Clerk

**Attach 10
16th Street Improvements**

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | | |
|---------------------------------------|--------------------------------------|-----|----------------------------|-----|---------------|----------------|---------------------------------|
| Subject | 16 th Street Improvements | | | | | | |
| Meeting Date | Wednesday May 7, 2003 | | | | | | |
| Date Prepared | April 23, 2003 | | | | File # | | |
| Author | Mike Best | | Sr. Engineering Technician | | | | |
| Presenter Name | Tim Moore | | Public Works Manager | | | | |
| Report results back to Council | X | No | | Yes | When | | |
| Citizen Presentation | | Yes | X | No | Name | | |
| | Workshop | No | Formal Agenda | | X | Consent | Individual Consideration |

Summary: Bids were received and opened on April 22, 2003 for the **16th Street Improvements**. The low bid was submitted by **G and G Paving Construction, Inc.** in the amount of **\$ 67,000.00**.

Budget: The following bids were received for this project:

| <u>Contractor</u> | <u>From</u> |
|--|------------------|
| <hr/> | |
| <u>Total</u> | |
| Elam construction, Inc. Grand Junction, CO | |
| \$114,487.00 | |
| BPS Concrete, Inc. Grand Junction, CO | |
| \$ 87,625.17 | |
| Reyes Construction, Inc. Grand Junction, CO | |
| \$ 86,808.20 | |
| Skyline Contracting, Inc. Grand Junction, CO | |
| \$ 79,606.00 | |
| Sorter Construction, Inc. Grand Junction, CO | |
| \$ 70,099.00 | |
| G&G Paving Construction Grand Junction, CO | |
| \$ 67,000.00 | |
| Engineer's Estimate | \$ 65,873.50 |

Project Costs:

| | | |
|---------------------------------------|--------------|--------------|
| Construction Contract | | \$ 67,000.00 |
| Engineering to date | | \$ 2,679.07 |
| City inspection and Admin. (Estimate) | | |
| | \$ 6,600.00 | |
| <hr/> | | |
| Total Project Costs | | \$ 76,279.07 |
| | | |
| Funding: | | 2003 |
| <hr/> | | |
| Budget | | |
| <hr/> | | |
| Contract Street Maintenance | 2011-F00443 | |
| | \$ 76,279.07 | |
| <hr/> | | |
| Total | | |
| | | \$ 76,279.07 |

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a construction contract for the **16th Street Improvements** with **G and G Paving Construction Inc.**, in the amount of **\$ 67,000.00**.

Background Information: This project will construct new curb, gutter and sidewalk and new paving along 16th Street from North Ave. to Glenwood Ave. The street was evaluated by the Pavement Management System and taking cores of the existing pavement. The reconstruction of the street is more cost effective than an asphalt overlay since an overlay will not bring the street to an acceptable standard. The property owners along 16th Street have been included in the preliminary and final design of the street and are in favor of the street improvements. All easements and ROW have been secured for this project.

**Attach 11
Request Rehearing – Zoning the 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 | May 7, 2003 | | | | | |
| Date Prepared | April 24, 2003 | | | | File #ANX-2002-230 | |
| 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 | | | 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, requested rehearing of the zoning request in order to present their justification for a RSF-4 zoning on the property. The Council on April 16, 2003, granted the petitioners request and rezoned the site to the RSF-4 zone district.

Adjacent property owners are now requesting that the zoning be reheard again. Their rehearing requests are based on a lack of notice (not required on Council hearing items) and no opportunity for the public to speak after the petitioner's rebuttal.

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 June 4, 2003.

Attachments:

1. Previous staff report/Background information
2. Letters of Concern (4) (Originally received for the Planning Commission and City Council hearing)
3. Letter requesting the rehearing from petitioner (For 4/2/03 hearing)

4. New letters (5) requesting a rehearing from adjacent property owners (For 5/7/03 hearing)
5. General Location Map
6. Aerial Photo
7. Growth Plan Map
8. Zoning Map
9. Area acreages map.
10. Ordinance (as adopted February 19, 2003)
11. Ordinance (as adopted April 16, 2003)

Background Information: See attached Staff Report/Background Information

Staff Report/ Background Information

| Staff Report/ Background Information | | | | |
|--------------------------------------|--------------|--|------------|-----------|
| Location: | | South end of Buena Vista Drive | | |
| Applicants: | | La Cima I, LLC, petitioner Gemni Development, LLC, developer Ciavonne & Assoc., representative | | |
| Existing Land Use: | | Undeveloped | | |
| Proposed Land Use: | | Residential development | | |
| Surrounding Land Use: | North | Residential | | |
| | South | Orchard Mesa Irrigation District land | | |
| | East | Orchard Mesa Irrigation District land | | |
| | West | Residential | | |
| Existing Zoning: | | RSF-R (County) | | |
| Proposed Zoning: | | RSF-4 (Residential Single Family -4 dwelling units per acre. | | |
| Surrounding Zoning: | North | RSF-R (County) (.4 to 1.6 acre parcels) | | |
| | South | RSF-R (County) (OM Irrigation District) | | |
| | East | RSF-R (County) (OM Irrigation District) | | |
| | West | RSF-R (County) (.4 to 3.7 acre parcels) | | |
| Growth Plan Designation: | | Residential Medium Low 2-4 | | |
| Zoning within density range? | | X | Yes | No |

Project analysis: The petitioner requested zone of annexation to the RSF-4 district, consistent with the Growth Plan density of 2-4 dwelling units per acre. The City Council at the February 19, 2003 hearing zoned the site to the RSF-2 district after receiving testimony from adjacent property owners and reviewing the lot sizes of other developed property in the area. Due to a communication break down, neither the petitioner nor his representative were in attendance at the February 19th hearing.

The petitioner has requested a rehearing of the zoning request, which has been granted by the City Council, to allow the petitioner and their representative the

opportunity to give a presentation justifying a zoning of RSF-4. The Community Development Department has sent out notices of the rehearing to all property owners within 500 feet of the project site, so that they may participate in the rehearing of the zoning request per Council direction.

Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the rezoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6 as follows:

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

Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request.

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

Response: The zoning request is in conjunction with an annexation request and is a result of the annexation.

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

Response: The zoning request is compatible with the neighborhood and adjacent zoning. Future improvements to facilities will occur if the preliminary plan goes forward.

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

Response: The proposed zoning is consistent with the Goals and polices of the Growth Plan, the requirements of the Zoning and Development Code and other City regulations and guidelines.

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

Responses: Adequate public facilities are available or will be supplied at the time of further development of the property.

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

Response: Not applicable.

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

Response: Not applicable.

Drainage: A detention basin will collect storm water generated as a result of development.

Access/Streets: The project site fronts on and will take access from Buena Vista Road (to the north) and from A 1/4 Road (to the west). Additional access points will be developed from the property to the east and the south.

Public Comments: Four letters of concern were received regarding the project. The primary concerns are project density, lot sizes, access and compatibility with adjacent development.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-4 district to be consistent with the Growth Plan and Sections 2.14 and 2.6 of the Zoning and Development Code.

Linda Sparks
141 Buena Vista Dr.
Grand Junction, Co. 81503

City of Grand Junction
Community Development Dept.
250 N. 5th Street
Grand Junction, Co. 81501

RECEIVED
DEC 23 2002
COMMUNITY DEVELOPMENT
DEPT.

Re: Anx-2002-230-Red Tail Ridge

Planner Pat Cecil and the Planning Dept;

I am writing concerning a proposed subdivision on the land next door to my home. I attended a neighborhood meeting on December 3. I felt many questions were answered unsatisfactorily. So I am putting my concerns in writing.

POPULATION DENSITY:

I am not opposed to a subdivision in this location, but I believe the lots and size of homes need to be similar to the size of those in the existing Buena Vista Subdivision (1/3 –1/2 acre) to maintain our quality of life. Thirty-eight lots on 9.88 acres, when you consider space for streets, cul-de-sacs, curbs, sidewalks, holding ponds, etc, gives me the impression this proposal's primary purpose is to make money for the developers.

ACCESS:

Why is Buena Vista Dr. the only entrance-exit being considered when A ¼ Road is available? Because the people using A ¼ Road as a private drive got so angry at this proposal the developers decided to leave them alone and use "my semi-private drive" as the sole entrance and exit for these 38 families. That is not right. A ¼ Road is located strategically at the southeast corner would alleviate some pressure on the north entrance at Buena Vista Dr. I am trying to be reasonable, but I will get angry, too, if it will help. Developing A ¼ Road should be included in this plan. I will not be able to get out of my own driveway with 60 vehicles racing to one exit every morning. I would suggest at the very least, speed bumps at both entrances.

IRRIGATION:

The developers said at the meeting that their subdivision may use the same headgate my neighbor, Shawna Wells, and I share with everyone east of us to 29 ¾ Road. That would be a disaster for us, in that we already wait for water. I feel the subdivision should be required to have a separate headgate. Also, the ditch above the 9.88 acres has been leaking for years all along the property. I am ¼ mile away from the ditch and water seeps down and runs in front of my

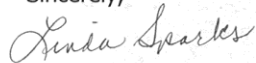
house. I have had to direct it down the gully in order to keep my drive way dry. Repeated calls to the Orchard Mesa Irrigation have not helped. I cannot help wondering if this will be corrected before the development washes down the gully.

PROPERTY DIVISION: (FENCE)

Lastly, the developers are suggesting a split-rail fence at the entrance of their Red Tail Ridge Subdivision. I do not feel this will be a barrier enough to keep the children and pets from 38 households out of my yard. As the person who will live next door to this new development, I would ask that the fence dividing my property from their development be a substantial privacy fence that borders the south side of my property, as well as the Krummel property. (We have discussed this.) We envision a thick stucco or adobe fence the full length of both properties that tapers down in height at the entrance.

Thank you for considering my requests. I am not an expert in any of these matters as your department is, but I have to live with the results you your decisions. I appreciate the opportunity of having my concerns heard.

Sincerely,


Linda Sparks

SPARKS SOUTH BOUNDARY →



← KRUMME SOUTH BOUNDARY

KRUMME EAST BOUNDARY

← BUENA VISTA DR

PROPOSED change from cul-de-sac through ST.



A 1/4 ROAD

Shawna Wells
143 Buena Vista Drive
Grand Junction, CO 81503

December 16, 2002

Pat Cecil
Development Services Supervisor
250 N. 5th Street
Grand Junction, CO 81501

To Whom It May Concern:

I am writing this letter to voice my opinion on the development of the Red Tail Run subdivision, which will be located near my property and that of my neighbors. My primary concern is vehicle access to the new development. Currently the only planned access to Red Tail is via Buena Vista, which runs right in front of my house. The new subdivision will include 38 homes, meaning 76 cars or more will likely use Buena Vista multiple times each day.

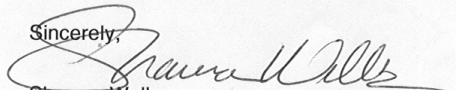
I believe the developers, the city government, or both need to make arrangements for a second entrance/exit. A second access road was proposed initially and then scrapped due to residents' complaints. I obviously sympathize with the homeowners and share their concerns, but it makes much more sense to distribute the traffic burden over two access roads and inconvenience affected property holders equally. Relying on a single entrance is a disservice to potential residents of Red Tail, owners of homes on or near Buena Vista, and all citizens of Grand Junction who uphold the values of fairness and good sense.

Whether Buena Vista is the single access point for Red Tail or one of several, I also feel that speed bumps should be installed near the intersection with the Highway 50 frontage road. Drivers on a straight, busy road such as Buena Vista, leading to a major highway such as Route 50, will likely travel in excess of 30 miles per hour. Not only will the traffic level and speed increase disturbing noise and pollution for my neighbors and me, but it will also lead to unsafe conditions for current residents and future Red Tail homeowners (especially children, the elderly, and anyone with handicaps affecting mobility or judgment). As a personal aside, I expect to find backing out of my driveway each morning (in order to go to work and contribute my taxes to help fund projects such as Red Tail!) exceptionally difficult even with the speed bumps to help regulate traffic flow; without them, I cannot imagine how long I will have to wait to leave my driveway safely.

My final suggestion is to consider building a divider between existing homes and the new subdivision. Current residents chose the location for peace, quiet, and a uniquely appealing quality of life. My neighbors and I fear the atmosphere we have enjoyed for years (and in some cases decades) will change dramatically for the worse with 38 homes being built "in our backyards." A wall, perhaps adobe or brick, would not only be fitting and attractive, but it would also help set off the new neighborhood and establish a strong sense of place that would appeal to new homeowners. A chain link or painted wood fence back in the desert might indicate some separation, but it would be unattractive and wouldn't match the landscaping.

Thank you for carefully considering my concerns and suggestions. I understand what the Red Tail subdivision means for the city, and I do not wish to stand in the way of progress, but my concerns for my property value and quality of life are legitimate and quite serious. I appreciate your time and any help you can offer.

Sincerely,


Shawna Wells

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DEC 16 2002

COMMUNITY DEVELOPMENT
DEPT.

December 13, 2002

Pat Cecil
Development Services Supervisor
250 North Fifth Street
Grand Junction, CO 81501

We reside in Orchard Mesa at 2953 Highway 50, immediately North of the proposed Red Tail Subdivision.

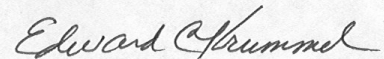
We would like to express our displeasure with the plot layout as planned: the ONE road planned for access AND egress to this subdivision is Buena Vista Drive, a dusty two-lane roadway at best, with residents of 38 proposed homes wanting to enter or leave at will, not to mention fire trucks, delivery vehicles, ambulances, trash pickups, etc., thereby creating a horrendous bottleneck for all concerned.

An alternate possibility, A-1/4 Road, was platted and deeded as a proposed roadway many years ago (January 5, 1967 map, Book 727, Page 107), AND does dead-end at the southeast corner of the proposed subdivision.

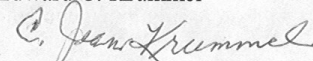
It could, AND SHOULD, be utilized as a secondary access/egress point, eliminating the possibility of residents being held without a chance of leaving or entering said subdivision.

All it would take would be a minor accident on Buena Vista (or on the Highway 50 frontage road, or on Highway 50 itself for that matter) and ALL traffic (and that includes emergency vehicles) would be unable to travel in or out.

Consideration of this potential problem should be given, and rightly so, for all concerned.



Edward C. Krummel



C. Jean Krummel

Linda Sparks
141 Buena Vista Dr.
Grand Junction, Co. 81503

City Council of Grand Junction
250 N. 5th Street
Grand Junction, Co. 81501

RECEIVED
FEB 11 2003
COMMUNITY DEVELOPMENT
DEPT.

Re: Anx-2002-230-Red Tail Ridge

February 10, 2003

Dear Pat Cecil,

I recently attended a community- planning meeting in which the Red Tail Ridge Subdivision was recommended for annexation. This was my first experience of this kind and I was insecure about what to do. I spoke with the planner on this project, Pat Cecil. He very kindly explained to me that I could attend the meeting and get my concern on the record. I was not sure if I should actually state all my concerns at that meeting or not; Thus the reason for this letter.

The Buena Vista Subdivision where I live is approximately 4 acres and contains 4 houses. The Red Tail Ridge Subdivision is 9.88 acres and is proposed to contain 38 houses. I did the math on that and it comes out to .26 acre per lot. That figure less the streets, cul-de-sacs, curbs, sidewalks, retention areas, a common area (which is not in the proposal) leaves me to believe this will be a very cramped area.

The developers said at one of the neighborhood meetings that the average home in the subdivision would sell for \$140,000 to \$145,000. The average selling price for a home in the Buena Vista Subdivision is \$225,000. I believe we deserve a better subdivision than this.

I wish to reiterate that this could be an extraordinary area. I am not against the Red Tail Ridge subdivision or the developers. I am concerned that they will divide the property into very small lots in order to make a larger profit and those of us in the Buena Vista Subdivision will be left to live with the results. I would rather see the developer put in half as many lots and charge twice as much. The Orchard Mesa area is rapidly growing in population now, and its growth will spiral upward when the 29 Road Bridge is finished. Please consider giving this area a RSF2 rating.

Respectfully,

Linda Sparks
Linda Sparks

P.S. *This is just to let you know what my concerns were
and that I have sent them to the city council.*

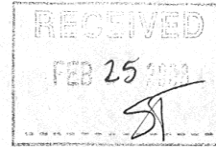
Thanks, J

RECEIVED

FEB 25 2003

COMMUNITY DEVELOPMENT
DEPT.

La Cima I, LLC
2070 E ¼ 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,

Jay Kee Jacobson, Applicant

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APR 18 2003

COMMUNITY DEVELOPMENT
DEPT.

Linda Sparks
141 Buena Vista Dr.
Grand Junction, Co. 81503

Grand Jct. Planning Commission
250 N. 5th Street
Grand Junction, Co. 81501

April 17, 2003

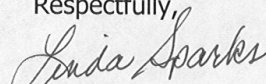
Re: Zoning Reversal 2002-230-Red Tail Ridge

Dear Pat Cecil,

I am writing concerning the reversal of the RSF2 zoning of Red Tail Ridge Subdivision next door to my home. I attended the Feb 19th City Council meeting that the developer missed. I spoke at that meeting in favor of the 2 homes per acre zoning and wrote my name and address on the register. I feel my neighbors and I should have been notified that this issue was being reviewed. I was totally unaware that this matter was on the agenda for the meeting April 16th until I read the results in the newspaper this evening. Mr. Jacobson was given a second chance because he was unaware of the Feb. 19th meeting and I believe I am due the same courtesy. Therefore please consider this my request for the appeal of this decision.

I am heart sick, and feel that the council's decision will change the lives of those of us who live in the surrounding subdivisions. There are three additional 10-acre parcels just west of this one. If each is developed separately, there is nothing to protect us from having 160 homes with no play area for 300+ children, at least that many autos rushing to work, and an equal number of adults crammed into that small space. In 1962 I was a sophomore in high school my when father bought this house. I felt so privileged to be able to renovate it and move into it 2 years ago. Now I feel my future is living behind privacy fences and doing what ever it takes to protect myself, since the council has failed to protect our neighborhood. Orchard Mesa South of Highway 50 does not yet have this kind of density and that is a lifestyle that needs to be preserved.

Respectfully,


Linda Sparks

Shawna Wells
143 Buena Vista Drive
Grand Junction, CO 81503

April 21, 2003

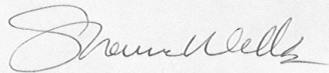
To Whom It May Concern:

I am writing to formally appeal the Council decision from the Public Hearing of April 16, 2003 on the Rehearing of the Zoning of the Red Tail Ridge Annexation. On the decision to change the RSF-2 zoning to RSF-4 zoning, I submit the following points as grounds for an appeal:

1. The rehearing was scheduled, I was led to understand, because Mr. Jacobson had not received notice of the original meeting in time to attend. Homeowners Linda and Jim Sparks, who will be greatly affected by this decision, were not notified of the rehearing, which they therefore missed. Linda and Jim only learned of the rehearing, and the Council's decision, by reading a Daily Sentinel story summarizing the meeting. Needless to say, they were extremely and rightfully upset. I feel it is only fair for everyone directly affected by the decision to have a chance to present his or her case. A rehearing was scheduled for Mr. Jacobson, and fairness would dictate that the same courtesy be extended to current residents who will be affected by his development.
2. It is unfair that the representative for Ciavonne & Associates was allowed to speak again after the public comment, and the public had no chance to reply. In discussion of a matter of such vital importance to residents, is it not imperative to give each party equal voice and ensure all relevant opinions are heard? If anything, I would have expected the Council to err on the side of their constituents and allow citizens the final word, rather than allowing a developer to speak with no fear of rebuttal. This would lead to my third concern.
3. The representative for Ciavonne & Associates misrepresented the Mesa County/ Orchard Mesa growth plan. He stated repeatedly that RSF-2 zoning does not fit the growth plan, which requires 2-4 houses per acre. On the contrary, RSF-2 allows 2 houses per acre. Clearly RSF-2 satisfies the requirements of the growth plan, as well as preserving the quality of life that current residents enjoy and new homeowners will appreciate. What RSF-2 fails to do is allow the developer to increase income by building the maximum number of houses per acre. The representative's concerns lie not with growth plan compliance, but the developer's financial gain.
4. We, the public, did not know we could hire representation, as did Mr. Jacobson. Linda Sparks, had she been notified of the meeting and her right to be represented, would have attended and made use of professional representation.

While I would like the question of zoning to be resolved as much as anyone, I also believe it is important that all affected parties have equal voice and equal opportunity to argue their cases before the Council. In the interests of justice, wise development, and the ultimate benefit of all residents, I ask you to schedule a rehearing and to reconsider the zoning issue.

Thank you for your time and consideration,


Shawna Wells

RECEIVED
APR 21 2003
COMMUNITY DEVELOPMENT
DEPT.

April 18, 2003

RECEIVED

APR 23 2003

**COMMUNITY DEVELOPMENT
DEPT.**

GRAND JUNCTION CITY COUNCIL
c/o Pat Cecil
Development Services Supervisor
250 North Fifth Street
Grand Junction, CO 81501

We reside in Orchard Mesa at 2953 Highway 50, immediately North of the proposed Red Tail Subdivision.

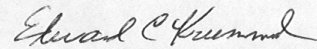
We would like to express our great displeasure about the City Council meeting held the evening of April 16, 2003. Where were the notices? Where was any mention of the topics of the meeting placed? We checked the local newspaper regularly, the internet daily, and listened to the radio . . . NO advance information!

The article in the paper on the 17th was our first indication that a meeting was held, let alone planned. Being one of the three families bordering Buena Vista Drive (all also most vociferous regarding the proposed subdivision) we feel that the general public was done a disservice by no advance notice.

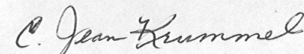
We KNOW that someone will build above us, but had thought we would at least be given consideration due to our proximity to the land involved. If the developer can attend a meeting where no Red Tail agenda was listed and get a rehearing because 'he hadn't known of the earlier meeting,' why can't we?

We also are told that a spokesperson for the subdivision was allowed multiple chances to present their case along with misinterpretations and erroneous statements with no public opportunity for rebuttal or challenge, which we feel is contrary to the tenets professed by the Council.

We would appreciate consideration being given to the general public having another City Council meeting scheduled, with notification, where we could present our overall interests.



Edward C. Krummel



C. Jean Krummel

2953 Highway 50 Grand Junction, CO 81503 970-243-2997

April 21, 2003

RECEIVED

APR 23 2003

COMMUNITY DEVELOPMENT
DEPT.

Grand Junction City Council
250 North 5th Street
Grand Junction, CO 81501

Madam Mayor and Council members:

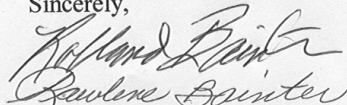
We have owned a home at 125 29-3/4 Road for 26 years. It is adjacent to the "Redtail Ridge" annexation on Highway 50 at the South end of Buena Vista Drive.

We are writing this letter to appeal the council decision of April 16, 2003 that reversed the council's original zoning of RSF-2 to RSF-4. It is our hope that the council will reinstate their original zoning of RSF-2 after taking several facts into consideration.

1. The zoning of RSF-2 is within the growth plan for Orchard Mesa.
2. A zoning of RSF-2 is more compatible with the adjacent existing homes and property sizes.
3. The accessibility for this subdivision is extremely limited (Buena Vista Drive and a non existing A1/4 Road) and a doubling of potential traffic is neither practical or desirable.
4. Entry to Highway 50 from this area is already very congested and will become even more hazardous with the doubling of allowable houses by the RSF-4 zoning.
5. If the RSF-2 zoning was correct on the first hearing, what has changed to make a zoning of RSF-4 now the proper level, other than the developers desire to double the number of potential sites?

We are respectfully requesting the council reinstate the original zoning ruling of RSF-2. It was a proper and just decision.

Sincerely,



Rolland Bainter
Rawlene Bainter
125 29/34 Road
Grand Junction, CO 81503
Ph# (970) 243-0541

cc: Kelly
Bob B
Dan W.

sm 4/28/03

Linda Sparks
141 Buena Vista Dr.
Grand Junction, Co. 81503

City Council of Grand Junction
250 N. 5th Street
Grand Junction, Co. 81501

Re: Zoning of Red Tail Ridge Subdivision

April 25, 2003

Dear Mayor Enos-Martinez,

I promise to be brief, as I have gained a new respect for the service the city council performs for our community. I am writing because I have been informed that on May 7th, the city council will be making the decision of whether or not to rehear public comment about the zoning of Red Tail Ridge Subdivision. In conversation with the city clerk, Stephanie Tuin, I was informed that you might not open this up for public comment, so I am putting my reasons in writing:

1. Because the owners (residents) of the 2 properties on the north boundary of the Red Tail Ridge were unable to attend the April 16th City Council meeting where the RSF2 zoning was reversed. My elderly neighbors, the Krummels, were ill and because of an error in my address I did not receive notice of the meeting. (Reading the article in the Sentinel was the first I had heard of it.)
2. Because I live on the north boundary of Red Tail Ridge Subdivision, I will be impacted by the decisions made. It is important to me to have some input into the matter of zoning.
3. After viewing the video of the Apr. 16th meeting, I believe the comments of Councilman Theobald show a misunderstanding of the residents' statements. None of them were speaking in opposition to the existence of the new subdivision, only to the inconsistency and increased impact of the RSF4 zoning. Yet he felt they were speaking out of emotion about losing open spaces they had enjoyed using in the past.
4. Since the Feb 19th meeting when I last spoke, new information has recently surfaced about 3 ten acre parcels bordering Red Tail Ridge subdivision and one 30 acre parcel north of Hwy. 50 at 30 $\frac{3}{4}$ Rd. going to public auction in May. This is an issue I was unable to address at that meeting and wish an opportunity to do so. (See map enclosed.)

I respectfully request that the Grand Junction City Council re-open the issue of zoning of the Red Tail Ridge Subdivision and allow more public input. Should you or someone on your staff need to contact me, feel free to do so at 260-5229.

Sincerely,

Linda Sparks
Linda Sparks

RECEIVED
APR 29 2003
COMMUNITY DEVELOPMENT
DEPT.

cc: City Council

Bob

Yrueky

Dave

Jim 5/1/03

Mr. Jesse Boyce, Jr.
165 Landdown Road
Grand Junction, Colo. 81501

April 25, 2003

Dear Council Members:

It has belatedly come to my attention that you have voted to allow four homes per acre at the proposed Red Tail Ridge subdivision.

Will you please reconsider and permit only two homes per acre at this location? Access to Highway 50 is difficult already and will be worse when the 29 Road link is completed. Also, high density areas west of 29 Road have produced undesirable effects so far. I sincerely urge you to go slowly in making plans which will diminish the rural character of Orchard Mesa.

Sincerely,

Elizabeth Boyce

April 30, 2003

as: City Council
Kelly
Bob
Dan

am 5/1/03

Grand Junction City Council
250 North 5th Street
Grand Junction, Co 81501

Dear Mayor Martinez,

We are writing this letter to request a rehearing on the zoning of the Redtail Ridge subdivision on Highway 50 at the South end of Buena Vista Dr. We are afraid that the Council Members misunderstood our concerns for the overdevelopment of this piece of property because of the statement that Council Member Theobald made on the night of April 16th when the zoning was changed from RSF-2 to RSF-4. He made the statement that this was an emotional issue, that the neighbors viewed this land as their land and did not want it to be developed but left open. No one who spoke on that night was emotional and no one made the statement that the property in question should not be developed. We just request that it be developed responsibly and in a compatible manor with surrounding properties.

We also feel that the developer brought up some interesting issues that need to be discussed before a decision is reached on this parcel.

Sincerely,

Allen Gibson
Michelle Gibson
2939 Highway 50
Grand Junction, Co 81503
Ph# (970) 243-7146

↑ 30 acres



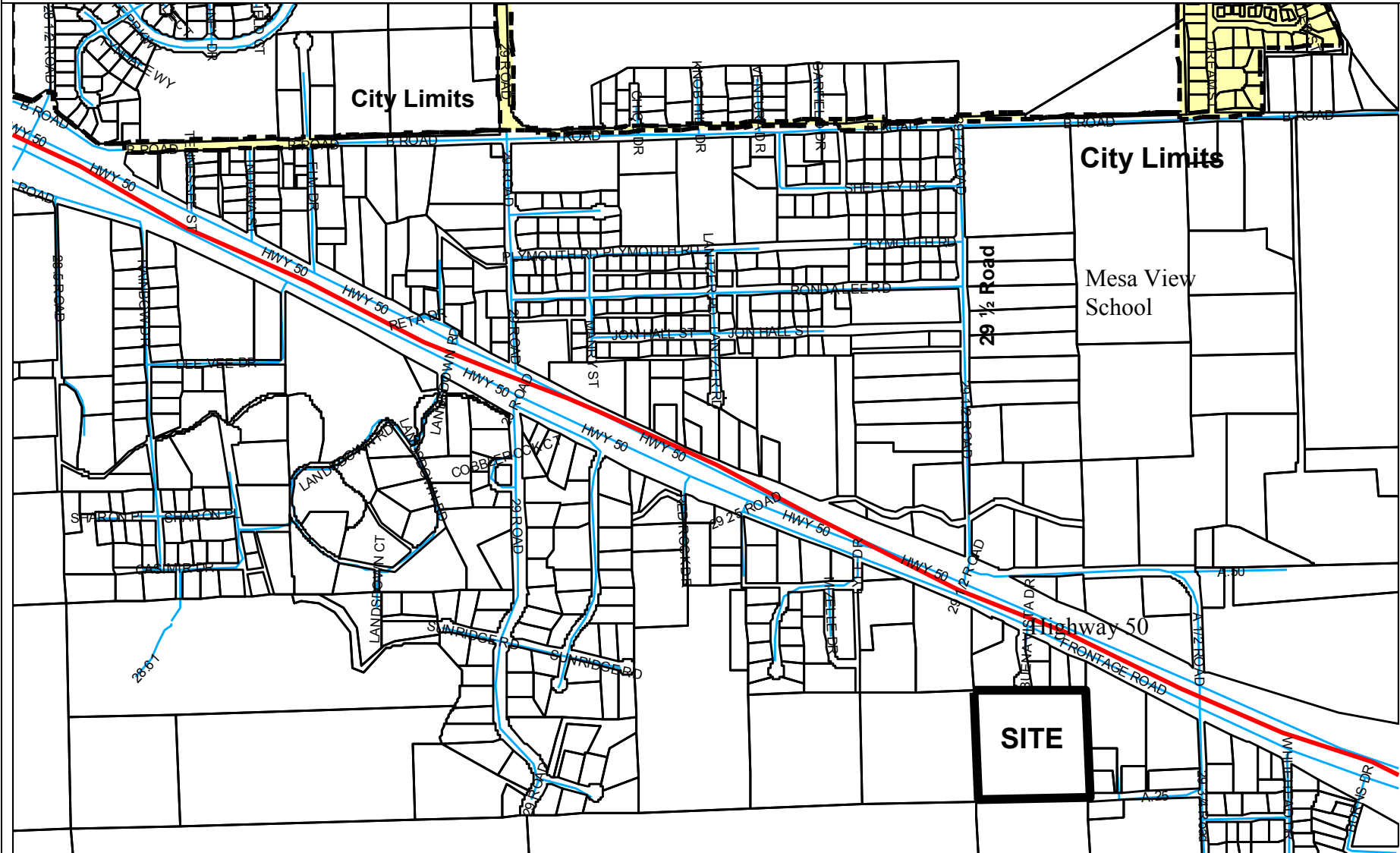
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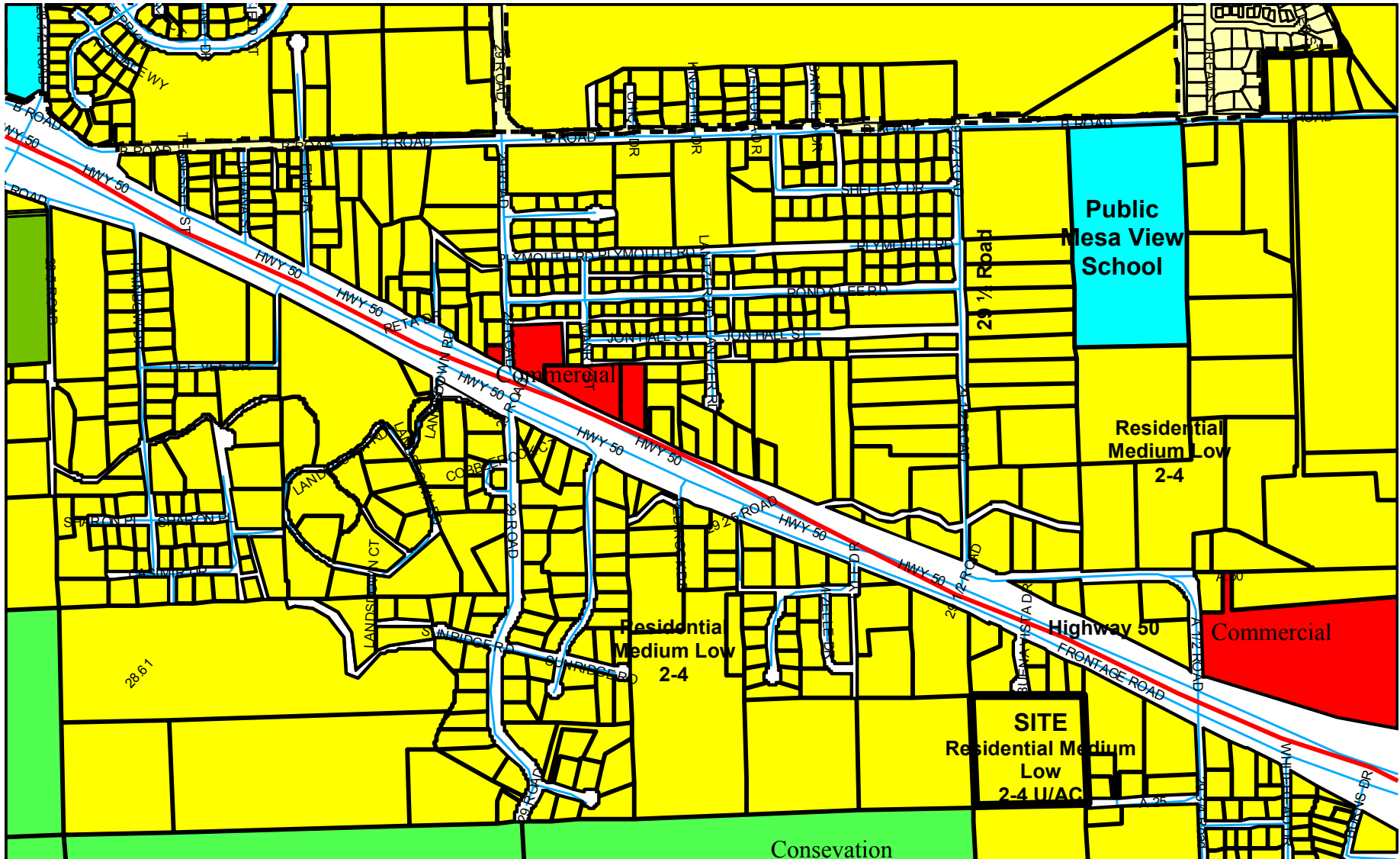
Site Location Map

Figure 1



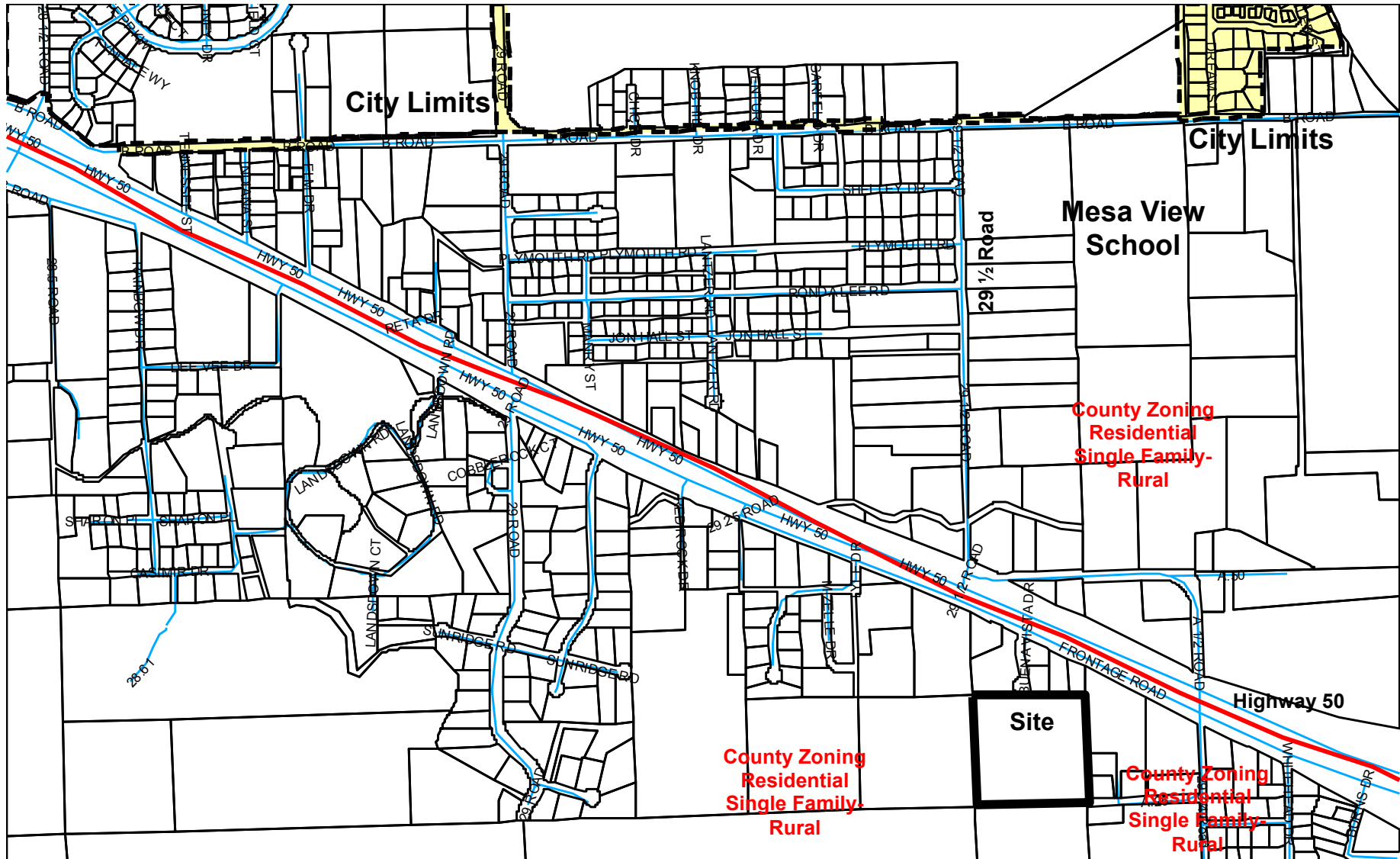
Future Land Use Map

Figure 4

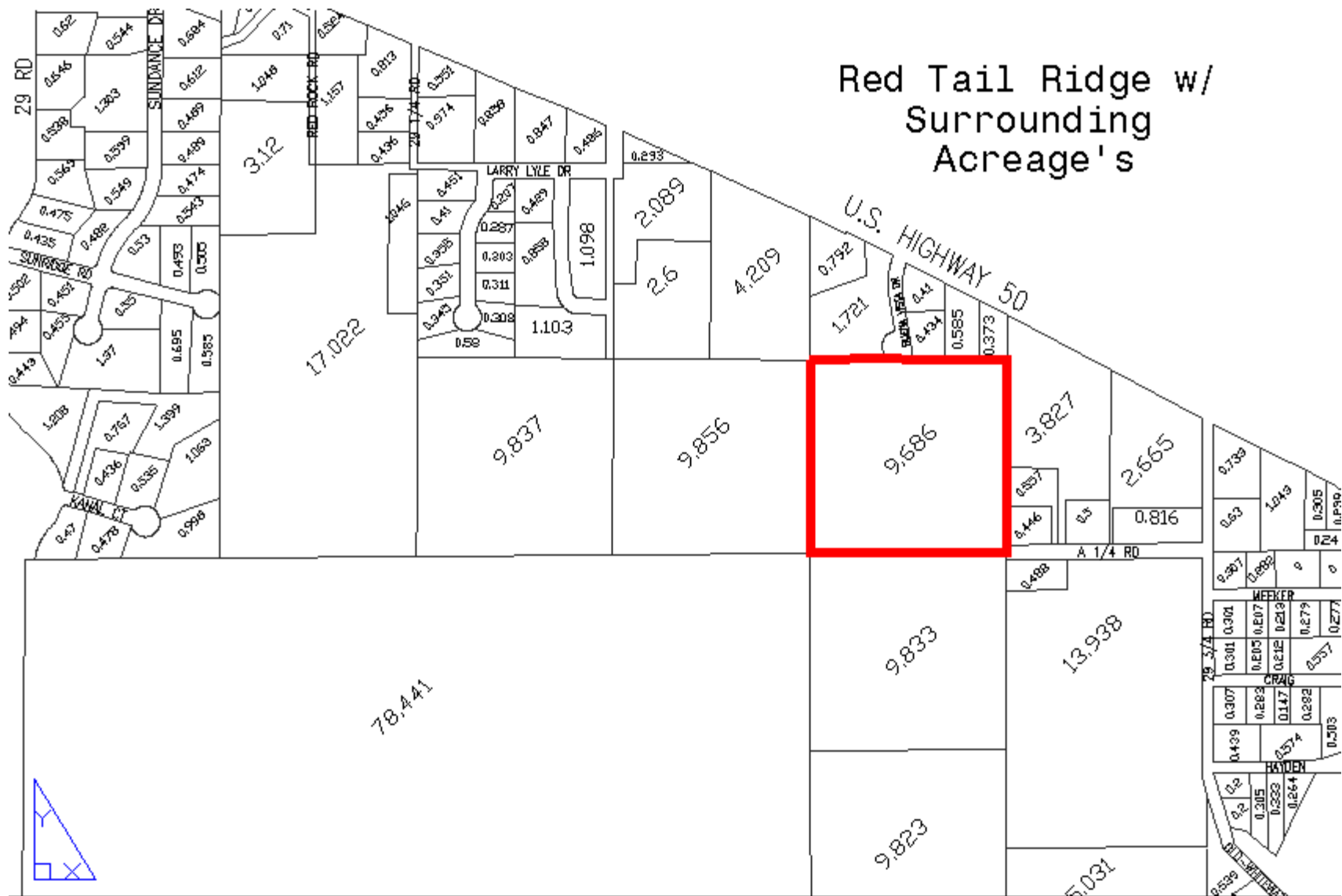


Existing City and County Zoning

Figure 5



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, COLORADO

ORDINANCE No. 3504

An Ordinance Zoning the Red Tail Ridge Annexation to the Residential Single Family – 2 dwelling units per acre (RSF-2) district

Located at southerly end of Buena Vista Road

Recitals:

After public notice and public hearings as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-4 zone district to the annexation.

After public notice and public hearing before the Grand Junction City Council, City

Council finds that the RSF-2 zone district be established for the following reasons:

- This zone district meets the criteria of Section 2.14. F. of the Zoning and Development Code.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.
- The RSF-2 zone district is more consistent with the densities and minimum lot sizes of adjacent lands.
- The RSF-2 zone district implements the Growth Plan designation of Residential Medium Low 2-4 dwelling units per acre.

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

The following property shall be zoned Residential Single Family – 2 dwelling units per acre (RSF-2) district:

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa

CONTAINING 9.88 Acres (430,372.8 Sq. Ft.), more or less, as described.

Introduced on the first reading this 5th day of February, 2003.

PASSED and ADOPTED on second reading this 19th day of February, 2003.

President of Council

ATTEST:

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. 3509

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

Recitals:

After public notice and public hearings as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RSF-4 zone district to the annexation.

After public notice and public hearing before the Grand Junction City Council, Council finds that the RSF-4 zone district be established for the following reasons:

- The RSF-4 zone district meets the criteria of Section 2.14. F. of the Zoning and Development Code.
- The RSF-4 zone district meets the criteria of Section 2.6 of the Zoning and Development Code.

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

The following property shall be zoned Residential Single Family – 4 dwelling units per acre (RSF-4) district:

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa

CONTAINING 9.88 Acres (430,372.8 Sq. Ft.), more or less, as described.

Introduced on the first reading this 5th day of February, 2003.

PASSED and ADOPTED on second reading this 16th day of April, 2003.

/s/: Cindy Enos-Martinez
President of Council

ATTEST:

/s/: Stephanie Tuin
City Clerk

**Attach 12
Public Hearing Text Amendments**

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|--|-----|---|----------------------|------------------------|--|
| Subject | Text amendments to the Zoning and Development Code | | | | | |
| Meeting Date | May 7, 2003 | | | | | |
| Date Prepared | April 30, 2003 | | | | File # TAC-2003-01.01. | |
| 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 | | Consent X Individual Consideration |

Summary: Second reading of the Ordinance to correct, clarify, re-format or delete numerous references in the current Zoning and Development Code.

Budget: N/A

Action Requested/Recommendation: Second Reading and Public Hearing

Attachments:

Code changes
Ordinance (Published by pamphlet)

Background Information: Additions to the Code are done in ALL CAPITAL LETTERS. Deletions are shown as a ~~strike through~~. The proposed changes should be fairly self explanatory. The chapter and page number are provided for easy reference to the section proposed for a change.

CODE CHANGES, 2003

Chapter 2, pg. 1

Section 2.1, Table 2.1 – Review Procedures Summary
(Changes made to reflect new process)

Table 2.1 Continued

Footnotes:

3 The Joint City/County Planning Commission decides requests to amend the Growth Plan for unincorporated property in the JOINT Urban PLANNING Area.

page 6

2.2.B.3. **Notice.** Public notice is not required for most administrative permits. The duty to provide notice WHEN REQUIRED, is always the applicant's, ~~even if not required.~~ Notice is provided as follows:

page 10

2.2.D.3.b.(3) Parking for the previous use complied with the previous Code, and the change of use will increase the required parking by five (5) or fewer spaces, in which case additional on-site parking is not required. The required parking spaces may be reduced by up to ten percent (10%) for each 200 square feet additional landscaped area ~~is~~ provided for each parking space; and

2.2.D.4.a. **Applicability.**

(1) No person shall begin any development, pour any structure foundation or move earth in preparation for construction without receipt of the Director's approval of a site plan: except for the following for which a building permit is required. CONSTRUCTION PLANS, BASED UPON THE APPROVED FINAL SITE PLAN AND CONSISTING OF DETAILED SPECIFICATIONS AND DIAGRAMS ILLUSTRATING THE LOCATION, DESIGN AND COMPOSITION OF ALL IMPROVEMENTS IDENTIFIED IN THE FINAL SITE PLAN AND REQUIRED BY THIS CODE, SHALL BE SUBMITTED TO THE CITY FOR ANY PROJECT THAT NECESSITATES THE CONSTRUCTION, RECONSTRUCTION OR MODIFICATION OF NEW OR EXISTING IMPROVEMENTS. THESE DOCUMENTS SHALL INCLUDE COMPLETE PLANS AND SPECIFICATIONS OF ALL REQUIRED IMPROVEMENTS IDENTIFIED AND APPROVED AS PART OF THE FINAL SITE PLAN PHASE. THE CITY SHALL KEEP THE PLANS AS A PERMANENT RECORD OF THE REQUIRED IMPROVEMENTS. All development requires major site plan review except: ALL MAJOR SITE PLAN REVIEWS AND:

page 12

2.2.D.5. Minor Site Plan.

a. This review process may be used by the Director to review lesser-intensity projects if a limited review of zoning, parking, circulation, access and minor drainage changes will be adequate. CONSTRUCTION PLANS, BASED UPON THE APPROVED FINAL MINOR SITE PLAN AND CONSISTING OF DETAILED SPECIFICATIONS AND DIAGRAMS ILLUSTRATING THE LOCATION, DESIGN AND COMPOSITION OF ALL IMPROVEMENTS IDENTIFIED IN THE FINAL MINOR SITE PLAN AND REQUIRED BY THIS CODE, SHALL BE SUBMITTED TO THE CITY FOR ANY PROJECT THAT NECESSITATES THE CONSTRUCTION, RECONSTRUCTION OR MODIFICATION OF NEW OR EXISTING IMPROVEMENTS. THESE DOCUMENTS SHALL INCLUDE COMPLETE PLANS AND SPECIFICATIONS OF ALL REQUIRED IMPROVEMENTS IDENTIFIED AND APPROVED AS PART OF THE FINAL SITE PLAN PHASE FOR MINOR SITE PLAN REVIEW. THE CITY SHALL KEEP THE PLANS AS A PERMANENT RECORD OF THE REQUIRED IMPROVEMENTS.

page 13

2.2.D.5.c. Criteria. To receive approval the applicant must demonstrate that the development:

(1) Complies with the Growth Plan; AND ANY APPLICABLE CORRIDOR, SPECIAL AREA AND NEIGHBORHOOD PLANS; AND

page 16

2.2.E.4.c. **Criteria.** The Director will approve a simple subdivision if the applicant demonstrates that:

(1) All lots comply with this Code, including Section ~~3-6~~ 3.6.B and the density provisions;

(4) The character of the plat and the neighborhood will not be ~~hurt~~ NEGATIVELY IMPACTED; and

page 21

**Table 2.23
PUBLIC HEARING NOTICE PROVISIONS**

page 24

2.3.B.10.b. **Planning Commission as Recommending Body to City Council.** If the Planning Commission is the recommending body pursuant to Table 2.1, a recommendationS for denial shall be the final act of FORWARDED TO the City unless an appeal is perfected COUNCIL.

2.3.B.13.a. **Expiration. NON-COMPLIANCE.** Any project or development approval shall expire and become null and void, UPON A FINDING THAT ANY OF THE FOLLOWING CONDITIONS EXIST all activities taken pursuant to such development application shall immediately cease, and no person shall continue construction or make use of or maintain any activity pursuant to such approval if:

page 28

2.5.C.3. The character and/or condition of the area have changed enough that the amendment is acceptable; AND SUCH CHANGES WERE NOT ANTICIPATED AND ARE NOT CONSISTENT WITH THE PLAN.

2.5.D.1. **Outside of City.** The City and County Planning Commissions shall consider requests concerning property located outside of the City, but within the ~~Joint Urban Planning Area~~ URBAN GROWTH AREA (UGA), which will not be then annexed. The City Planning Commission is the City's final action and may not be appealed. Affirmative action by both Commissions is required for an amendment.

2.5.E.1. **Deadlines.**

a. Map amendments and all text amendments shall be processed ~~once a quarter until January 1, 2001, and thereafter only two times per year~~ 2 TIMES PER YEAR according to a schedule adopted by the Director.

page 29

2.5.e.2.b. **Optional Materials.** In addition to the required written descriptions, justifications and responses, the City Council, Planning Commission or staff may request additional documents, reports, studies, plans and drawings as deemed necessary to fully evaluate the request. ~~Applicants are encouraged, but not required to provide all, part or none of the additional materials.~~ The Applicant may submit additional relevant materials.

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

development transitions, *etc.*; AND SUCH CHANGES WERE NOT ANTICIPATED AND ARE NOT CONSISTANT WITH THE PLAN.

page 30

2.6.A.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;

page 31

2.8.A.1. Ensure conformance with the Growth Plan and other adopted plans including the ALL Corridor Design Guidelines;

2.8.A.15. Prevent loss and ~~jury~~ INJURY from landslides, mudflows, and other geologic hazards;

page 32

2.8.B.2. **Review Criteria.** A preliminary plat will not be approved unless the applicant proves compliance with THE PURPOSE PORTION OF THIS SECTION AND WITH all of the following criteria:

- a. The PRELIMINARY PLAT WILL BE IN CONFROMANCE WITH THE Growth Plan, major street plan, Urban Trails Plan and other adopted plans;
- ~~b. The purposes of this Section 2.8.B;~~
- e. The Subdivision standards (~~Section 6.7~~) IN CHAPTER 6;
- d. The Zoning standards (~~Chapter Three~~) IN CHAPTER 3;
- e. Other standards and requirements of this Code and other City policies and regulations;
- f. Adequate public facilities and services will be available concurrent with the subdivision;
- ~~g.~~ The project will have little or no adverse or negative impacts upon the natural or social environment;
- h. Compatibility with existing and proposed development on adjacent properties;
- i. Adjacent agricultural property and land uses will not be harmed;
- j. Is neither piecemeal development nor premature development of agricultural land or other unique areas;
- k. There is adequate land to dedicate for provision of public services; and
- l. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

2.8.B.4.b. **Validity.** The applicant may propose a development phasing schedule at the time of application for a preliminary plat for consideration by the Planning Commission. In the absence of an approved phasing schedule, preliminary plat approval shall be valid for only one year, during which the applicant shall obtain final plat approval for all or a portion of the property. If a portion of the property in the preliminary plat is final platted within one year, the rest of the preliminary plat shall be automatically renewed for an additional one (1) year following the recording of each final plat, unless the Director notifies the applicant, in writing, to the contrary. The applicant shall plat the entire property included in the preliminary plat within five (5) years of the initial plan approval date. After five (5) years, approval of unplatted portions of the preliminary plat shall be considered void unless ~~the Director finds that no significant changes requiring re-review have occurred.~~ AN EXTENSION IS REQUESTED AND APPROVED BY THE DECISION MAKING BODY.

page 34

2.8.D.1. **Applicability.** Construction plans, based upon the approved final plat and/or site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final plat phase and required by this Code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final plat phase. The City shall keep the plans as a permanent RECORD of the required improvements.

page 35

2.8.E.4. 4. If the applicant does not complete all steps in preparation for recording within one (1) year of ~~submittal~~ APPROVAL of the final plat, the plat shall require another review and processing as per the final plat processing procedure-; AND SHALL THEN MEET ALL THE REQUIRED CURRENT CODE AND REGULATIONS AT THAT TIME. ONE EXTENSION OF 6 MONTHS MAY BE GRANTED BY THE DIRECTOR.

2.8.F.1. Except as provided herein, before the plat is recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual lots of the subdivision or addition as required by this Code. The required improvements shall be those specified in the approved construction plans-;OR

2. As a condition of final plat approval, the City ~~may~~ SHALL require the applicant to enter into a Development Improvements Agreement and post a guarantee for the completion of all required improvements as per Section 2.19.

2.9.C.. 1. The condominiumization of a structure shall comply with:
a. Sections 38-33-105, AND 38-33-106 and ~~38-33.3-106~~ of the Colorado Revised Statutes (C.R.S);

page 36

2.9.C.1.c. c. The Condominium OF individual air space units and limited common elements, as defined in C.R.S. 38-33.3-103 and general common elements, as defined in C.R.S.38-33-106 shall be constructed or retrofitted with a minimum one-hour fire wall, pursuant to C.R.S. 38-33.3-106.

page 42

2.12.D.a. **Required Concurrent Review of Subdivision.** Unless specified otherwise at the time of preliminary plan approval, if the form of preliminary plan approval was a site development plan, a final plat shall be submitted and reviewed concurrently with a final development plan; if the form of preliminary plan approval was a subdivision plan, a final plat may be approved and recorded prior to final plan approval.~~FOR INDIVIDUAL LOTS.~~

2.12.E. 1. Except as provided herein, before the plan and plat are recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual lots of the subdivision as required by this Code. The required improvements shall be those specified in the approved construction plans as per Section 2.8.E.~~OR~~
2. As a condition of final plan and plat approval, the City ~~may~~ SHALL require the applicant to enter into a Development Improvements Agreement and post a guarantee for the completion of all required improvements as per Section 2.19.

page 44

2.12.F.b. (3) The amendment shall not represent a significant ~~unilateral~~ change in any of the agreed upon deviations from the default standards.

2.12.F.4. 4. **Final Development Plan.** Amendments to the final development plan may be approved by the Director using the same process and criteria used for ~~final~~ PRELIMINARY development plan, ~~and~~ review and approval.

page 45

2.13.C.1. **Site Plan Review Standards.** All applicable site plan review criteria in Section 2.2.D.4. and conformance with SIDD, TEDS and ~~SWIM~~ SWMM Manuals;

page 50

- 2.16.C.1.~~(F)~~(i) Height of the addition relative to neighboring structures;
- ~~(i)~~ (ii) The location, number and size of windows, doors, porches, balconies and outdoor lights;
- ~~(ii)~~ (iii) The location of patios and walkways;
- ~~(iii)~~ (iv) The location, size and types of hedges, walls and fences;
- and
- ~~(iv)~~ (v) The level of privacy to occupants of both neighboring properties and the addition. Such privacy shall be equal to or greater than that provided if the addition were located within the required setback;

Chapter Three, page 14

.3.H.2. 2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-12 **District.** (Un-bold “District”)

page 17

3.4.A.4. ~~RO District Performance Standards.~~ **RO District Performance Standards.** New construction, including additions and rehabilitation’s, in the RO district shall be designed to look residential and shall be consistent with existing buildings along a street. “Consistent” means the operational, site design and layout, and architectural considerations described in the next subsections.

page 22

3.4.C.4. ~~General Performance Standards.~~ **STREET DESIGN** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. ~~B-2~~ **Performance Standards.**

page 24

3.4.D. 4. ~~General Performance Standards.~~ **STREET DESIGN.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. ~~C-1~~ **Performance Standards.**

page 25

3.4.E.4. ~~General Performance Standards.~~ **STREET DESIGN** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. ~~C-2~~ **Performance Standards.**

page 26

3.4.F.4. ~~General Performance Standards.~~ **STREET DESIGN.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. ~~I-0~~ **Performance Standards.**

page 28

3.4.G.4. ~~General Performance Standards.~~ **STREET DESIGN.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. ~~I-4~~ **Performance Standards.**

page 29

3.4.H.4. ~~General Performance Standards.~~ **STREET DESIGN.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. ~~I-2~~ **Performance Standards.**

page 30

3.4.I.4. ~~CSR Performance Standards.~~ Development shall conform to the standards established in this Code.

page 31

3.4.J.4. ~~M-U~~ **Performance Standards.** Development shall conform to the standards established in this Code.

Table 3.5 Use/Zone Matrix

Residential Subunits/Accessory Units (correct the use specific standard) 4.1.6-G

Chapter Four, page 2

4.1.F.1.a. Recreational and commercial vehicles in residential zones shall be stored within an enclosed building, or in the rear yard, OR behind the front setback line in a side yard other than the street side yard of a corner lot;

page 8

4.1.I.1.d. A maximum of two (2) vehicles intended for repair or restoration, ALSO KNOWN AS “JUNK VEHICLES” may be stored on a property provided all of the following conditions are satisfied:

e.(i) Vehicle(s) shall be owned by the owner or occupant of the premises upon which the vehicles are located;

f.(ii) The vehicle(s) shall be kept in an enclosed garage or under an opaque cover designed for the vehicle or otherwise screened from off-premise view; and

g. e. All outdoor storage shall be screened. Acceptable screening consists of any combination of fences, walls, berms and landscaping that is at least six (6) feet in height and provides a permanent, opaque, year-round screening around the entire perimeter of the outdoor storage area. Plant materials are encouraged as screening.

~~h.~~ f. All outdoor storage shall meet the following additional requirements, as applicable;

i. g. All storage shall conform to the performance standards of the zone as described in Section 3.3 for residential zoning;

j. h. Except for integral units, stored items shall not project above the screening;

k.i. Dumpsters and refuse containers for new multi-family dwelling, commercial and industrial uses shall be enclosed in a solid, opaque enclosure constructed of brick, masonry, stucco or wood of at least six (6) feet tall; and

~~l.~~ j. Non-conforming property shall comply with Section 3.8.

page 29

4.3.B.5.a.4. Adult cabaret, restaurant or place of business: a cabaret, restaurant or place of business, which features topless and/or bottomless dancers, waitresses, waiters, or entertainers-, OR ANY OTHER DEPICTION OF ADULT MATERIAL.

page 36

4.3.G.6.b. No outside storage shall be permitted except the storage of licensed vehicles within approved areas designated for such storage and meet outdoor storage requirements of Section 4.2- 1.

7. **Signage.** Signage shall conform to the provisions of Section 4.3-2.

page 43

4.3.K.2.(6) The operator's estimated cost at each of the following segments of the reclamation process, including where applicable, backfilling, grading, reestablishing topsoil, planting, revegetation management, irrigation, protection OF PLANTS AND SOIL prior to vegetation establishment, and administrative cost;

page 61 (re-formatting)

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

2. 5.A Large Group Living Facility is subject to a Conditional Use Permit in the RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, RO, B-1, B-2, C-1 and C-2 districts.

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

4. 5.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. "Density" for the purpose of Group Living Facilities is defined in Section 3.6.B.3.i 5. of this Code.

5. 6.A Group Living Facility located in a commercial zone district (C-1 or C-2) is not subject to the following requirements: compatibility with architecture, use of the facility by other groups, use of the facility by nonresidents, and/or any other requirements which are specific to incompatibility with residential neighborhoods.

6. 7. No person shall own, operate or manage any group living facility unless the facility(ies) is/are registered with the City. Registration shall expire on the anniversary date twelve (12) months after issuance.

**Table 6.6
OFF-STREET PARKING REQUIREMENTS**

Rooming/Board House 1 per rooming unit N/A
 (insert)
 RESIDENTIAL SUB-UNIT, ACCESSORY DWELLING UNIT 1 PER UNIT N/A
 Dormitories/Fraternities/Sororities 1 per 2 beds 0.5 per unit
 Single-Family, Duplex, Triplex, and Four-plex 2 spaces per dwelling unit N/A
 Multi-Family 1.8 per unit 0.5 per unit
~~All Other Residential Dwellings 1 per unit N/A~~

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**Table 6.6 continued
Retail Sales and Service,
Continued**

| OF SPACES USE CATEGORIES | SPECIFIC USES | MINIMUM NUMBER |
|-----------------------------|--|---|
| BICYCLE SPACES | | VEHICLE SPACES |
| | New & Used Vehicle Sales, including Recreational Vehicles/Boats | Spaces equal to 10 percent of vehicle display area |
| | | N/A ONE SPACE FOR EACH 5,000 FEET OF OPEN SALES LOT AREA DEVOTED TO THE SALE, DISPLAY, AND RENTAL OF SAID VEHICLES AND ONE SPACE FOR EACH 300 SQUARE FEET OF GROSS FLOOR AREA. |

**Industrial
Industrial Services and
Operations**

| | | | |
|-----|--|--|-------------|
| per | Industrial Services and Operations (e.g. Asphalt Plants, Concrete, Pipe & Culvert Storage) | 1.1 per employee vehicle spaces | 1 30 |
|-----|--|--|-------------|

1.1 per employee OR ONE PER EACH 1,000 SQUARE FEET OF FLOOR AREA, WHICHEVER IS GREATER.

Wholesale Sales 1.1 per employee
PLUS ONE SPACE PER EACH 500 SQUARE FEET OF FLOOR AREA OPEN TO THE PUBLIC FOR CUSTOMER PARKING, IN ALL CASES, A MINIMUM OF 2 CUSTOMER PARKING SPACES.

Table 6.6 continued

Table 6.6 Notes:

- Each parking space must be accessible independently of others.
- All square feet is gross floor area unless otherwise indicated.
- Spaces for seats or persons is designed capacity.
- A minimum of 3 spaces required for all use requiring bicycle spaces.

ADA REQUIREMENTS ARE LISTED IN THE TEDS MANUAL AND AT WWW.ACCESSBOARD.GOV

6.6.A.42- 13. **Exceptions.** The Director has the authority to increase or decrease the required vehicle or bicycle parking, if:

- a. Expected vehicle or bicycle ownership or use patterns vary from national standards or those typical for the use;
- b. The parking demand varies during the day and week in relation to parking supply; or
- c. The operational aspects of the use warrants unique parking arrangements.

13- 14. **Appeals.** An appeal of a Director decision relating to parking will be heard by the Zoning Board of Appeals.

44.15. **Dimensions.** Parking stall and aisle dimensions are detailed in TEDS.

45. 16. **Alternative Bike Parking.** The Director may allow bicycle parking for employees to be located within a structure for security reasons

6.7.E.1.6. ~~Street Reserve Strips.~~ **STREET RESERVE STRIPS.** No reserve strip shall be retained on the outer boundary or elsewhere of a development in order to control access to any public way.

Chapter Seven, page 23

7.4.B.2. **Term.** Members of the Historic Board shall be appointed by the City Council to serve ~~three (3)~~ FOUR (4) year staggered terms from the date of appointment.

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- 7.4.G.1.a. The effect upon the general historical and architectural character of the structure and property;
- b. The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;
 - b. C. The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structure and the site;
 - e. D. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
 - d. E. The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
 - e. F. The condition of existing improvements and whether they are a hazard to public health and safety; or
 - f. G. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property.

ACCESSORY USE

~~A use~~ THE USE OF LAND OR OF A BUILDING customarily incidental to, subordinate to, and supportive of the principal use of the parcel.

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MOTOR VEHICLE REPAIR SHOP

A shop or place of business used for the repair and maintenance of motor vehicles and other motor vehicle equipment as defined in 42-1-102, C.R.S. THE OWNER OF ALL MOTOR VEHICLE EQUIPMENT ON THE PROPERTY SHALL HAVE A VALID REGISTRATION, HAVE A REGISTRATION OR TITLE APPLIED FOR, OR SHOW A WORK ORDER. MOTOR VEHICLE EQUIPMENT FOR WHICH THE SHOP OPERATOR HOLDS NO VALID REGISTRATION OR WORK ORDER SHALL BE CLASSIFIED AS JUNK AND SHALL NOT BE KEPT, STORED OR WORKED ON, IN OR ON THE PROPERTY OF A MOTOR VEHICLE REPAIR SHOP.

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OUTDOOR STORAGE

The keeping, in an unenclosed area, UNSCREENED, of any goods, junk, material, merchandise, vehicles and vehicles for repair, in the same place for more than 48 hours. SEE SECTION 4.1.1.

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RUBBISH

RUBBISH INCLUDES BUT IS NOT LIMITED TO FOOD WASTE, ASHES AND OTHER SOLID, SEMI-SOLID AND LIQUID WASTE, BY-PRODUCTS AND GENERALLY DECOMPOSABLE RESIDUE TAKEN FROM RESIDENCES, COMMERCIAL ESTABLISHMENTS AND INSTITUTIONS. RUBBISH MAY ALSO BE KNOWN AS/REFERRED TO AS "GARBAGE", "TRASH", OR "WASTE" AS THOSE TERMS ARE USED AND/OR DEFINED IN THIS CODE OR ANY OTHER CITY CODE, LAW, RULE OR REGULATION(S).

SERVICE CLUB

A GROUP OF PEOPLE ORGANIZED FOR A COMMON PURPOSE TO PURSUE COMMON GOALS, INTERESTS, OR ACTIVITIES, ARE NOT COMMERCIAL IN NATURE, AND USUALLY CHARACTERIZED BY CERTAIN MEMBERSHIP QUALIFICATION, PAYMENT OF FEES AND DUES, REGULAR MEETINGS, AND A CONSTITUTION AND BYLAWS.

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE AND AUTHORIZING PUBLICATION OF THE AMENDMENTS BY PAMPHLET

Recitals:

Ordinance No. 3390 adopted the City of Grand Junction Zoning and Development Code. The effective date of Ordinance 3390 was January 20, 2002.

Since the adoption of the Zoning and Development Code the need for certain corrections, deletions and amendments to the Zoning and Development Code have been found. Many of the amendments proposed for adoption in this ordinance are corrections to the format/formatting of the Zoning and Development Code. The amendments are available for review in the Community Development Department and the City Clerk's office. Because of the number of pages (16) constituting the amendments the Council has determined that publication in book or pamphlet, as authorized by the Charter, is appropriate.

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

1. The Zoning and Development Code is hereby amended to read as shown in the attached book or pamphlet. Specific references to each section number of each amendment, as well as the specific changes to the text are shown therein.
2. All amendments are necessary or required by law and the amendments are in accordance with law.
3. Because of the number of pages publication by book or pamphlet is authorized in accordance with the Charter Article VI, Paragraph 51.
4. The hearing prior to final passage shall be held on May 7, 2003 at 7:30 p.m. in the Council chambers located at 250 N. 5th Street Grand Junction Colorado. The

purpose of such hearing being the consideration of the amendments to the City Zoning and Development Code, as stated in this ordinance.

5. The book or pamphlet containing the amendments shall be available for inspection in the City Community Development Department or the City Clerk's Office, 250 N.5th Street, Grand Junction CO. Hours for inspections shall be 8:00 a.m. to 5:00 p.m., Monday through Friday except legal holidays.

6. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

INTRODUCED ON FIRST READING this 16th day of April, 2003.

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

Attest:

President of the Council

City Clerk

**Attach 13
Public Hearing – Supplemental Budget Appropriations for 2003**

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|---|-------------------------------------|-------------------------------------|---|----------------|---|
| Subject | 1st Supplemental Appropriation Ordinance for 2003 | | | | | |
| Meeting Date | May 7, 2003 | | | | | |
| Date Prepared | 04/17/03 | | | | File # | |
| Author | Lanny Paulson | | | Budget & Accounting Manager | | |
| Presenter Name | Ron Lappi | | | Administrative Services Director | | |
| Report results back to Council | <input checked="" type="checkbox"/> | No | | 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: The request is to appropriate specific amounts for several of the City’s accounting funds as specified in the ordinance.

Budget: Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance. The total appropriation adjustment for all funds combined is \$8,770,065. The following provides a summary of the requests by fund.

General Fund #100, \$650,075:

- Council Contributions account; \$100K carryover for the Hilltop Senior Center and \$80K of unexpended budget for the purchase of development rights in the buffer-zone. Other carryover requests by City Administration include \$17K for the Graphic Design contract and \$15K for video equipment not purchased in 2002.
- \$103K carryover to complete various development plans.
- \$16K carryover to finish equipping the Police Sub-station and Video Surveillance equipment.
- \$24K carryover for Fire Department specialty equipment (CPAT) and an additional request of \$17K to replace Fire Station #3’s phone system.
- \$220K new request for Public Works Infrastructure Management computer system and \$32K for Pavement Testing equipment.
- \$10K carryover by the Parks & Rec. department to purchase art.

E-911 Special Revenue Fund #101, \$218,790: Transfer to the Communications Center Fund for equipment purchases.

Sales TAX CIP Fund #201, \$3,193,140:

- \$74K carryover for the Police Building HVAC.
- \$143K for Fire Station #5 land acquisition and construction.
- \$946K for various Public Works projects including; 29 Road Corridor, Independent Avenue, Signal Communication Upgrades, South Camp Trail and others.
- \$1.5MM carryover for Major Park Development – Canyon View, \$113K for Restroom Construction. \$112K for Existing Park Development, \$74K for Westlake Park, \$53K for Backflow Prevention, \$38K transfer to the Swimming Pools Fund for the LP Waterslide, \$36K for Tennis Court Resurfacing, and \$20K for the Lincoln Park Master Plan.

Storm Drainage Improvements Fund #202, \$566,405: Appropriation carryover for the 25 ½ Road – Phase 1 Drainage Improvement project.

Future Street Improvements Fund #207, \$50,000: Transfer to the Sales Tax CIP Fund for the 29 Road project.

Swimming Pools Fund #304, \$38,134: Carryover for the Lincoln Park Waterslide.

Tiara Rado Golf Course Fund #306, \$1,945: Final payment on the Maintenance Building Design.

Water Fund #301, \$390,036: Increase due primarily to water line replacements and debt service associated with the Colorado Water Resources & Power Development Authority loan.

Equipment Fund #402, \$305,247: \$83K carryover for the replacement of a Pipeline Maintenance Truck and Fleet Vehicle not received in 2002, plus an additional request of \$212K due to a computation error in the original 2003 replacement spreadsheet and \$10K for the replacement of Thermal Imagery equipment for the Fire Department.

Page 3

Communications Center Fund #405, \$218,790: Carryover for equipment purchases.

Joint Sewer System Fund #900, \$3,527,539: Carryover requests; \$263K for 29 Road Trunk Extension, \$538K for Interceptor Rehabilitations, \$380K for Line Replacements, \$2.2MM for Sewer Improvement Districts – SSEP.

Action Requested/Recommendation: Adoption of the appropriation ordinance after the public hearing on May 7th, 2003.

Attachments: n/a

Background Information: The first supplemental appropriation ordinance is adopted every year at this time to carry-forward unexpended appropriations for capital project and equipment purchases not completed in the prior year.

Ordinance No. _____

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2003
BUDGET OF THE CITY OF GRAND JUNCTION.**

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2003, to be expended from such funds as follows:

| <u>FUND NAME</u> | <u>FUND #</u> | <u>APPROPRIATION</u> |
|--------------------------------|----------------------|-----------------------------|
| General | 100 | \$ 650,075 |
| Enhanced 911 Special Revenue | 101 | \$ 218,790 |
| Sales Tax Capital Improvements | 201 | \$ 3,193,140 |
| Storm Drainage Improvement | 202 | \$ 566,405 |
| Future Street Improvements | 207 | \$ 50,000 |
| Swimming Pools | 304 | \$ 38,134 |
| Tiara Rado Golf Course | 306 | \$ 1,945 |
| Equipment Fund | 402 | \$ 305,247 |
| Communications Center | 405 | \$ 218,790 |
| Joint Sewer System | 900 | \$ 3,527,539 |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| TOTAL ALL FUNDS | | \$ 8,770,065 |

INTRODUCED AND ORDERED PUBLISHED this 16th day of April, 2003.

PASSED AND ADOPTED this _____ day of _____, 2003.

Attest:

President of the Council

City Clerk

Attach 14
Creating Special Assessment District Rimrock Marketplace

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-----|----------------|---|
| Subject | Rimrock Ordinances | | | | | |
| Meeting Date | May 7, 2003 | | | | | |
| Date Prepared | April 17, 2003 | | | | File # | |
| Author | Ron Lappi | | Administrative Services Director | | | |
| Presenter Name | Ron Lappi | | Administrative Services Director | | | |
| Report results back to Council | <input checked="" type="checkbox"/> | No | | 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: This is the second reading of three related ordinances for Rimrock Market Place G.I.D. They authorize creating a special assessment district, bond sale of \$3,980,000, and assessing the properties in the district.

Budget: The issuance of the GID bonds are not a financial obligation of the City of Grand Junction. They will be paid over 15 years by property assessment against the six lots.

Action Requested/Recommendation: Approve the second reading of three ordinances; a Rimrock GID Special Assessment District Creation Ordinance; a Rimrock GID Bond Ordinance and an Assessment Ordinance after a public hearing.

Attachments: Ordinances for Rimrock Market Place General Improvement District to be able to sell special assessment bonds to pay for the public improvement portions of Rimrock.

Background Information: The City Council sitting as the board of directors for the Rimrock G.I.D. approved on October 16, 2002 the Special Improvement District Agreement between the GID and the Developer of Rimrock. This agreement was the first step to actually selling Special Assessment Bonds to finance the public improvements associated with this development. These three ordinances are the next and final steps to actually issue the debt.

ORDINANCE NO. __

AN ORDINANCE CREATING THE RIMROCK
MARKETPLACE SPECIAL IMPROVEMENT DISTRICT
WITHIN THE CITY OF GRAND JUNCTION RIMROCK
MARKETPLACE GENERAL IMPROVEMENT DISTRICT.

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

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

WHEREAS, pursuant to Section 31-25-611.5, C.R.S., the Board may establish special improvement districts within the boundaries of the GID, pursuant to part 5, of Article 25 of Title 31, C.R.S. (the "SID Act"); and

WHEREAS, the GID and THF Belleville Development, L.P. (the "THF Belleville"), the owner of 100% of the real property in the GID, have executed the Special Improvement District Agreement made and entered into on October 29, 2002 as amended (the "Agreement") concerning the formation of the Rimrock Marketplace Special Improvement District (the "District"), which Agreement has been assigned by THF Belleville to THF Grand Junction Development, L.L.C. (the "Owner"); and

WHEREAS, the pursuant to Section 31-25-503(4.5), C.R.S., if a petition for an improvement is signed by 100% of the owners of the assessable property in a special improvement district and contains a request for waiver of all requirements for notice, publication, and a hearing set forth in Sections 31-25-503, C.R.S., the Board may waive all of such requirements; and

WHEREAS, the pursuant to Section 31-25-503(9), C.R.S., a special improvement district may be created for the purpose of acquiring existing improvements in which case the provisions of the SID Act concerning construction of improvements, competitive bidding and preliminary plans and specifications do not apply; and

WHEREAS, the pursuant to Section 31-25-503(10), C.R.S., the Board is authorized to enter into agreements with any owner of property in the District concerning the construction or acquisition of improvements, the assessment of costs thereof, the waiver or limitation of legal rights or any other matter concerning the District; and

WHEREAS, pursuant to the Agreement, the Owner: (a) waived all requirements for notice, publication, and a hearing set forth in Sections 31-25-503, C.R.S.; (b) agreed that the GID may proceed to form the District, order that the proposed improvements be acquired and improved, issue the bonds payable in part from the levy of assessments on property in the District, and otherwise finance the cost of the improvements described in the Agreement (the "Project"); (c) waived any and all formalities required by the laws of the United States and the State of Colorado in order to form the District including, but not limited to, the notice and

hearing provisions of Sections 31-25-503, C.R.S. and the Owner's right to bring a legal or equitable action challenging the formation of the District; (d) waived all powers, privileges, immunities and rights as against the GID or the District arising from or following from irregularities or defects, if any, occurring in connection with or ensuing from the actions, proceedings, matters and things heretofore taken or hereafter to be taken had and done by the GID, the Board and the officers of the GID (including, without limitation, the proper description of the property which the Owner may own within the District and the giving of proper notice of the proceedings relating to the District) concerning the creation of the District; (e) consented and agreed that all property in the District owned by the Owner be bound and be subject to the assessment lien as thoroughly and effectively as if all actions, proceedings, notices, matters and things had been taken and done free from irregularities; and (h) represented and warranted that the market value of each parcel owned by it in the District on the date of execution hereof and the date the assessments are levied exceeds the amount of the assessment proposed to be made against each such parcel.

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

Findings and Determinations. The Board hereby accepts the Agreement as a petition for the formation of a special improvement district within the GID to be known as "Rimrock Marketplace Special Improvement District." The Board hereby finds and determines as follows:

that the Agreement is signed by one hundred percent of the owners of taxable real property to be included within the District;

that the Agreement contains a request for waiver of all requirements for notice, publication, and a hearing set forth in Sections 31-25-503, C.R.S.;

that the proposed District's improvements to be acquired, constructed, installed, operated, or maintained:

are improvements that the City of Grand Junction is authorized to provide under the City's home rule charter (the "Charter"); and

do not duplicate or interfere with any municipal improvement already constructed or planned to be constructed within the limits of the proposed district;

that the organization of the District will serve a public use and will promote the health, prosperity, security and general welfare of the inhabitants of the GID and the proposed district;

the property to be included in the SID is especially benefited by the Project;

that the request for waiver is hereby granted; and

that the SID should be established.

These findings and determinations of the Board are final and conclusive on all parties in interest, whether appearing or not.

Establishment of District. It appearing that the Petition has been duly signed and presented in conformity with Colorado law and that the allegations of the Petition are true, the Board, by this ordinance, hereby finds that it has full jurisdiction under the law to adopt this ordinance, that the proposed district for which the Petition has been filed is hereby declared organized and shall be known as “Rimrock Marketplace Special Improvement District”, by which, in all proceedings, it shall hereafter be known.

District Boundaries. The District boundaries are:

LOTS 1, 2, AND 3 OF BLOCK 1,
LOT 1 OF BLOCK 2, LOT 1 OF BLOCK 3
AND LOT 1 OF BLOCK 4
OF RIMROCK MARKETPLACE
MESA COUNTY, COLORADO

District Improvements. The improvements are more specifically described in the Agreement. A general description of the improvements to be acquired within the District is as follows:

Improvement

Grand Junction Drainage Ditch

Rimrock Avenue / 25-1/2 Road

Highway 6 & 50

Signalization of Highway 6 & 50

Sam’s Club ROW Construction

Roundabout

Golden Corral ROW Construction

The improvements are hereby ordered to be acquired as provided in the Agreement.

Filing of Ordinance. The Secretary shall file this ordinance after final passage and approval with the Mesa County Assessor, the Mesa County Treasurer, and the Division of Local Government in the Department of Local Affairs.

Ordinance Conclusive. This ordinance shall finally and conclusively establish the regular organization of the District against all persons unless an action attacking the validity of the organization is commenced in a court of competent jurisdiction within thirty days after the adoption of this ordinance. Thereafter, any such action shall be perpetually barred.

Repealer. Ordinance No. 3478 is repealed. Additionally, all bylaws, orders, resolutions and ordinances of the GID, or parts thereof, inconsistent herewith are hereby repealed
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to the extent only of such inconsistency as applicable to this matter only. This section shall not be construed to revive any other such bylaw, order, resolution or ordinance of the GID, or part thereof, heretofore repealed.

Severability. If any section, subsection, paragraph, clause or other provision of this ordinance for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this ordinance, the intent being that the same are severable.

Effective Date, Recording and Authentication. This ordinance shall be in full force and effect 30 days after publication following final passage. This ordinance, as adopted by the Board, shall be numbered and recorded by the Secretary in the official records of the District. The adoption and publication shall be authenticated by the signatures of the President of the Council as the ex officio President of the Board and City Clerk as the ex officio Secretary of the Board, and by the certificate of publication.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM ON April 16, 2003.

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM ON MAY 7, 2003.

CITY OF GRAND JUNCTION
RIMROCK MARKETPLACE GENERAL
IMPROVEMENT DISTRICT

President

Attest:

Secretary

(SEAL)

STATE OF COLORADO)
)
COUNTY OF MESA) SS.
)
CITY OF GRAND JUNCTION)
RIMROCK MARKETPLACE)
GENERAL IMPROVEMENT DISTRICT)

I, the duly elected, qualified and acting City Clerk of the City of Grand Junction, Colorado and ex officio as Secretary of the City of Grand Junction Rimrock Marketplace General Improvement District (the "District") do hereby certify:

That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council serving ex officio as the Board of Directors of the District (the "Board") at a regular meeting of the Council held at City Hall on May 7, 2003. A quorum of the Board was in attendance at said meeting.

That the passage of the Ordinance on first reading was duly moved and seconded at a regular meeting of the Council on April 16, 2003 and the Ordinance was approved on first reading by a vote of not less than four members of the Board as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

That the passage of the Ordinance on second and final reading was duly moved and seconded at a regular meeting of the Board on May 7, 2003 and the Ordinance was approved on second and final reading by a vote of not less than four members of the Council as follows:

Those Voting Aye: _____

Those Voting No:

Those Abstaining:

Those Absent:

That the Ordinance has been authenticated by the President, sealed with the corporate seal of the District, attested by me as Secretary, and duly recorded in “The Ordinance Book” of the District; and that the same remains of record in “The Ordinance Book” of the District.

That notices of the meetings of April 16, 2003 and May 7, 2003, in the forms attached hereto as Exhibit A, were duly given to the Board members and were posted in a designated public place within the boundaries of the District no less than twenty-four hours prior to the meetings as required by law.

That the Ordinance was published after first reading in pamphlet form and notice of hearing was published in *The Daily Sentinel*, a daily newspaper published and of general circulation in the City on _____, 2003 and the Ordinance was published after final adoption in pamphlet form. The affidavit of publication is attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District this _____ day of _____, 2003.

City Clerk ex officio
Secretary of the District

(SEAL)

EXHIBIT A

(Attach Notices of Meeting)

EXHIBIT B

(Attach Affidavits of Publication)

ORDINANCE NO. ____

AN ORDINANCE CONCERNING THE RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT AND AUTHORIZING THE ISSUANCE OF SPECIAL ASSESSMENT BONDS.

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

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

WHEREAS, pursuant to Section 31-25-611.5, C.R.S., the Board may establish a special improvement district, within the boundaries of the GID, pursuant to part 5, Article 25 of Title 31, C.R.S. (the "SID Act"); and

WHEREAS, the GID and THF Belleville Development, L.P. (the "THF Belleville"), the owner of 100% of the real property in the GID, have executed the Special Improvement District Agreement made and entered into on October 29, 2002 as amended (the "Agreement") concerning the formation of the Rimrock Marketplace Special Improvement District (the "District"), which Agreement has been assigned by THF Belleville to THF Grand Junction Development, L.L.C. (the "Owner"); and

WHEREAS, the GID Board has, pursuant to the requisite preliminary proceedings, created the District for the purpose of acquiring and improving local improvements described in the Agreement (the "Project"), and has provided that all or a portion of the cost and expense of the Project shall be paid by special assessment, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Board has provided for the payment of the cost and expense of the Project and by an ordinance heretofore passed and adopted (the "Assessment Ordinance") has levied assessments in the amount of \$3,980,000 against the assessable lots, tracts and parcels of land in the District benefited by the Project; and

WHEREAS, on November 6, 2001, the eligible electors of the GID approved the following question:

SHALL CITY OF GRAND JUNCTION
RIMROCK MARKETPLACE GENERAL IMPROVEMENT
DISTRICT DEBT BE INCREASED \$3,980,000 WITH A
REPAYMENT COST OF \$7,545,200 AND SHALL DISTRICT

TAXES BE INCREASED \$1,036,800 ANNUALLY SUBJECT TO THE FOLLOWING:

(1) THE PROCEEDS OF SUCH DEBT SHALL BE USED FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF STREET IMPROVEMENTS AND ALL OTHER NECESSARY, INCIDENTAL, APPURTENANT, AND CONVENIENT FACILITIES, EQUIPMENT, LAND AND PROPERTY RIGHTS OR REFUNDING DEBT ISSUED FOR SUCH PURPOSES;

(2) SUCH TAX INCREASE SHALL BE GENERATED BY A PROPERTY TAX MILL LEVY WITHOUT LIMITATION AS TO RATE OR AMOUNT OR SPECIAL ASSESSMENTS, AS DETERMINED BY THE BOARD, THE PROCEEDS OF WHICH SHALL BE USED TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON SUCH DEBT OR ANY REFUNDING DEBT (OR TO CREATE A RESERVE FOR SUCH PAYMENT);

(3) SUCH DEBT MAY BE EVIDENCED BY BONDS, NOTES, CONTRACTS, LOAN AGREEMENTS OR OTHER FORMS OF INDEBTEDNESS BEARING INTEREST AT A MAXIMUM NET EFFECTIVE INTEREST RATE NOT TO EXCEED 8.00%;

(4) SUCH DEBT MAY BE SOLD IN ONE SERIES OR MORE, ON TERMS AND CONDITIONS AS THE BOARD OF DIRECTORS OF THE DISTRICT MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OR PREPAYMENT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF THE PREMIUM;

AND SHALL THE EARNINGS FROM THE INVESTMENT OF THE PROCEEDS OF SUCH DEBT AND TAX REVENUES BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION, AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

WHEREAS, the Board desires to issue its Rimrock Marketplace Special Assessment Bonds, Series 2003 in the aggregate principal amount of not to exceed \$3,980,000 (the "Bonds") to provide funds to pay all or a portion of the cost and expense of the Project; and

WHEREAS, the Bonds are to be payable from the sources permitted by Parts 5 and 6 of Article 25 of Title 31, Colorado Revised Statutes, and all laws amendatory thereof and supplemental thereto (the “Act”), as more fully described herein; and

WHEREAS, the Bonds are to be sold by the GID to Kirkpatrick Pettis (the “Purchaser”) on the terms set forth in the Bond Purchase Contract to be dated the date of sale of the Bonds in substantially the form filed with the Secretary (the “Bond Purchase Contract”); and

WHEREAS, all acts and proceedings required by law necessary to make the Bonds, when executed by the GID, authenticated and delivered by the Paying Agent (hereinafter defined) and duly issued, the valid, binding and legal obligations of the GID payable in accordance with their terms, and to constitute this Ordinance a valid and binding obligation of the GID of the parties hereto for the uses and purposes herein set forth in accordance with its terms, have been done and taken.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION ACTING AS EX OFFICIO BOARD OF DIRECTORS OF THE CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT DISTRICT DOES ORDAIN:

DEFINITIONS; EQUAL SECURITY

Short Title; Definitions. This Ordinance shall be known as, and may be cited by, the short title Rimrock Marketplace Bond Ordinance. Unless the context otherwise requires, the terms defined in this section shall for all purposes hereof and of any Supplemental Ordinance and of any certificate, opinion, request or other document herein or therein mentioned have the meanings herein specified:

“**Act**” means Parts 5 and 6 of Article 25 of Title 31 and Part 2 of Article 57 of Title 11, Colorado Revised Statutes, as amended from time to time.

“**Administration Costs**” means the reasonable administration costs and other expenses of the GID incurred in connection with the Bonds, the Assessments, the Project and for certain other purposes, all as provided in the Financing Agreement.

“**Administration Fund**” means the “Rimrock Marketplace Administration Fund” established in Section 3.05 hereof.

“**Annual Debt Service**” means, for each Bond Year, the sum of (1) the interest falling due on all Outstanding Bonds in such Bond Year, assuming that all Outstanding Serial Bonds are retired as scheduled and that all Outstanding Term Bonds, if any, are redeemed as may be scheduled (except to the extent that such interest is to be paid from the proceeds of sale of any Bonds), (2) the principal amount of the Outstanding Serial Bonds, if any, maturing by their terms in such Bond Year, and (3) the minimum amount of such Outstanding Term Bonds required to

be paid or called and redeemed in such Bond Year. “Annual Debt Service” shall not include interest on Bonds that is to be paid from amounts constituting capitalized interest.

“**Assessment**” or “**Assessments**” means the aggregate special assessment or individual portions thereof, as the case may be, levied by the GID constituting a first lien and charge upon benefited lots, tracts and parcels of land within the District, co-equal with the latest lien thereon to secure the payment of general (ad valorem) taxes.

“**Assessment Credit**” means a credit applied equally against the next two Assessment Installments due but not yet billed, which shall be applied on a pro rata basis, based on the unpaid principal balance (not including any delinquent installment of principal) assessed, against each parcel of property.

“**Assessment Installments**” means the installments of principal and interest of the Assessments to be paid by the owners of the benefited lots, tracts and parcels of land within the District.

“**Assessment Ordinance**” means the assessment ordinance adopted by the Board and any ordinance amending such ordinance.

“**Authorized Denominations**” means \$500,000 or integral multiples of \$5,000 in excess of \$500,000 (provided that in the event a Bond is partially redeemed by the District and the unredeemed portion is less than \$500,000, such unredeemed portion of such Bond may be issued in the largest possible denomination of less than \$500,000, in integral multiples of \$5,000) until the Bonds otherwise qualify for an exemption from registration under the “Colorado Municipal Bond Supervision Act” and then shall mean \$5,000 or any integral thereof.

“**Average Annual Debt Service**” means the average Bond Year Annual Debt Service over all Bond Years.

“**Bonds**” means the Rimrock Marketplace Special Assessment Bonds, Series 2003 issued hereunder.

“**Bond Fund**” means the “Rimrock Marketplace Bond Fund” established in Section 3.03 hereof.

“**Bond Purchase Contract**” means the Bond Purchase Contract between the GID and the Purchaser.

“**Bond Reserve Fund**” means the “Rimrock Marketplace Bond Reserve Fund” established in Section 3.04 hereof.

“**Bond Year**” means (i) with respect to the initial Bond Year, the period extending from the date the Bonds are originally delivered to and including December 1, 2003 and (ii) thereafter, each successive twelve month period. Notwithstanding the foregoing, the

term Bond Year as used in the Tax Certificate is defined in the manner set forth in the Tax Certificate.

“Business Day” means any day on which the Paying Agent is open for business at its Principal Corporate Trust Office.

“Certificate of the GID” means an instrument in writing signed by the GID President, GID Treasurer or by any other officer of the GID duly authorized by the Board for that purpose.

“Code” means the Internal Revenue Code of 1986, as amended to the date of delivery of the Bonds.

“Construction Fund” means the “Rimrock Marketplace Construction Fund” established in Section 3.02 hereof.

“Contingencies” means amounts determined by the Treasurer to be necessary to create a prudent reserve to pay (i) anticipated costs of the GID associated with the District, including (without limitation) legal expenses, engineering fees, financial or other consultant fees, and other out-of-pocket costs, and (ii) scheduled principal and interest on the Bonds to the extent funds will not otherwise be available therefor in the Bond Fund; provided, that the Treasurer has a reasonable basis for such determination.

“Continuing Disclosure Certificate” means the Continuing Disclosure Certificate executed by the President and dated as of the date of delivery of the Bonds, in substantially the form now before the Board, and any amendments and supplements thereto.

“Developer” means THF Grand Junction Development, L.L.C.

“District” means Rimrock Marketplace Special Improvement District.

“Excess Revenues” means the portion of the Assessment installments and penalties, if any, thereon received by the GID in any Bond Year that is in excess of the amount required to pay the principal of and interest on the Bonds in such Bond Year, plus the amount, if any, needed to increase the amount on deposit in the Bond Reserve Fund to the Reserve Requirement.

“Financing Agreement” means the Special Improvement District Agreement made and entered into on October 29, 2003, between the GID and the Developer, as amended from time to time.

“GID” means City of Grand Junction Rimrock Marketplace General Improvement District.

“Government Obligations” means:

(1) direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America; and

(2) obligations of any of the following federal agencies, which obligations are secured by the full faith and credit of the United States of America, including:

- Export - Import Bank
- Farmers Home Administration
- General Services Administration
- U.S. Maritime Administration
- Small Business Administration
- Government National Mortgage Association (GNMA)
- U.S. Department of Housing & Urban Development (PHA's)
- Federal Housing Administration.

“Holder” means any person who shall be the registered owner of any Outstanding Bond.

“Independent Certified Public Accountant” means any certified public accountant or firm of such accountants duly licensed and entitled to practice and practicing as such under the laws of the State or a comparable successor, appointed and paid by the GID, and who, or each of whom --

(1) is in fact independent according to the Statement of Auditing Standards No. 1 and not under the domination of the GID;

(2) does not have a substantial financial interest, direct or indirect, in the operations of the GID; and

(3) is not connected with the GID as a member, officer or employee of the GID, but who may be regularly retained to audit the accounting records of and make reports thereon to the GID.

“Letter of Credit” means any irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the GID which secures payment of the Bonds or the assessments.

“Maximum Annual Debt Service” means the largest Annual Debt Service during the period from the date of such determination through the final maturity date of any Outstanding Bonds.

“Opinion of Counsel” means a written opinion of Sherman & Howard L.L.C. or such other counsel of recognized national standing in the field of law relating to municipal bonds, appointed by the GID.

“Ordinance” means this Ordinance, as the same may be supplemented and amended from time to time as provided herein.

“Outstanding,” when used as of any particular time with reference to Bonds, means (subject to the provisions of Section 7.03) all Bonds except:

(1) Bonds theretofore canceled by the Paying Agent or surrendered to the Paying Agent for cancellation;

(2) Bonds paid or deemed to have been paid within the meaning of Section 8.01; and

(3) Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the GID pursuant hereto.

“Paying Agent” means Wells Fargo Bank West, National Association, being the GID’s agent for the payment of the Bonds and interest thereon, or its successors and assigns appointed in accordance with the provisions hereof.

“President” means the President of the City of Grand Junction City Council, the ex officio President of the GID.

“Principal Corporate Trust Office” means the corporate trust office of the Paying Agent located in Denver, Colorado, or such other office or offices as the Paying Agent shall designate from time to time. In the event the City Treasurer becomes the Registrar or Paying Agent, the Principal Corporate Trust Office shall be the office of the City Treasurer in Grand Junction, Colorado.

“Project” means the public improvements to be constructed in the District as described in the ordinance creating the District adopted by the Board.

“Purchaser” means Kirkpatrick Pettis.

“Rebate Fund” means the “Rimrock Marketplace Rebate Fund” created in Section 3.06 hereof.

“Record Date” means the fifteenth day of the calendar month preceding the calendar month in which each regularly scheduled interest payment date for the Bonds occurs

“Registrar” means the Paying Agent, being the GID’s agent for the registration, transfer and exchange of the Bonds, or its successors and assigns appointed in accordance with the provisions hereof.

“Reserve Fund Letter of Credit” means (i) a Letter of Credit satisfying the requirements of Section 3.04 hereof to be issued to the GID to be utilized in lieu of cash or investments in the Bond Reserve Fund and (ii) any Letter of Credit substituted for a Reserve

Fund Letter of Credit pursuant to Section 3.04 hereof or any extension of an existing Reserve Fund Letter of Credit pursuant to Section 3.04 hereof.

“Reserve Requirement” means an amount equal to the lesser of: (i) ten percent (10%) of the original principal amount of the Bonds; (ii) one hundred twenty-five percent (125%) of Average Annual Debt Service on the Bonds; and (iii) Maximum Annual Debt Service on all Bonds Outstanding, less the sum of all downward adjustments to the Reserve Requirement due to the prepayment of Assessments as provided in Section 3.04(e) hereof or due to the issuance of Refunding Bonds as provided in Section 2.11 hereof. The amount of the Reserve Requirement upon initial delivery of the Bonds shall be confirmed in the Sales Certificate.

“Sales Certificate” means a certificate of the President, dated on or before the date of delivery of the Bonds, setting forth the rates of interest on the Bonds, the dates on which principal and interest shall be paid, the dates on which and prices at which Bonds may be called for redemption, the price at which the Bonds will be sold, the total principal amount of the Bonds and the amount of principal maturing on each date, the existence and amount of capitalized interest, and the amount to be initially deposited to the Reserve Fund, subject to the requirements of this Ordinance.

“Secretary” means the City Clerk of the City of Grand Junction, the ex officio Secretary of the GID.

“Serial Bonds” means Bonds for which no sinking fund payments are provided.

“Special Record Date” means a special date fixed by the Paying Agent to determine the names and addresses of Holders for the purpose of paying interest on a special interest payment date for the payment of defaulted interest, all as further provided in Section 2.02 hereof.

“Supplemental Act” means Part 2 of Article 57 of Title 11, Colorado Revised Statutes.

“Supplemental Ordinance” means any ordinance then in full force and effect which has been duly adopted by the Board which amends this Ordinance; but only if and to the extent that such Supplemental Ordinance is specifically authorized hereunder.

“Tax Certificate” means the Federal Tax Exemption Certificate delivered by the GID at the time of the issuance and delivery of the Bonds, as the same may be amended or supplemented in accordance with its terms.

“Term Bonds” means Bonds that are payable on or before their specified maturing dates from sinking fund payments established for that purpose and calculated to retire such Bonds on or before their specified maturity dates.

“Treasurer” means the Treasurer of the City of Grand Junction, the ex officio Treasurer of the GID.

“Trust Estate” means (i) all Assessments, (ii) all moneys and securities from time to time held by the GID in the Bond Reserve Fund and the Bond Fund (including all earnings thereon except to the extent deposited in the Rebate Fund) and including the proceeds of draws under a Reserve Fund Letter of Credit, (iii) the proceeds of draws under any Letter of Credit deposited by the GID in the Bond Fund and (iv) any and all other real or personal property of every name and nature hereafter by delivery or in writing specially pledged as additional security for the Bonds

Equal Security. In consideration of the acceptance of the Bonds by the Holders thereof, this Ordinance shall be deemed to be and shall constitute a contract between the GID and the Holders from time to time of all Bonds authorized, executed, issued and delivered hereunder and then Outstanding to secure the full and final payment of the interest on and principal of and redemption premiums, if any, on all Bonds that may from time to time be authorized, executed, issued and delivered hereunder, subject to the agreements, conditions, covenants and provisions contained herein. All agreements and covenants set forth herein to be performed by or on behalf of the GID shall be for the equal and proportionate benefit, protection and security of all Holders of the Bonds without distinction, preference or priority as to security or otherwise of any Bonds over any other Bonds by reason of the number or date thereof or the time of authorization, sale, execution, issuance or delivery thereof or for any cause whatsoever, except as expressly provided herein or therein.

ISSUANCE AND TERMS OF BONDS

Ratification of Actions: Authorization and Purpose of Bonds. All actions, proceedings, matters and things heretofore taken, had and done by the GID and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the acquisition and improvement of the Project, the levy of Assessments for those purposes, the validation and confirmation of the assessment roll and the Assessments therein, and the sale of the Bonds to the Purchaser, are ratified, approved and confirmed, including, without limitation, the execution and delivery of the Bond Purchase Contract and the distribution of the Preliminary Official Statement for the Bonds. The GID has reviewed all proceedings heretofore taken relative to the authorization of the Bonds and hereby finds and determines that all acts, conditions and things required by law to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds do exist, have happened and have been performed in due time, form and manner as required by law, and that the GID is now duly authorized, pursuant to each and every requirement of law, to issue the Bonds in the form and manner provided herein and that the Bonds shall be entitled to the benefit, protection and security of the provisions hereof.

Section 11-57-204 of the Supplemental Act provides that a public entity, including the GID, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The Board hereby elects to apply all of the Supplemental Act to the Bonds. The Bonds are issued under the authority of the Supplemental Act and shall so recite. Pursuant to Section 11-57-210 C.R.S., such recital conclusively imparts full compliance with all

provisions of said sections, and the Bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value. Pursuant to Section 11-57-205 of the Supplemental Act, the Board hereby delegates to the President the authority to accept the proposal of the Purchaser to purchase the Bonds and to execute any purchase contract in connection therewith, as well as the authority to make determinations in relation to the Bonds contained in the Sale Certificate subject to the parameters and restrictions contained in Section 2.02 hereof.

Terms of the Bonds. For the purpose of defraying the entire cost and expense to the GID of the Project, there shall be issued the GID's special assessment bonds designated as the "Rimrock Marketplace Special Assessment Bonds, Series 2003" in the aggregate principal amount of not to exceed \$3,980,000, which Bonds shall be dated as the date of delivery of the Bonds and shall be in the form of fully registered Bonds in Authorized Denominations. The Bonds shall bear interest at the rates per annum designated in the Sales Certificate, from the most recent interest payment date for which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds, to their respective maturity, payable semiannually on the dates set forth in the Sale Certificate.

The Bonds shall mature, bear interest from their dated date to maturity or prior redemption and be sold, all as provided in the Sale Certificate; provided that (a) the aggregate principal amount of the Bonds shall not exceed \$3,980,000; (b) the net effective interest rate of the Bonds does not exceed the maximum net effective interest rate authorized at the November 6, 2001 election; (c) the Bonds shall mature no later than December 1, 2018; and (d) the purchase price of the Bonds shall not be less than 97%.

The Bonds shall be dated as of June 15, 2003 and shall mature on the dates in each of the years and in the amounts designated in the Sales Certificate. The principal of each Bond shall be payable at the Principal Corporate Trust Office upon presentation and surrender of the Bond. Except as provided in Section 2.09 hereof, payment of interest on any Bond shall be made to the Holder thereof, as of the close of business on the Record Date for such interest payment date, by check mailed by the Paying Agent to such Holder's address as it appears on the registration records kept by the Registrar, but any such interest not so timely paid shall cease to be payable to the Holder thereof as of the close of business on the Record Date and shall be payable to the Holder thereof as of the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date shall be fixed whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to such Holders not less than ten days prior thereto by first-class postage prepaid mail, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to in writing between the Holder of such Bond and the Paying Agent. If any Bond is not paid upon its presentation and surrender at or after its maturity or prior redemption and moneys are not available therefor, interest shall continue at its stated rate per annum until the principal thereof is paid in full. Interest on the Bonds shall be calculated based on a 360-day year, consisting of twelve 30-day months. All such payments shall be made in lawful money of the United States of America.

The Holder of \$1,000,000 or more in aggregate principal amount of Bonds may request in writing that the Paying Agent pay the interest thereon by wire transfer to an account in the United States, such request to be filed with the Paying Agent not later than the applicable Record Date.

Redemption of Bonds.

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

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

The Term Bonds shall be subject to mandatory sinking fund redemption at the times, in the amounts and at the prices provided in the Sales Certificate. Not more than sixty days nor less than fifteen days prior to each such sinking fund redemption date, the Registrar, shall proceed to redeem the Bonds so designated for mandatory prior redemption from such sinking fund on the next sinking fund redemption date, and shall give notice of such redemption as provided in Section 2.04 without further instruction or notice from the GID.

At its option, to be exercised on or before the sixtieth day next preceding each sinking fund redemption date, the GID may (i) deliver to the Registrar, for cancellation, Term Bonds of the appropriate maturity in an aggregate principal amount desired by the GID, or (ii) specify a principal amount of Term Bonds of the appropriate maturity, which prior to said date have been redeemed (other than through the operation of the sinking fund) and canceled by the Registrar or the Paying Agent and not theretofore applied as a credit against any sinking fund redemption obligation. Each such Term Bond or portion thereof so delivered or previously redeemed will be credited by the Registrar at 100% of the principal amount thereof against the obligation of the GID on such sinking fund redemption date and any excess over such amount shall be credited against future sinking fund redemption obligations for the Term Bonds of that, maturity in chronological order or any other order specified by the GID.

If less than all of the Bonds are to be redeemed pursuant to paragraph (a) of this Section, the Bonds to be redeemed shall be selected proportionately from each outstanding

maturity of the Bonds, including any sinking fund installments pursuant to paragraph (b) of this Section, unless the Treasurer determines that even using a different method of selecting Bonds to be redeemed the Assessment Installments will be sufficient to pay the principal and interest of the Bonds that would remain outstanding on each interest payment date subsequent to the redemption date. The redemption premium, if any, shall be paid from a prepayment penalty provided for in the Assessment Ordinance; provided, however, that nothing herein shall prevent the payment of any such redemption premium from any other funds available for that purpose. In the case of Bonds of a denomination larger than \$5,000, a portion of such Bond (\$5,000 or any integral multiple thereof) may be redeemed, in which case the Registrar shall, at the request of, and without charge to, the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof.

Notice of Redemption.

Unless waived by the Holder of a Bond to be redeemed, notice of redemption shall be given by the Registrar in the name of the GID by mailing such notice at least fifteen days and not more than sixty days prior to the redemption date, by first-class mail, postage prepaid, to the Holders of the Bonds to be redeemed at their addresses as shown on the registration records. Failure to give such notice to the Holder of any Bond, or any defect therein, shall not affect the validity of the proceedings for the redemption of any Bonds. All such notices of redemption shall be dated and shall state: (i) the redemption date, (ii) the redemption price, (iii) if less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed, (iv) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and (v) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the Principal Corporate Trust Office. Except as provided in subsection (c) below, after such notice has been given in the manner provided herein, the Bond or Bonds called for redemption shall become due and payable on the designated redemption date, and upon presentation and surrender thereof the GID shall pay the Bond or Bonds called for redemption. Installments of interest due on the redemption date shall be payable as provided in this Ordinance for the payment of interest. A certificate by the Registrar that a notice of redemption has been given as herein set forth shall be conclusive and receipt by the Bondholder of a notice of redemption shall not be a condition precedent to the redemption of that Bond.

All Bonds redeemed pursuant to the provisions of this Section shall be canceled and destroyed by the Paying Agent and shall not be reissued.

Notwithstanding the provisions of subsection (a) above, any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the bonds so called for redemption, and that if such funds are not available, such redemption shall be canceled by written notice to the Holders of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

Execution of Bonds. Pursuant to Section 11-55-103, C.R.S., the President, the Secretary and Treasurer shall each file with the Secretary of State his or her manual signature certified under oath. Thereafter, each of the Bonds shall be signed and executed in the name of the GID with the manual or facsimile signature of the President, countersigned with the manual or facsimile signature of the Treasurer, and attested with the manual or facsimile of the signature of the Secretary. The seal of the GID or a facsimile thereof shall be affixed to each Bond. The Bonds bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the GID (subject to the requirement of authentication by the Registrar as hereinafter provided), notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. Any officer herein authorized or permitted to sign any Bond at the time of its execution and of the execution of a signature certificate may adopt as and for his or her own facsimile signature, the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon the Bond. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form hereinafter provided, has been duly executed by the manual signature of the Registrar (or a duly authorized officer thereof), and such certificate of authentication of the Registrar upon any Bond shall be the only competent evidence that such Bond has been duly issued and delivered.

Lost, Stolen, Destroyed or Mutilated Bonds. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence or information relating thereto, appropriate indemnification, and such reimbursement for expenses as it may reasonably require, register and deliver to the Holder thereof a replacement for such Bond bearing a number not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar shall direct the Paying Agent to pay such Bond in lieu of replacement.

Registration, Transfer and Exchange. Records for the registration and transfer of the Bonds shall be kept by the Registrar. A Bond shall be fully transferable by the Holder thereof in person or by such Holder's duly authorized attorney on the registration records kept at the office of the Registrar upon presentation of the Bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon the surrender for transfer of any Bond at the Principal Corporate Trust Office, duly endorsed for transfer or accompanied by an assignment (in form satisfactory to the Registrar) duly executed by the Holder or such Holder's attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the Principal Corporate Trust Office for an equal aggregate principal amount of Bonds of other Authorized Denominations. The Registrar may require the owner or transferee to pay any tax or other governmental charge required to be paid with respect to such transfer or exchange, and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond. No such charges shall be levied in the case of an exchange resulting from the redemption of a portion of a Bond. The Registrar shall not be required to transfer or exchange (i) any Bond during the period beginning on and including the 15th day before the date of the mailing by the Registrar of a notice of redemption of Bonds and ending at the close of business on the date such notice is mailed, or (ii) any Bond after the mailing of notice calling such Bond or any portion

thereof for redemption, except the unredeemed portion of any Bond redeemed in part as herein provided. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for replacement as provided herein, such Bond shall be promptly canceled and destroyed by the Paying Agent or Registrar, as the case may be, and a certificate of such destruction shall be prepared by the Paying Agent or Registrar.

The person in whose name a Bond shall be registered on the registration records kept by the Registrar shall be deemed and regarded as the absolute owner thereof for all purposes and neither the GID, the Paying Agent nor the Registrar shall be affected by any notice to the contrary. Payment of principal of, premium, if any, and interest on any Bond shall be made only to or upon the written order of the Holder thereof or such Holder's legal representative (except as provided above for the payment of interest to the Holder as of the Record Date or a Special Record Date). All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

The foregoing provisions of this Section are subject to the provisions of Section 2.09 hereof.

Bonds as Negotiable Instruments. Subject to the registration provisions hereof, the Bonds shall be fully negotiable and shall have all the qualities of negotiable paper, and the Holder or Holders thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code - Negotiable Instruments and the Uniform Commercial Code - Investment Securities.

Book Entry System. Notwithstanding the provisions of Sections 2.02 and 2.07 hereof, the Bonds shall initially be evidenced by one Bond for each year in which Bonds mature in denominations equal to the aggregate principal amount of the Bonds maturing in that year or as otherwise required by the securities depository for the Bonds. Such initially delivered Bonds shall be registered in the name of "Cede & Co.," as nominee for The Depository Trust Company ("DTC"), the securities depository for the Bonds. So long as the Bonds are held by DTC, the Paying Agent, the Registrar and the GID may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of, premium, if any, and interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to the Holders under this Ordinance, registering the transfer of such Bonds, obtaining any consent or other action to be taken by the Holders and for all other purposes whatsoever, and neither the Paying Agent, the Registrar nor the GID shall be affected by any notice to the contrary. Neither the Paying Agent, the Registrar nor the GID shall have any responsibility or obligation to any DTC participant or indirect participant, any beneficial owner of the Bonds, or any other person which is not shown on the registration records of the Registrar as being a Holder with respect to the accuracy of any records maintained by DTC or any DTC participant or indirect participant; the payment by DTC or any DTC participant or indirect participant of any amount in respect of the Bonds; any notice which is permitted or required to be given to the Holders under this Ordinance; the selection by DTC or any DTC participant or indirect participant of any person to receive payment in the event of a partial redemption of the Bonds or any consent given or other action taken by DTC as

owner. After such initial issuance of the Bonds, the Bonds may not thereafter be transferred or exchanged except:

to any successor of DTC or its nominee, which successor must be both a “clearing corporation” as defined in Section 4-8-102(5), C.R.S., and a qualified and registered “clearing agency” under Section 17A of the Securities Exchange Act of 1934, as amended; or

upon the resignation of DTC or a successor or new depository under paragraph (a) or this paragraph b, or a determination by the GID that DTC or such successor or new depository is no longer able to carry out its functions, and the designation by the GID of another depository institution, which new depository institution must be both a “clearing corporation” as defined in Section 4-8-102(5), C.R.S., and a qualified and registered if clearing agency” under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of DTC or such successor or new depository; or

upon the resignation of DTC or a successor or new depository under paragraph (a) or paragraph (b), or a determination by the GID that DTC or such successor or new depository is no longer able to carry out its functions, and the failure by the GID, after reasonable investigation, within 90 days thereafter to locate another qualified depository institution under paragraph (b) to carry out such depository functions or upon a determination by the GID that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain Bond certificates, and the delivery by the GID of written notice thereof to the Registrar and the Paying Agent.

In the case of a transfer to a successor of DTC or its nominee as referred to in paragraph (a) above or designation of a new depository pursuant to paragraph (b) above, upon receipt of the Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a new Bond shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under paragraph (c) above and, if applicable, the failure after reasonable investigation within 90 days thereafter to locate another qualified depository institution for the Bonds as provided in paragraph (c) above, and upon receipt of the Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in Authorized Denominations, as provided in Section 2.02 hereof, registered in the names of such persons and in such Authorized Denominations as are requested in such written transfer instructions; provided, however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

The GID, the Registrar and the Paying Agent shall endeavor to cooperate with DTC or any successor or new depository named pursuant to paragraph (a) or (b) above in effectuating payment of the principal of, premium, if any, and interest on the Bonds by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

Upon any partial redemption of any of the Bonds, Cede & Co. (or its successor) in its discretion may request the GID to issue and authenticate a new Bond or shall make an appropriate notation on the Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case the Bond must be presented to the Paying Agent prior to payment.

Form of Bond; Recital. Subject to the provisions of this Ordinance, the Bonds shall be in substantially the form set forth in Appendix A attached hereto and by this reference incorporated herein, with such omissions, insertions, endorsements and variations as may be required by the circumstances, be required or permitted by this Ordinance, or necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto. Pursuant to 11-57-210, C.R.S., the Bonds shall contain a recital that they are issued pursuant to the Supplemental Act, which recital shall conclusively impart full compliance with all of the provisions of the Act, and all Bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

DELIVERY OF BONDS; FUNDS AND ACCOUNTS

Delivery of Bonds; Application of Proceeds. When the Bonds have been duly executed and authenticated, they shall be delivered to the Purchaser upon receipt of the agreed purchase price. The proceeds realized by the GID from the sale of the Bonds (net of the Purchaser's discount) shall be applied as follows:

an amount equal to interest on the Bonds from the date of issuance to the date set forth in the Sale Certificate, shall be deposited to the Bond Fund;

unless a Reserve Fund Letter of Credit is provided to the GID upon delivery of the Bonds, an amount equal to the Reserve Requirement shall be deposited in the Reserve Fund; and

the remainder of such proceeds shall be deposited in the Construction Fund.

Construction Fund. There is hereby created a special fund to be held by the Treasurer to be designated as the "Rimrock Marketplace Construction Fund." All money in the Construction Fund shall be applied by the GID for the payment of the cost (as defined in the Act) of the acquisition and improvement of the Project, which includes the payment of the costs of issuance of the Bonds, all in accordance with the Financing Agreement. The amount of any income realized from the investment of the money in the Construction Fund shall be retained in the Construction Fund or, at the option of the GID, transferred to the Rebate Fund. When the acquisition and improvement of the Project have been completed, the GID shall either (i) transfer any remaining balance of money in the Construction Fund to the Bond Fund or (ii) retain such balance in the Construction Fund to be applied for the payment of the cost of any additional projects permitted by the Act and agreed to by the GID and the Developer pursuant to the

Financing Agreement. Any such moneys transferred to the Bond Fund shall be credited against the interest due on the Assessments, as provided in the Assessment Ordinance.

Bond Fund. There is hereby created a special account to be held by the Treasurer and to be designated as the “Rimrock Marketplace Bond Fund.” The Treasurer is authorized, empowered and directed, and it shall be his or her duty, to receive, collect and enforce the payment of all Assessments made and levied for the Project, and all installments thereof and all interest and penalties thereon, as provided by law and as prescribed by the Assessment Ordinance, and to pay and disburse said payments, the installments thereof and the interest and penalties thereon, to the person or persons entitled thereto pursuant to the provisions of this Ordinance, the Financing Agreement and the Act. All moneys received from the Assessments, including principal and interest and all penalties thereon, and all other amounts specified by this Ordinance shall be deposited in the Bond Fund (except to the extent required to replenish the Bond Reserve Fund). All moneys deposited in the Bond Fund shall be used as soon as the funds are available for the purpose of paying or prepaying the principal of and the interest and redemption premiums, if any, on the Bonds as they become due and payable, and (except as provided herein and in the Financing Agreement) for no other purpose whatsoever, and the Bond Fund is hereby pledged as security for such purposes. Interest and other earnings or gain on moneys in the Bond Fund shall (i) prior to the completion of the acquisition and improvement of the Project (including any additional projects pursuant to Section 3.02 hereof) but in no event later than December 1, 2004, be transferred quarterly to the Construction Fund, and (ii) after such completion, be retained in the Bond Fund.

Notwithstanding the foregoing, on December 1 of each year, commencing December 1, 2003, (after the Treasurer has paid the principal of and the interest and redemption premiums, if any, on the Bonds due and payable on such December 1) the Treasurer shall determine the amount of Excess Revenues that are anticipated in the sole discretion of the Treasurer to be needed for Administration Costs and Contingencies and shall transfer such amount to the Administration Fund. Any Excess Revenues not so transferred to the Administration Fund shall remain in the Bond Fund and shall be applied as Assessment Credits. The Bonds and the interest thereon shall be payable from the Bond Fund, which shall contain the receipts upon the collection of the Assessments and the remainder of the Trust Estate.

This section does not prevent the GID from amending this Ordinance, the Assessment Ordinance or any other documents executed in connection with the Bonds to provide for other uses of Excess Revenues in connection with a refunding of the Bonds. The owners of the property assessed in the District have no entitlement to payment of Excess Revenues in the event of such an amendment.

Reserve Fund.

There is hereby created a special fund to be held by the Treasurer to be designated as the “Rimrock Marketplace Bond Reserve Fund.”

Whenever there is a deficiency in the Bond Fund, the deficiency shall be paid from amounts in the Bond Reserve Fund. The Bond Reserve Fund shall be a continuing reserve

to secure the payment of the Bonds by meeting possible deficiencies in the payment of the principal of and the interest on the Bonds resulting from the failure to deposit into the Bond Fund sufficient funds to pay the principal and interest on the Bonds as the same become due. The GID hereby pledges the Bond Reserve Fund for such purpose.

The Bond Reserve Fund will be used as additional security for the Bonds to pay any principal and interest on the Bonds when due, if the payments of the Assessment Installments are insufficient for that purpose.

Except as otherwise provided in paragraph (e), all amounts in the Bond Reserve Fund in excess of the Reserve Requirement derived from interest earned on amounts in the Bond Reserve Fund or otherwise shall be applied to the following in the following order of priority:

First, when needed to pay the principal of and interest on the Bonds then due to the extent not provided from Bond proceeds or from the Assessment Installments and interest. Interest used under this clause to pay the principal of and interest on the Bonds shall be applied before a withdrawal is made from the balance in the Bond Reserve Fund.

Second, when needed for transfer to the Administration Fund to pay Administration Costs.

Third, prior to the completion of the acquisition and improvement of the Project (including any additional projects pursuant to Section 3.02 hereof), to be transferred to the Construction Fund.

Fourth, on December 1 of each year, commencing December 1, 2003, to be transferred to the Bond Fund and applied as Assessment Credits.

If because of any delinquent Assessment an amount is withdrawn from the Bond Reserve Fund to pay the principal of or interest on the Bonds, and that Assessment is later paid in whole or in part (or amounts are received at a foreclosure sale or otherwise as a result of enforcing the payment of such delinquent Assessment), to the extent available from that payment of the delinquent Assessment (including penalty and interest but after payment of costs of collection), an amount equal to the amount necessary to restore the Bond Reserve Fund to the Reserve Requirement, shall be paid to the Bond Reserve Fund from the payment of the delinquent Assessment.

The Developer may at any time or from time to time cause to be deposited a Reserve Fund Letter of Credit in the Bond Reserve Fund in full or partial satisfaction of the Reserve Requirement. The Developer may also at any time cause to be substituted (i) a Reserve Fund Letter of Credit for cash or investments, or (ii) cash or investments for a Reserve Fund Letter of Credit, so long as the amount on deposit in the Bond Reserve Fund after such substitution is at least equal to the Bond Reserve Requirement. In the event the Developer shall initially cause to be deposited a Reserve Fund Letter of Credit in the Bond Reserve Fund or shall cause to be substituted a Reserve Fund Letter of Credit for cash or investments, the amount on deposit in the Bond Reserve Fund represented thereby shall be that amount available to be drawn

pursuant to such Reserve Fund Letter of Credit at the time of calculation. If a Reserve Fund Letter of Credit is substituted for cash or investments such cash or investments shall be used by the GID to pay costs of the Project or if all costs of the Project have been paid, then for other legal purposes of the GID. Such substitution shall not be made unless the GID has received an opinion of Bond Counsel to the effect that such substitution and the intended use by the GID of the cash or investments to be released from the Bond Reserve Fund will not adversely affect the exclusion from gross income of interest on the Bonds for federal income tax purposes.

Any Reserve Fund Letter of Credit shall be issued by a commercial bank or other financial institution which is satisfactory to the GID in its sole discretion, and shall have a term of at least one year. The Reserve Fund Letter of Credit shall permit the GID to make a drawing thereunder on any Business Day for the same or next day Business Day payment, upon proper demand. The GID shall be permitted to make a drawing under the Reserve Fund Letter of Credit in the event moneys in the Bond Fund are insufficient to pay in full the Debt Service Requirements of the Bonds when due, whether on an interest payment date, redemption date, maturity date or otherwise. In addition, if by the fifteenth day prior to the expiration of the Reserve Fund Letter of Credit, the GID has not received evidence satisfactory to it that either (i) such Reserve Fund Letter of Credit has been extended, or (ii) a new Letter of Credit will be substituted for such Reserve Fund Letter of Credit satisfying the provisions of this Section, the GID shall be permitted to make a drawing of the entire stated amount of the Reserve Fund Letter of Credit not later than the second Business Day prior to the expiration date of such Reserve Fund Letter of Credit.

As a condition to acceptance by the GID of a Reserve Fund Letter of Credit hereunder, the Developer shall cause to be delivered to the GID, concurrently with the delivery of the Reserve Fund Letter of Credit, the following:

(1) an opinion of counsel acceptable to the GID, addressed to the GID, stating, among other things, that the Reserve Fund Letter of Credit constitutes a legal, valid and binding obligation of the provider thereof, enforceable in accordance with its terms, except to the extent that the enforceability thereof may be limited by bankruptcy, insolvency, reorganization, moratorium and other laws for the relief of debtors and by general principles of equity, and such other exceptions as may be acceptable to the GID;

(2) an opinion of Bond Counsel, addressed to the GID, to the effect that the delivery of the Reserve Fund Letter of Credit is permitted under this Ordinance and will not adversely affect the exclusion of interest on the Bonds from the gross income of the owners of the Bonds for federal income tax purposes; and

(3) an opinion of counsel acceptable to the GID, addressed to the GID, to the effect that the delivery of the Reserve Fund Letter of Credit will not subject the Bonds or the Reserve Fund Letter of Credit to the registration requirements of the Securities Act of 1933, as amended, or this Ordinance to qualification under the Trust Indenture Act of 1939, as amended.

Not less than 15 days prior to the expiration of the Reserve Fund Letter of Credit then in effect, the Developer shall arrange for the extension of the Reserve Fund Letter of Credit then in effect or for the substitution for the Reserve Fund Letter of Credit then in effect a new Letter of Credit. The GID agrees to accept any such extended or new Letter of Credit; provided, however, that any such extended or new Letter of Credit shall (i) commence not later than the date of expiration of the Reserve Fund Letter of Credit to be replaced or extended and be irrevocable for a term of not less than one year, (ii) provide for drawings thereunder and the reinstatement thereof in the same manner as the Reserve Fund Letter of Credit to be replaced or extended and (iii) be issued by a commercial bank or other financial institution which is satisfactory to the GID in its sole discretion. The GID shall also receive the opinions of counsel of the type referred to above in this Section required to be delivered in the connection with the original Reserve Fund Letter of Credit. If at least 15 days prior to the expiration of the Reserve Fund Letter of Credit then in effect the GID has not received evidence satisfactory to it that the Reserve Fund Letter of Credit then in effect has been extended or a new Letter of Credit will be substituted for the Reserve Fund Letter of Credit then in effect, the GID shall make a drawing of the full amount available under the Reserve Fund Letter of Credit then in effect not later than the second Business Day prior to such expiration date and shall deposit the proceeds of such drawing in the Bond Reserve Fund.

Administration Fund. There is hereby created a special account to be held by the Treasurer and designated “Rimrock Marketplace Administration Fund.” Amounts in the Administration Fund shall be used to pay Administration Costs and Contingencies.

Rebate Fund. There is hereby created a special account to be held by the Treasurer and designated “Rimrock Marketplace Rebate Fund.” There shall be deposited into the Rebate Fund any amounts paid by the GID for deposit therein. The Rebate Fund shall be held by the Treasurer, but such Fund and the moneys therein shall not constitute part of the Trust Estate. Notwithstanding any other provision of this Ordinance or of the Financing Agreement, any investment income or other earnings or gain on moneys in the Construction Fund, the Bond Fund or the Bond Reserve Fund may be transferred to the Rebate Fund to enable the GID to satisfy the requirements of Section 148(f) of the Code. Moneys in the Rebate Fund shall be paid to the United States of America by the GID in the amounts and at the times required by the Code. Any excess moneys contained in the Rebate Fund shall be transferred to the Bond Fund. Upon payment of all amounts due to the United States of America pursuant to Section 148 of the Code, any moneys remaining in the Rebate Fund shall be transferred to the GID’s general fund.

Investment of Moneys in Funds and Accounts. Amounts in all of the funds and accounts established pursuant to the Ordinance may be invested by the GID in securities that are permitted investments for GID funds under the laws of the State of Colorado. Investment income is to remain in such funds and accounts unless otherwise provided herein.

PLEDGE OF TRUST ESTATE; ENFORCEMENT OF ASSESSMENTS

Pledge of Trust Estate. The Trust Estate is hereby irrevocably pledged to and shall be used for the punctual payment of the principal of, premium, if any, and interest on the Bonds, and for payment of the continuing costs of the Bonds as set forth in Section 3.03 hereof, and the Trust Estate shall not be used for any other purpose while any of the Bonds remain outstanding. The pledge of the Assessment Installments shall constitute a first and exclusive lien on the Assessment Installments for the foregoing purposes in accordance with the terms hereof; provided that pursuant to the Act such lien is coequal with the latest lien on the real property in the District to secure the payment of general (ad valorem) taxes.

Enforcement of Assessments. Upon a default in the due and punctual payment of any Assessment Installment due hereunder and under the Assessment Ordinance, the Treasurer promptly (but in no event later than 45 days after the installment due date) shall mark the Assessment Installment delinquent on the assessment roll for the District and shall notify the owner of such delinquent property, if known, in writing of such delinquency, by first class mail, postage prepaid, addressed to such owner's last-known address. The collection of the Assessments shall be enforced by the Treasurer and other officers of the GID as provided in Title 31, Article 25, Part 5, C.R.S., and the assessment roll and certified copy of the Assessment Ordinance shall be prima facie evidence of the regularity of the proceeding.

The Board shall direct the Treasurer to give notice of the sale of the property subject to the lien of the delinquent Assessment Installment, or all of the Assessment with respect to such property if the Board has exercised its option to cause the whole amount of the unpaid Assessment with respect to such property to become due and payable (subject to the provisions of Section 4.03 hereof), and shall sell such property as provided in and pursuant to the Act. In the event that the owner of such property does not prior to the day of sale pay the amount of all delinquent Assessment Installments, with accrued interest thereon and penalties and costs of collection (as further provided in the Assessment Ordinance), and such property is not sold to a third party purchaser at such sale, the property may be stricken off to the GID and held in trust for the benefit of the District pursuant to the Act.

Upon the sale of real property which is the subject of such delinquent Assessment Installment, or upon the owner of such property paying prior to the day of sale the amount of all delinquent Assessment Installments and accrued interest and penalties thereon, the GID shall deposit such moneys received in the Bond Reserve Fund, if necessary, and then in the Bond Fund.

Action by Holders. Upon a default in the due and punctual payment of an Assessment Installment and if sale proceedings are not promptly filed and diligently prosecuted by the GID, then any Holder may:

file and prosecute a foreclosure action in the name of the GID, and

proceed against the GID to protect and enforce the rights of the Holders under the Act or hereunder by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provisions contained in the Act or herein or in an award of execution of any power granted for the enforcement of any proper legal or equitable remedy as such Holder may deem most effectual to protect and enforce the rights aforesaid.

All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Holders then outstanding. The failure of the Holders so to foreclose upon the property that is the subject of such delinquent Assessment Installment, or so to proceed against the GID, or both, shall not relieve the GID or any of its officers, agents or employees of its duty so to take the actions set forth in Section 4.02.

COVENANTS

Books and Records. The GID covenants for the benefit of the Holders that so long as any of the Bonds remain outstanding, the GID shall keep or cause to be kept true and accurate books of records and accounts showing full and true entries covering the collection and disposition of the Assessment Installments, as well as any delinquencies in the collection thereof, covering deposits in and disbursements from the Construction Fund, the Bond Fund, the Bond Reserve Fund, the Administration Fund and the Rebate Fund, and covering the payment of the principal of, premium, if any, and interest on the Bonds. The GID shall permit an inspection and examination of all records and accounts at all reasonable times by a representative of the Purchaser and any property owner in the District.

Continuing Disclosure. The GID covenants for the benefit of the Holders to comply with the provisions of the Continuing Disclosure Certificate in substantially the form presented to the Board at this meeting with only such changes therein, if any, as are not inconsistent herewith. The President is hereby authorized and directed to execute the Continuing Disclosure Certificate and the Secretary is hereby authorized and directed to affix the seal of the GID thereon and to attest the Continuing Disclosure Certificate. As a condition precedent to the issuance of the Bonds, the Developer shall execute and deliver the Developer's Continuing Disclosure Certificate in substantially the form presented to the Board at this meeting with only such changes therein, if any, as are not inconsistent herewith. The Developer's Continuing Disclosure Certificate shall provide that any Bondholder or beneficial owner of the Bonds may take such actions as may be necessary and appropriate to cause the Developer to comply with its obligations thereunder.

Tax Covenants. The GID covenants for the benefit of the Holders of the Bonds that it shall not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the GID or any facilities financed with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Code, or (ii) would cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined

in Section 55(b)(2) of the Code, except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under Section 56 of the Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the GID in fulfilling the above covenant under the Code have been met.

Notwithstanding any provision of this Section 5.03, if the GID shall obtain an Opinion of Counsel that any specified action required under this Section 5.03 is no longer required or that some further or different action is required to maintain the tax-exempt status of interest on the Bonds, the GID may conclusively rely on such opinion in complying with the requirements of this Section, and the covenants hereunder shall be deemed to be modified to that extent.

THE REGISTRAR AND PAYING AGENT

Appointment of Registrar and Paying Agent. Wells Fargo Bank West, National Association is hereby appointed as Registrar and Paying Agent for the Bonds for the purpose of paying the interest on and principal of and redemption premiums, if any, on the Bonds presented for payment at the Principal Corporate Trust Office, with the rights and obligations provided herein.

Notwithstanding the foregoing, the Treasurer may elect to serve as Registrar and/or Paying Agent. It shall not be required that the same institution or person serve as both Registrar and Paying Agent hereunder, but the GID shall have the right to have the same institution or person serve as both Registrar and Paying Agent hereunder.

Removal of Registrar or Paying Agent. The GID may, upon not less than fourteen (14) days prior written notice (which notice may be waived by the Registrar or Paying Agent), remove the Registrar or Paying Agent initially appointed and any successor thereto and may appoint a successor or successors thereto by an instrument in writing; provided that any such successor shall be either (i) the Treasurer or (ii) a bank or trust company subject to supervision or examination by federal or state authority.

Resignation of Registrar or Paying Agent. The Registrar or Paying Agent may at any time resign by giving fourteen (14) days prior written notice of such resignation to the GID and mailing to the Holders notice of such resignation. Upon receiving such notice of resignation, the GID shall promptly appoint a successor Registrar or Paying Agent (which may be the Treasurer) by an instrument in writing. No resignation or removal of the Registrar or Paying Agent shall become effective until a successor has been appointed and has accepted the duties of Registrar or Paying Agent or both, as the case may be. If, within thirty (30) days after notice of the removal or resignation of the Registrar or Paying Agent no successor shall have been appointed and shall have accepted such appointment, the Treasurer shall become the Registrar and/or Paying Agent and shall so notify the Holders in writing.

Compensation of Registrar and Paying Agent. The GID shall from time to time, subject to any agreement between the GID and the Registrar and/or Paying Agent then in force, pay to the Registrar and/or Paying Agent compensation for its services and reimburse the Registrar and/or Paying Agent for all its advances and expenditures. Such payments shall be made from the Administration Fund.

Merger or Consolidation. Any bank or trust company into which the Registrar or Paying Agent may be merged or converted or with which it may be consolidated or any bank or trust company resulting from any merger, conversion or consolidation to which it shall be a party or any bank or trust company to which the Registrar or Paying Agent may sell or transfer all or substantially all of its corporate trust business, provided such bank or trust company shall be eligible under Section 6.02 shall be the successor to such Registrar or Paying Agent, without the execution or filing of any paper or any further act, anything herein to the contrary notwithstanding.

AMENDMENT OF ORDINANCE

Amendment with Consent of Holders. This Ordinance may be amended or supplemented by Supplemental Ordinance adopted by the Board, without the receipt by the GID of any additional consideration, with the written consent of the Holders of not less than sixty per cent (60%) of the Bonds outstanding at the time of the adoption of such Supplemental Ordinance, provided, however, that no Supplemental Ordinance shall have the effect of permitting:

An extension of the maturity of any Bond authorized by this Ordinance; or

A reduction in the principal amount of any Bond or the rate of interest thereon; or

The creation of a lien upon or a pledge of property, revenues or funds, ranking prior to the liens or pledges created by this Ordinance; or

A reduction of the principal amount of Bonds required for consent to such Supplemental Ordinance; without the express written consent of the Holder of each Bond affected by such Supplemental Ordinance.

Amendments Without Consent of Holders. The GID may, without the consent of or notice to the Holders, adopt any Supplemental Ordinance which shall thereafter form a part hereof, for any one or more of the following purposes, and only to the extent permitted by law and after receipt of an approving Opinion of Counsel; provided that such purpose shall not materially adversely affect the interests of the Holders:

to add to the agreements and covenants required herein to be performed by the GID, other agreements and covenants thereafter to be performed by the GID, or to surrender any right or power reserved herein to or conferred herein on the GID;

to make such provisions for the purpose of curing any ambiguity or of correcting, curing or supplementing any defective provision contained herein or in regard to questions arising hereunder that the GID may deem desirable or necessary and not inconsistent herewith or to make any provision necessary or desirable due to a change in law;

to add to the agreements and covenants required herein, such agreements and covenants as may be necessary to qualify the Ordinance under the Trust Indenture Act of 1939;

to pledge additional revenues, properties or collateral as security for the Bonds;

to grant or confer upon the Registrar or Paying Agent for the benefit of the Holders any additional rights, remedies, power or authorities that may lawfully be granted to or conferred upon the Holders; or

for the purpose of providing for the issuance of Refunding Bonds.

Disqualified Bonds. Bonds owned or held by or for the account of the GID shall not be deemed Outstanding for the purpose of any consent or other action or any calculation of Outstanding Bonds provided in this article, and shall not be entitled to consent to or take any other action provided in this article.

Endorsement or Replacement of Bonds After Amendment. After the effective date of any action taken as provided in this Article VII, the GID may determine that the Bonds may bear a notation by endorsement in form approved by the GID as to such action, and in that case upon demand of the Holder of any Outstanding Bonds and presentation of his Bond for such purpose at the Principal Corporate Trust Office, a suitable notation as to such action shall be made on such Bond. If the GID shall so determine, new Bonds so modified as, in the opinion of the GID, shall be necessary to conform to such action shall be prepared and executed, and in that case upon demand of the Holder of any Outstanding Bond a new Bond or Bonds shall be exchanged at the Principal Corporate Trust Office without cost to each Holder for its Bond or Bonds then Outstanding upon surrender of such Outstanding Bonds.

Amendment by Mutual Consent. The provisions of this article shall not prevent any Holder from accepting any amendment as to the particular Bonds held by such Holder, provided that due notation thereof is made on such Bonds.

DEFEASANCE

Discharge of Bonds.

If the GID shall pay or cause to be paid or there shall otherwise be paid to the Holders of all Outstanding Bonds the interest thereon and the principal thereof and the redemption premiums, if any, thereon at the times and in the manner stipulated herein and therein, then the Holders of such Bonds shall cease to be entitled to the pledge of and charge and lien upon the Trust Estate as provided herein, and all agreements, covenants and other

obligations of the GID to the Holders of such Bonds hereunder shall thereupon cease, terminate and become void and be discharged and satisfied. In such event, the Paying Agent shall execute and deliver to the GID all such instruments as may be necessary or desirable to evidence such discharge and satisfaction. Upon discharge of the Bonds, any (i) Reserve Fund Letter of Credit deposited by the Developer pursuant to Section 3.04 (e), (ii) cash and investments deposited by the Developer as replacement of a Reserve Fund Letter of Credit and remaining in the Reserve Fund, and (iii) cash remaining in the Reserve Fund which are amounts paid into the Reserve Fund to restore the same pursuant to Section 3.04 (d) and constitute the restoration of amounts drawn originally under a Reserve Fund Letter of Credit, shall be promptly returned to the Developer.

Any Outstanding Bonds shall prior to the maturity date or redemption date thereof be deemed to have been paid within the meaning of and with the effect expressed in subsection (a) of this section if (1) in case any of such Bonds are to be redeemed on any date prior to their maturity date, the GID shall have given to the Paying Agent in form satisfactory to it irrevocable instructions to provide notice in accordance with Section 2.04, (2) there shall have been deposited with the Paying Agent either (A) money in an amount which shall be sufficient or (B) Government Obligations that are not subject to redemption prior to maturity (including any such Government Obligations issued or held in book-entry form on the books of the Treasury of the United States of America) the interest on and principal of which when paid will provide money which, together with the money, if any, deposited with the Paying Agent at the same time, shall be sufficient, as set forth in a written report of an Independent Certified Public Accountant, to pay when due the interest to become due on such Bonds on and prior to the maturity date or redemption date thereof, as the case may be, and the principal of and redemption premiums, if any, on such Bonds, and (3) in the event such Bonds are not by their terms subject to redemption within the next succeeding sixty (60) days, the GID shall have given the Paying Agent in form satisfactory to it irrevocable instructions to mail as soon as practicable, a notice to the Holders of such Bonds that the deposit required by clause (2) above has been made with the Paying Agent and that such Bonds are deemed to have been paid in accordance with this section and stating the maturity date or redemption date upon which money is to be available for the payment of the principal of and redemption premiums, if any, on such Bonds. If a forward supply contract is employed in connection with such defeasance of the Bonds, (i) the written report of the Independent Certified Accountant shall expressly state that the adequacy of the escrow to accomplish the defeasance relies solely on the initial escrowed investments and the maturing principal thereof and interest income thereon and does not assume performance under or compliance with the forward supply contract, and (ii) the applicable escrow agreement shall provide that in the event of any discrepancy or difference among the terms of the forward supply contract and the escrow agreement and this Ordinance, the terms of the escrow agreement and this Ordinance shall be controlling.

Unclaimed Money. Anything contained herein to the contrary notwithstanding, any money held by the Paying Agent in trust for the payment and discharge of any of the Bonds that remains unclaimed for two (2) years after the date when such Bonds have become due and payable, either at their stated maturity dates or by call for redemption prior to maturity, if such money was held by the Paying Agent at such date, or for two (2) years after the date of deposit of

such money if deposited with the Paying Agent after the date when such Bonds have become due and payable, shall be repaid by the Paying Agent to the GID as its absolute property free from trust, and the Paying Agent shall thereupon be released and discharged with respect thereto and the Holders shall not look to the Paying Agent for the payment of such Bonds; provided, however, that before being required to make any such payment to the GID, the Paying Agent may, and at the request of the GID shall, at the expense of the GID, cause to be published once a week for two (2) successive weeks in a financial newspaper of general circulation in Grand Junction, Colorado and in the same or a similar financial newspaper of general circulation in New York, New York, a notice that such money remains unclaimed and that, after a date named in such notice, which date shall not be less than thirty (30) days after the date of the first publication of each such notice, the balance of such money then unclaimed will be returned to the GID.

MISCELLANEOUS

Liability of GID Limited. Notwithstanding anything contained herein, the GID shall not be required to advance any money derived from any source other than the Trust Estate as provided herein for the payment of the interest on or principal of or redemption premiums, if any, on the Bonds or for the performance of any agreements or covenants herein contained. The GID may, however, advance funds for any such purpose so long as such funds are derived from a source legally available for such purpose without incurring any indebtedness.

The Bonds are limited obligations of the GID and are payable, as to interest thereon, principal thereof and any premiums upon the redemption of any thereof, solely from the Trust Estate as provided herein, and the GID is not obligated to pay them except from the Trust Estate. All the Bonds are equally secured by a pledge of and charge and lien upon the Trust Estate, and the Trust Estate constitutes security for the payment of the interest on and principal of and redemption premiums, if any, on the Bonds as provided herein.

Benefits of the Ordinance Limited. Nothing contained herein, expressed or implied, is intended to give to any person other than the GID, the Paying Agent, and the Holders any right, remedy or claim under or by reason hereof. Any agreement or covenant required herein to be performed by or on behalf of the GID or any member, officer or employee thereof shall be for the sole and exclusive benefit of the Paying Agent, and the Holders.

Successor Is Deemed included In All References To Predecessor. Whenever herein either the GID or any member, officer or employee thereof or of the State is named or referred to, such reference shall be deemed to include the successor to the powers, duties and functions with respect to the District that are presently vested in the GID or such member, officer or employee, and all agreements and covenants required hereby to be performed by or on behalf of the GID or any member, officer or employee thereof shall bind and inure to the benefit of the respective successors thereof whether so expressed or not.

Execution of Documents by Holders. Any declaration, request or other instrument that is permitted or required herein to be executed by Holders may be in one or more

instruments of similar tenor and may be executed by Holders in person or by their attorneys appointed in writing. The fact and date of the execution by any Holder or his attorney of any declaration, request or other instrument or of any writing appointing such attorney may be proved by the certificate of any notary public or other officer authorized to make acknowledgments of deeds to be recorded in the state or territory in which he purports to act that the person signing such declaration, request or other instrument or writing acknowledged to him the execution thereof, or by an affidavit of a witness of such execution duly sworn to before such notary public or other officer. The ownership of any Bonds and the amount, maturity, number and date of holding the same may be proved by the registration books relating to the Bonds at the Principal Corporate Trust Office.

Any declaration, request or other instrument or writing of the Holder of any Bond shall bind all future Holders of such Bond with respect to anything done or suffered to be done by the GID in good faith and in accordance therewith.

Acquisition of Bonds by GID. All Bonds acquired by the GID, whether by purchase or gift or otherwise, shall be surrendered to the Paying Agent for cancellation.

Destruction of Canceled Bonds. Whenever provision is made for the return to the GID of any Bonds which have been canceled pursuant to the provisions hereof, the GID may, by a Written Request of the GID, direct the Paying Agent to destroy such Bonds and furnish to the GID a certificate of such destruction.

Content of Certificates. Every Certificate of the GID with respect to compliance with any agreement, condition, covenant or provision provided herein shall include (a) a statement that the person or persons making or giving such certificate have read such agreement, condition, covenant or provision and the definitions herein relating thereto; (b) a brief statement as to the nature and scope of the examination or investigation upon which the statements contained in such certificate are based; (c) a statement that, in the opinion of the signers, they have made or caused to be made such examination or investigation as is necessary to enable them to express an informed opinion as to whether or not such agreement, condition, covenant or provision has been complied with; and (d) a statement as to whether, in the opinion of the signers, such agreement, condition, covenant or provision has been complied with.

Any Certificate of the GID may be based, insofar as it relates to legal matters, upon an Opinion of Counsel unless the person making or giving such certificate knows that the Opinion of Counsel with respect to the matters upon which his certificate may be based, as aforesaid, is erroneous, or in the exercise of reasonable care should have known that the same was erroneous. Any Opinion of Counsel may be based, insofar as it relates to factual matters or information in the possession of the GID, upon a representation by an officer or officers of the GID unless the counsel executing such Opinion of Counsel knows that the representation with respect to the matters upon which his opinion may be based is erroneous, or in the exercise of reasonable care should have known that the same was erroneous; provided that nothing herein shall be deemed to require the counsel rendering any such opinion to conduct an independent investigation of factual matters contained in any such representation.

Accounts and Funds; Business Days. Any account or fund required herein to be established and maintained by the GID may be established and maintained in the accounting records of the GID either as an account or a fund, and may, for the purposes of such accounting records, any audits thereof and any reports or statements with respect thereto, be treated either as an account or a fund; but all such records with respect to all such accounts and funds shall at all times be maintained in accordance with the Tax Certificate and sound government accounting practice and with due regard for the protection of the security of the Bonds and the rights of the Holders. Any action required to occur hereunder on a day which is not a Business Day shall be required to occur on the next succeeding Business Day.

Article and Section Headings and References. The headings or titles of the several articles and sections hereof appended hereto shall be solely for convenience of reference and shall not affect the meaning, construction or effect hereof. All references herein to "Articles," "Sections" and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof; and the words "hereby," "herein," "hereof," "hereto," "herewith," "hereunder" and other words of similar import refer to the Ordinance as a whole and not to any particular article, section, subdivision or clause hereof.

Partial Invalidity. If any one or more of the agreements or covenants or portions thereof required hereby to be performed by or on the part of the GID or the Paying Agent shall be contrary to law, then such agreement or agreements, such covenant or covenants or such portions thereof shall be null and void and shall be deemed separable from the remaining agreements and covenants or portions thereof and shall in no way affect the validity hereof or of the Bonds, and the Holders shall retain all the benefit, protection and security afforded to them under the Act or any other applicable provisions of law. The GID hereby declares that it would have executed and delivered the Ordinance and each and every other article, section, paragraph, subdivision, sentence, clause and phrase hereof and would have authorized the issuance of the Bonds pursuant hereto irrespective of the fact that any one or more articles, sections, paragraphs, subdivisions, sentences, clauses or phrases hereof or the application thereof to any person or circumstance may be held to be unconstitutional, unenforceable or invalid.

No Recourse Against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Board, or any officer or agent of the GID acts in good faith, no civil recourse shall be available against such Board member, officer, or agent for payment of the principal, interest or prior redemption premiums on the Bonds. Such recourse shall not be available either directly or indirectly through the Board or the GID, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Bonds and as a part of the consideration of their sale or purchase, any person purchasing or selling such Bond specifically waives any such recourse.

Governing Law. This Ordinance shall be governed by and construed in accordance with the laws of the State of Colorado. Any action brought to enforce the GID's obligations pursuant to this Ordinance shall be brought in the District Court in and for the County of Mesa, State of Colorado.

Authorizations. The form, terms and provisions of the Bond Purchase Contract are approved and the GID shall enter into the Bond Purchase Contract in substantially the form of such document presented to the Board at this meeting, with only such changes therein, if any, as are approved by the President, such approval to be evidenced by the execution of the Bond Purchase Contract by the President. The President is hereby authorized and directed to execute and deliver the Bond Purchase Contract, provided that the Bond terms and details are consistent with this Ordinance.

The officers of the GID are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing:

The printing of the Bonds, including, without limitation, the printing of such additional blank bond certificates as shall be required by the Registrar, and

The printing and distribution of the Preliminary Official Statement in substantially the form presented to the Board at this meeting with such amendments, additions and deletions as are in accordance with the facts and not inconsistent herewith, and the final official statement for the Bonds in substantially the form of the Preliminary Official Statement, but with such amendments, additions and deletions as are in accordance with the facts and not inconsistent herewith; and

The execution of such certificates as may be reasonably required by the Purchaser, relating, *inter alia*, to the signing and registration of the Bonds, the tenure and identity of the officials of the Board and the GID, the delivery of the Bonds, the receipt of the purchase price for the Bonds, the exemption of interest on the Bonds from federal and state income taxation, and if it is in accordance with fact, the absence of litigation, pending or threatened, affecting the validity thereof. It shall be the duty of the proper officers of the GID to hereafter take all action necessary for the GID to comply with the provisions of the Act, as hereafter amended and supplemented from time to time.

Subject to the requirements of this Ordinance, the Treasurer is authorized and directed to execute and deliver the Sales Certificate and to determine in the Sales Certificate the rate of interest on the Bonds, the dates on which and prices at which Bonds may be called for redemption, the price at which the Bonds will be sold, the total principal amount of the Bonds and the amount of principal maturing on each date. The Treasurer shall also confirm in the Sales Certificate the dated date of the Bonds and the amount to be initially deposited to the Reserve Fund. The Treasurer is authorized to deem the Preliminary Official Statements final for purposes of SEC Rule 15c2-12.

Repeal of Inconsistent Provisions. Ordinance No. 3479 is repealed. Additionally, all ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This Section shall not be construed to revive any ordinance, resolution or order, or part thereof, heretofore repealed.

Ordinance Irrepealable. After any of the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the GID and the owner or owners of the Bonds; and this Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Bond Requirements, shall be fully paid, canceled and discharged, as herein provided.

Effective Date, Recording and Authentication. This ordinance shall be in full force and effect 30 days after publication following final passage. This ordinance, as adopted by the Board, shall be numbered and recorded by the Secretary in the official records of the District. The adoption and publication shall be authenticated by the signatures of the President of the Council as the ex officio President of the Board and City Clerk as the ex officio Secretary of the Board, and by the certificate of publication.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM ON APRIL 16, 2003.

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM ON MAY 7, 2003.

CITY OF GRAND JUNCTION
RIMROCK MARKETPLACE GENERAL
IMPROVEMENT DISTRICT

(SEAL)

President

Attest:

Secretary

APPENDIX A

(Form of Bond)

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the GID or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF COLORADO
MESA COUNTY
CITY OF GRAND JUNCTION RIMROCK MARKET PLACE
GENERAL IMPROVEMENT DISTRICT

NO. R-___ \$ _____

RIMROCK MARKETPLACE
SPECIAL IMPROVEMENT DISTRICT
SPECIAL ASSESSMENT BOND
SERIES 2003

| <u>Interest Rate</u> | <u>Maturity Date</u> | <u>Dated as of</u> | <u>CUSIP Number</u> |
|----------------------|----------------------|--------------------|---------------------|
| ___% per annum | _____ | _____, 2003 | |

REGISTERED OWNER CEDE & CO.

PRINCIPAL AMOUNT DOLLARS

City of Grand Junction Rimrock Market Place General Improvement District (the “GID”), for value received, hereby promises to pay, out of funds available for that purpose as hereinafter set forth, to the registered owner specified above or registered assigns the principal amount specified above on the maturity date specified above (unless this Bond shall have been called for prior redemption, in which case on such redemption date) and to pay solely from such available funds interest hereon at the interest rate per annum specified above, said interest being payable on June 1 and December 1 in each year, commencing December 1, 2003. This Bond shall bear interest from the most recent interest payment date to which interest has been paid, or if no interest has been paid, from the date of this Bond. Both principal and interest are payable in lawful money of the United States of America without deduction for exchange or collection

charges. The principal of this Bond shall be payable to the person in whose name this Bond is registered (the "registered owner") on the registration records maintained by the registrar of the GID, presently Wells Fargo Bank West, National Association in Denver, Colorado (the "Registrar"), upon presentation and surrender of this Bond as it becomes due. The interest hereon shall be paid by check mailed by the paying agent of the GID, presently Wells Fargo Bank West, National Association in Denver, Colorado (the "Paying Agent"), on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), to the registered owner at his or her address as it last appears on the registration records kept for that purpose by the Registrar on the fifteenth day of the calendar month preceding the calendar month in which such interest payment date occurs or on a special record date established by the Registrar for the payment of defaulted interest. Alternative means of payment of interest may be used if mutually agreed to between the registered owner of this Bond and the Paying Agent. If, upon presentation and surrender to the Paying Agent at maturity or prior redemption, payment of this Bond is not made as herein provided, interest hereon shall continue at the same rate per annum until the principal hereof is paid in full. Interest on this Bond shall be calculated based on a 360-day year consisting of twelve 30-day months.

This Bond is one of a series of bonds designated as the "Rimrock Marketplace Special Assessment Bonds, Series 2003" (the "Bonds") issued by the GID in the aggregate principal amount of \$3,980,000 for the purpose of providing funds to pay the cost and expenses of acquiring and improving a streets, sanitary sewers, storm sewers, and water mains (the "Project") within the Rimrock Marketplace Special Improvement District (the "District"). The Bonds have been authorized and issued pursuant to an ordinance (the "Ordinance") duly adopted by the GID Board and the Parts 5 and 6 of Article 25 of Title 31 and Part 2 of Article 57 of Title 11, Colorado Revised Statutes (the "Act"). Pursuant to Section 11-57-210, Colorado Revised Statutes, this recital shall be conclusive evidence of the validity and regularity of the issuance of the Bonds after their delivery for value.

[The Bonds are subject to redemption at the caption of the GID from any legally available funds on any interest payment date in whole, or in part from any maturities, in any order of maturity and by lot within a maturity in such a manner as the GID may determine, at a price equal to 100% of the principal amount of each Bond, or portion thereof, so redeemed, and accrued interest thereon to the redemption date, plus a premium computed in accordance with the following schedule:

| <u>Redemption Period</u> | <u>Redemption Premium</u> |
|--------------------------|---------------------------|
| _____ | _____ % |
| _____ | _____ % |
| _____ | _____ % |
| _____ | _____ % |

The Bonds maturing _____ 1, ____ are subject to mandatory sinking fund redemption as provided in the Ordinance at a redemption price equal to 100% of the principal

amount thereof plus accrued interest to the redemption date. The Bonds to be so redeemed shall be selected by lot in such manner as the Registrar shall determine.]

Redemption shall be made upon not less than fifteen days' prior notice by mailing to the registered owner of each Bond to be redeemed at the address shown on the registration records in the manner and upon the conditions provided in the Ordinance.

Upon any partial prior redemption of this Bond, Cede & Co., in its discretion, may request the Registrar to authenticate a new Bond or shall make an appropriate notation on this Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case this Bond must be presented to the Paying Agent prior to payment.

Pursuant to the Ordinance, the payment of the principal of, premium, if any, and interest on the Bonds shall be made from and as security for such payment there is pledged, a special fund designated as the "Rimrock Marketplace Bond Fund" (the "Bond Fund") containing the receipts upon the collection thereof from the special assessments (the "Assessments") levied against and secured by a lien upon the property in the District specially benefited by the Project, which fund shall be used for the full and prompt payment of the Bonds and the interest thereon, and shall be used for no other purpose whatsoever except as permitted by the Ordinance. Whenever there is a deficiency in the Bond Fund, the deficiency must be paid out of the special fund designated as the "Rimrock Marketplace Bond Reserve Fund" in the priority specified in the Ordinance (the Assessments, the Bond Fund, the Bond Reserve Fund, such other special funds collectively, the "Trust Estate").

Pursuant to the Ordinance, the Trust Estate has been irrevocably pledged to and shall be used for the punctual payment of the principal of, premium, if any, and interest on the Bonds, and for payment of the continuing costs of the Bonds and the Trust Estate shall not be used for any other purpose while any of the Bonds remain outstanding. The pledge of the Assessments shall constitute a first and exclusive lien on the Assessments for the foregoing purposes in accordance with the terms of the Ordinance; provided that pursuant to the Act such lien is coequal with the latest lien on the real property in the District to secure the payment of general (ad valorem) taxes.

The Treasurer shall collect, receive and enforce the payment of all Assessments made and levied for the Project, all interest thereon, and all penalties accrued, as provided by law and in the same manner and at the same time or times as prescribed by the Ordinance, the Financing Agreement and the other proceedings of the GID relating thereto.

The Bonds are issuable as fully registered Bonds in Authorized Denominations (as defined in the Ordinance). Upon surrender of any Bond at the principal office of the Registrar with a written instrument satisfactory to the Registrar duly executed by the registered owner or his or her duly authorized attorney, and receipt by the Registrar of the fees and charges provided in the Ordinance, such Bond may be exchanged for an equal aggregate principal amount of Bonds of other Authorized Denominations, subject to the terms and conditions set forth in the Ordinance.

This Bond is fully transferable by the registered owner hereof in person or by his or her duly authorized attorney on the registration records kept by the Registrar upon surrender of this Bond together with a duly executed written instrument of transfer satisfactory to the Registrar, and upon the payment of the fees and charges provided in the Ordinance. Upon such transfer a new fully registered Bond or Bonds of Authorized Denomination of the same aggregate principal amount will be issued to the transferee in exchange for this Bond, subject to the terms and conditions set forth in the Ordinance.

The Registrar will not be required to transfer or exchange (i) any Bond during the period beginning at the opening of business fifteen days before the date of the mailing by the Registrar of a notice of redemption of Bonds and ending at the close of business on the date such notice is mailed, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for redemption except the unredeemed portion of any Bond redeemed in part.

The Bonds shall not be transferable or exchangeable, except as set forth in the Ordinance.

The GID, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of making payment (except to the extent otherwise provided hereinabove and in the Ordinance with respect to Record Dates and Special Record Dates for the payment of interest) and for all other purposes, and neither the GID, the Registrar nor the Paying Agent shall be affected by any notice to the contrary.

To the extent and in the respects permitted by the Ordinance, the provisions of the Ordinance may be modified or amended by action of the GID taken in the manner and subject to the conditions and exceptions prescribed in the Ordinance.

It is hereby certified, recited and declared that all acts, conditions and things essential to the validity of this Bond exist, have happened and have been done in due time, form and manner as required by law; that the total issue of the Bonds does not exceed the amount authorized by law nor the total unpaid special assessments levied to cover the cost of the Project; that this Bond is issued under the authority of the Act and that this Bond is incontestable for any cause whatsoever.

It is hereby further certified, recited and declared that the proceedings with reference to the Project, the levying of the assessments to pay the cost and expense of the Project and the issuance of the Bonds have been regularly had and taken in compliance with law, and that all prerequisites to the fixing of the assessment lien against the property benefited by the Project and of the liability of the owner or owners of such property therefor have been performed.

This Bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication hereon.

IN WITNESS WHEREOF, the Rimrock Marketplace has caused this Bond to be signed and executed in the name of and on behalf of the GID with the manual or facsimile signature of the President of the GID, to be countersigned with the manual or facsimile signature of the Treasurer, and to be countersigned, subscribed, executed and attested with the manual or facsimile signature of the Secretary, has caused the seal of the GID or a facsimile thereof to be affixed hereon, and has caused this Bond to be dated as of the date specified above.

(For Manual or Facsimile Signature)
President

(For Manual or Facsimile Signature)
Treasurer

(MANUAL OR FACSIMILE SEAL)

Attested:

(For Manual or Facsimile Signature)
Secretary

* Insert only if Bonds are delivered pursuant to paragraph 2.07 of this Ordinance.

** Insert only if Bonds are initially delivered to The Depository Trust Company pursuant to the first paragraph of Section 2.09 of this Ordinance.

(Form of Registrar's Certificate of Authentication)

Date of Registration:

This is one of the Bonds described in the above mentioned Ordinance and this Bond has been duly registered in the registration records kept by the undersigned as Registrar for the Bonds.

Wells Fargo Bank West, National Association,
as Registrar

By _____ (Manual Signature) _____

(End of Form of Registrar's Certificate of Authentication)

** (Form of Prepayment Panel)

The following installments of principal (or portions thereof) of this Bond have been prepaid in accordance with the terms of the Ordinance authorizing the issuance of this Bond.

| <u>Date of Prepayment</u> | <u>Principal Prepaid</u> | <u>Signature of Authorized Representative of DTC</u> |
|-------------------------------|------------------------------|--|
| | | |
| | | |
| | | |
| | | |
| | | |

(End of Form of Prepayment Panel)**

(Form of Assignment Provision)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints to transfer the within Bond on the records kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatever. The signature must be guaranteed by an eligible guarantor institution as defined in 17 CFR ‘ 240.17 ad-15(a)(2).

Signature Guaranteed:

Address of Transferee:

Social Security or other
identification number of transferee:

(End of Form of Assignment)

STATE OF COLORADO)
)
 COUNTY OF MESA) SS.
)
 CITY OF GRAND JUNCTION)
 RIMROCK MARKETPLACE)
 GENERAL IMPROVEMENT DISTRICT)

I, the duly elected, qualified and acting City Clerk of the City of Grand Junction, Colorado and ex officio as Secretary of the City of Grand Junction Rimrock Marketplace General Improvement District (the "District") do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council serving ex officio as the Board of Directors of the District (the "Board") at a regular meeting of the Council held at City Hall on May 7, 2003. A quorum of the Board was in attendance at said meeting.

2. That the passage of the Ordinance on first reading was duly moved and seconded at a regular meeting of the Council on April 16, 2003 and the Ordinance was approved on first reading by a vote of not less than four members of the Board as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

3. That the passage of the Ordinance on second and final reading was duly moved and seconded at a regular meeting of the Board on May 7, 2003 and the Ordinance was approved on second and final reading by a vote of not less than four members of the Council as follows:

Those Voting Aye: _____

Those Voting No: _____
Those Abstaining: _____
Those Absent: _____

4. That the Ordinance has been authenticated by the President, sealed with the corporate seal of the District, attested by me as Secretary, and duly recorded in "The Ordinance Book" of the District; and that the same remains of record in "The Ordinance Book" of the District.

5. That notices of the meetings of April 16, 2003 and May 7, 2003, in the forms attached hereto as Exhibit A, were duly given to the Board members and were posted in a designated public place within the boundaries of the District no less than twenty-four hours prior to the meetings as required by law.

6. That the Ordinance was published after first reading in pamphlet form and notice of hearing was published in *The Daily Sentinel*, a daily newspaper published and of general circulation in the City on _____, 2003 and the Ordinance was published after final adoption in pamphlet form. The affidavit of publication is attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District this _____ day of _____, 2003.

City Clerk ex officio
Secretary of the District

(SEAL)

EXHIBIT A

(Attach Notices of Meeting)

EXHIBIT “B”

(Attach Affidavits of Publication)

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE WHOLE COST OF THE IMPROVEMENTS TO BE MADE IN THE RIMROCK MARKETPLACE SPECIAL IMPROVEMENT DISTRICT; ASSESSING A SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND IN THE DISTRICT; AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS

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

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

WHEREAS, pursuant to Section 31-25-611.5, C.R.S., the Board may establish the special improvement district, within the boundaries of the GID, pursuant to part 5, of Article 25 of Title 31, C.R.S. (the "SID Act"); and

WHEREAS, the GID and THF Belleville Development, L.P. (the "THF Belleville"), the owner of 100% of the real property in the GID, have executed the Special Improvement District Agreement made and entered into on October 29, 2002 as amended (the "Agreement") concerning the formation of the Rimrock Marketplace Special Improvement District (the "District"), which Agreement has been assigned by THF Belleville to THF Grand Junction Development, L.L.C. (the "Owner"); and

WHEREAS, the GID has, by ordinance (the "Creation Ordinance"), created the Rimrock Marketplace Special Improvement District (the "District") for the purpose of constructing, installing, completing, and acquiring certain improvements described in the Creation Ordinance (the "Project") in the District, and assessing the costs thereof against the property in the District; and

WHEREAS, the total cost of the Project has been reasonably ascertained to be \$3,980,000, and a statement of expenses and an assessment roll (the "Assessment Roll") apportioning such costs have been prepared and filed in the office of the City Clerk, ex officio Secretary of the GID; and

WHEREAS, pursuant to the Agreement the Owner has: (a) agreed that the GID may proceed to order that the Project be acquired and improved, issue bonds and otherwise finance the cost of the Project and levy assessments; (b) elected to pay the assessments on all of the Owner's property in the District in installments of principal and interest as may thereafter be fixed by the Assessment Ordinance; (c) waived the right to pay the whole assessment within 30 days after final publication of this Ordinance; (d) agreed that all of the property owned by each of the Owner is benefited by the Project by an amount at least equal to the amount proposed assessment; (e) waived any and all formalities required by the laws of the United States and the State in order to impose the assessments, including, but not limited to, the notice and hearing provisions of Sections 31-25-520 and 521, C.R.S. and the Owner's right to bring a legal or equitable action challenging the assessments, the assessment ordinance, or the bonds pursuant to Section 31-25-538, C.R.S.; (f) waived all powers, privileges, immunities and rights as against the GID or the District arising from or following from irregularities or defects, if any, occurring in connection with or ensuing from the actions, proceedings, matters and things heretofore taken or

hereafter to be taken had and done by the GID, the Board and the officers of the GID concerning the creation of the District and the levying of special assessments to meet the cost and expenses of the improvements in the District (including, without limitation, the proper description of all property which the Owner may own within the District and the giving of proper notice of the proceedings relating to the District); (g) consented and agreed that all property in the District owned by the Owner be bound and be subject to the assessment lien as thoroughly and effectively as if all actions, proceedings, notices, matters and things had been taken and done free from irregularities; and (h) represented and warranted that the market value of each parcel owned by it in the District on the date of execution hereof and the date the assessments are levied exceeds the amount of the assessment proposed to be made against each such parcel; and

WHEREAS, in reliance upon the Agreement, the Board intends to levy assessments without complying with said notice and hearing provisions Sections 31-25-520 and 521, C.R.S.; and

WHEREAS, the Board has determined that the Assessment Roll should be approved; and

WHEREAS, it appears that the total cost of the Project is \$3,980,000, no portion thereof is to be paid by the GID from funds other than special assessments and the total cost of the Project should be assessed against the property within the District; and

WHEREAS, it is hereby determined by the Board to assess the cost of the Project against the property in the District in the amounts set forth in the Assessment Roll.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION ACTING AS THE EX OFFICIO BOARD OF DIRECTORS OF THE

CITY OF GRAND JUNCTION RIMROCK MARKETPLACE GENERAL IMPROVEMENT

DISTRICT:

Confirmation of Assessment Roll. The whole cost of the Project and the apportionment of the same, as set forth in the Assessment Roll, is hereby approved and confirmed. Said apportionment is hereby declared to be in accordance with the special benefits which the property in the District will receive by reason of the construction of the Project. A share of said cost is hereby assessed to and upon each lot or tract of land within the District in the proportions and amounts set forth in the Assessment Roll.

Payment of Assessments. Pursuant to the Agreement, the Owner has elected to pay in installments. Accordingly, the Owner shall be conclusively held and considered as consenting to the Project and a waiving any right to question the power or jurisdiction of the GID to construct the Project, the quality of the work, the regularity or sufficiency of the proceedings, the validity or correctness of the assessments, or the validity of the lien thereof.

The assessments shall be payable to the City of Grand Junction Treasurer as ex officio Treasurer of the GID (the "Treasurer") in thirty (30) equal, semi-annual, amortized installments of principal and interest, payable on April 1 and October 1 of each year beginning October 1, 2003 and in each year thereafter until paid in full, with the last payment due on April 1, 2018. Interest shall accrue on unpaid installments of principal at the rate of 7.00% per annum from the effective date of this Ordinance until paid in full. The owner of any property not in default as to any installment or payment may, at any time, pay the whole of the unpaid principal with the interest accruing to the maturity of the next installment of interest or principal with a prepayment premium of 3%. The Board may in its discretion waive or lower the prepayment premium if the bonds to be issued to finance the Project may be redeemed without a prepayment premium of 3%.

Penalty for Default. Failure to pay any installment, whether of principal or interest, when due shall cause the whole of the unpaid principal to become due and collectible immediately, and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate established pursuant to Section 5-12-106(2) and (3), C.R.S., until the day of sale; provided, that, at any time prior to the day of sale, the owner may pay the amount of all unpaid installments, with interest at the penalty rate of 12% per annum, and all costs of collection accrued. Upon such payment, the owner shall be restored to the right to pay in installments in the same manner as if default had not been suffered.

Assessment Lien; Recordation. All assessments together with all interest thereon and penalties for default in payment thereof, and all costs in collecting the same shall constitute, from the effective date of this ordinance, a perpetual lien in the several amounts assessed against each lot or tract of land and shall have priority over all other liens excepting general tax liens.

The Secretary shall file copies of this ordinance after its final adoption by the Board with the County Clerk and Recorder of Mesa County for recording in the real estate records, as provided

in Section 31-25-522(2), C.R.S. In addition, the Secretary shall file copies of this ordinance after its final adoption by the Board with the County Assessor and County Treasurer for Mesa County. The County Assessor is authorized to create separate schedules for each lot or tract of land assessed pursuant to this ordinance, pursuant to Section 31-25-522(2), C.R.S.

Assessments Against Divided or Subdivided Tracts. As to any subdivision of land assessed hereunder, the assessment shall in each case be a lien upon all the subdivisions in proportion to their respective areas; provided that in the event any subsequent subdivision includes any public rights-of-way, the assessment which otherwise would be imposed against such public rights-of-way will be deemed to be imposed uniformly, on an area basis, upon the remaining area of the subdivided property. The GID may also reapportion assessments on tracts on a basis other than area if the Board finds that the proposed action will not materially or adversely impair the obligation of the GID with respect to the Bonds.

The Treasurer is hereby authorized and directed to take such action with respect to the foregoing allocations as may be necessary or desirable under the circumstances.

Repealer. Ordinance No. 3480 is repealed. Additionally, all bylaws, orders, resolutions and ordinances of the City, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency as applicable to this matter only. This section shall not be construed to revive any other such bylaw, order, resolution or ordinance of the City, or part thereof, heretofore repealed.

Severability. If any section, subsection, paragraph, clause or other provision of this ordinance for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this ordinance, the intent being that the same are severable.

Effective Date, Recording and Authentication. This ordinance shall be in full force and effect 30 days after publication following final passage. This ordinance, as adopted by the Board, shall be numbered and recorded by the Secretary in the official records of the District. The adoption and publication shall be authenticated by the signatures of the President of the Council as the ex officio President of the Board and City Clerk as the ex officio Secretary of the Board, and by the certificate of publication.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON APRIL 16, 2003.

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON MAY 7, 2003.

CITY OF GRAND JUNCTION
RIMROCK MARKETPLACE GENERAL
IMPROVEMENT DISTRICT

(SEAL)

President

Attest:

Secretary

STATE OF COLORADO)
)
COUNTY OF MESA) SS.
)
CITY OF GRAND JUNCTION)
RIMROCK MARKETPLACE)
GENERAL IMPROVEMENT DISTRICT)

I, the duly elected, qualified and acting City Clerk of the City of Grand Junction, Colorado and
ex officio as Secretary of the City of Grand Junction Rimrock Marketplace General
Improvement District (the "District") do hereby certify:

7. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council serving ex officio as the Board of Directors of the District (the "Board") at a regular meeting of the Council held at City Hall on May 7, 2003. A quorum of the Board was in attendance at said meeting.

8. That the passage of the Ordinance on first reading was duly moved and seconded at a regular meeting of the Council on April 16, 2003 and the Ordinance was approved on first reading by a vote of not less than four members of the Board as follows:

Those Voting Aye: _____

Those Voting Nay:

Those Absent:

Those Abstaining:

9. That the passage of the Ordinance on second and final reading was duly moved and seconded at a regular meeting of the Board on May 7, 2003 and the Ordinance was approved on second and final reading by a vote of not less than four members of the Council as follows:

Those Voting Aye:

Those Voting No:

Those Abstaining:

Those Absent:

10. That the Ordinance has been authenticated by the President, sealed with the corporate seal of the District, attested by me as Secretary, and duly recorded in "The Ordinance Book" of the City; and that the same remains of record in "The Ordinance Book" of the City.

11. That notices of the meetings of April 16, 2003 and May 7, 2003, in the forms attached hereto as Exhibit A, were duly given to the Board members and were posted in a designated public place within the boundaries of the District no less than twenty-four hours prior to the meetings as required by law.

12. That the Ordinance was published after first reading in pamphlet form and notice of hearing was published in *The Daily Sentinel*, a daily newspaper published and of general circulation in the City on _____, 2003 and the Ordinance was published after final adoption in pamphlet form. The affidavit of publication is attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District this
_____ day of _____, 2003.

City Clerk ex officio
Secretary of the District

(SEAL)

EXHIBIT A
(Attach Notices of Meeting)

EXHIBIT B
(Attach Affidavits of Publication)

Attach 15

First Reading of Watershed and Water Supply Protection District Ordinance

CITY OF GRAND JUNCTION

| CITY COUNCIL AGENDA | | | | | | |
|---------------------------------------|---|-------------------------------------|--|------------|-------------------------------------|---------------------------------|
| Subject | Ordinance Establishing a Watershed and Water Supply Protection District | | | | | |
| Meeting Date | May 7, 2003 | | | | | |
| Date Prepared | May 1, 2003 | | | | File # | |
| Author | Dan Wilson Mark Relph | | City Attorney Public Works & Utilities Director | | | |
| Presenter Name | Dan Wilson Mark Relph | | City Attorney Public Works & Utilities 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 | |
| | Workshop | <input checked="" type="checkbox"/> | Formal Agenda | | <input type="checkbox"/> | Consent |
| | | | | | <input checked="" type="checkbox"/> | Individual Consideration |

Summary: A Watershed Protection ordinance will protect the public water supply and preserve the City's water resources. Various activities and land uses in the City's watersheds could affect the quality and quantity of the water supply and facilities. In order to be able to decide what risks each activity may present to the City's water supply and to see if modifications are necessary, persons conducting certain activities within the watersheds must first obtain City review, and if allowed, a watershed permit.

Budget: None. It is anticipated that existing staff will be able to incorporate the additional work into their current responsibilities.

Action Requested/Recommendation: Adopt on First Reading an Ordinance Establishing a Watershed and Water Supply Protection District, thus protecting the City's water supplies and discuss a date for a hearing.

Attachments:

1. Draft Ordinance
2. Dan Wilson is submitting to Council under separate cover a memorandum that explains how the proposed ordinance might have affected the recently proposed oil and gas development in the City's watershed area as compared to the BLM process as well as the County's Conditional Use Permit (CUP) process.

Background Information: The City owns and operates municipal water treatment and delivery systems and provides water service to consumers both inside and outside of the City limits. A Watershed Protection ordinance will help to protect the public water supply and to preserve the City's water resources.

In 1993 the City Council adopted Resolution 41-93 adopting of the Grand Mesa Slopes Management Plan (GMS Plan) for the western part of the Grand Mesa, within which much of the City's water supply is derived. That GMS Plan recognized that future municipal watershed protection and management will be needed to continue to manage and protect the City's waters.

Given national and International conditions, possible threats of terrorism, and other factors, a watershed ordinance is quite timely.

ORDINANCE NO.

An Ordinance Establishing a Watershed and Water Supply Protection District; Establishing Procedures and Standards for Watershed District Permits in Connection with Various Activities within said Watersheds; Prohibiting any Person from Polluting said Watersheds; Requiring a Watershed District Permit for most Activities; and Providing Penalties and Remedies for Violation of this Ordinance.

Recitals.

- A. The City intends to exercise all available powers and authority Pursuant to Article XX of the Constitution of the State of Colorado, the City's Charter and state statutes, including §31-15-707, C.R.S.
- B. The City owns and operates municipal water treatment and delivery systems and provides water service to consumers both inside and outside of the corporate limits of the City. Given the City's legal and practical responsibilities to the system and its users, the City has determined that an ordinance is necessary to help it protect the public water supply, to preserve the City's water resources and its ability to fully protect and develop its water and water rights. The City's diversions, storage and other municipal water rights are critical to the short and long-term welfare of the community. As such the various water and land uses in the identified drainages substantially concern the City because any of them could affect the quality and quantity of the water, supply and facilities available for City use.
- C. The City Council hereby finds, declares and determines that the maintenance and protection of an adequate water supply of the highest quality is essential to the public health, safety and welfare of the citizens of the City. This ordinance is adopted to protect the City's water and waterworks from the threat of or actual pollution or injury.
- D. The City has heretofore entered into a cooperative agreement with the United States Forest Service under the provisions of the Act of June 12, 1960 (16 U.S.C. 530) for the purpose of protecting that portion of the municipal watershed of the City of Grand Junction which lies within the National Forest lands.
- E. By virtue of §31-15-707 (1) (b), C.R.S., the City has the power to enact ordinances and regulations for the purpose of maintaining and protecting the City's waterworks from injury and the City's water from pollution.

- F. Because of the importance of the resource, the fact that growth, use and other pressures are ever increasing, in light of drought conditions, and the possibility that the resource may be irretrievably damaged, the City Council finds that various activities of the past, present and future within the area of the City's water supply pose or may pose a danger to that supply which could affect the health, safety and welfare of the citizens of the City of Grand Junction.
- G. The City Council has further determined that the City should exercise all right, power and authority under the law to provide its citizens with plentiful water supply of the highest quality and that such waters and water supply are matters of purely local concern.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION that the following watershed and water supply protection ordinance is hereby passed and adopted.

- 1. 1. CITATION. This ordinance shall be known as the "Watershed Protection Ordinance" of the City.
- 1.2. PURPOSE.
 - (a) The primary purpose for which the Watershed Protection Ordinance is established is the fullest exercise of the powers, authorities, privileges and immunities of the City of Grand Junction in maintaining and protecting the City's water supply and waterworks from injury and water supply from pollution or from activities that may create a hazard to health or water quality or a danger of pollution to the water supply of the City.
 - (b) The City's authority is granted in § 31-15-707 (1) (b), C.R.S., Article XX of the Constitution of the State of Colorado, other state and federal laws including the Safe Drinking Water Act, and local laws, ordinances, rules and regulations, including the City's Charter.
 - (c) This ordinance and the implementing regulations are created for the purpose of protecting the City's water and waterworks only and not intended to regulate land use activities *per se*.
 - (d) The direct regulation of land use activities within the watersheds shall remain the responsibility of Mesa County. The City's authority herein shall be for the purpose of reviewing, restricting or prohibiting any activity within a watershed which creates a foreseeable risk of damage or injury to the City's water supply or waterworks and/or the lands from under, or across or through

which the water flows or is gathered. The City's authority within the watersheds shall be concurrent with the authority of Mesa County and any other governmental entity having or claiming jurisdiction.

1.3. DESIGNATED WATERSHEDS. AREA MAP.

- (a) The Kannah Creek, North Fork of Kannah Creek and Whitewater Creek Watersheds are hereby declared to extend over all the territory occupied by the City of Grand Junction's primary waterworks and shall include but not be limited to all reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the same and over all creeks, streams, lakes, reservoirs and the City's waterworks and all water sources tributary thereto for five (5) miles up gradient (above) each point from which any water is diverted for use by the City of Grand Junction. The Kannah Creek, including the North Fork, and Whitewater Creek Watersheds are termed "Zone 1."
- (b) The Gunnison River Watershed is declared to extend from, and include, the City's pumps on the Gunnison River for five miles up stream and up-gradient of the City's diversion structures and such pumps. For this ordinance this Watershed shall be termed "Zone 2."
- (c) The Colorado River Watershed is hereby declared to extend from, and include, the Clifton Water District Plant, and five miles upstream and up-gradient of the intake and diversions of such plant. For this ordinance, this Watershed shall be termed "Zone 3."
- (d) The Watershed Maps for Zone 1, 2 and 3 are integral parts of this Ordinance and are incorporated herein by this reference as part of this Ordinance as if fully set forth.
- (e) The Watershed Area Maps may be amended from time to time by resolution of the City Council. Zone 2 and Zone 3 Watersheds may be included within Zone 1 and shall be subject to the regulations of Zone 1 by resolution of the City Council, or in an emergency, by the Director.

1.4. RULE OF CONSTRUCTION. This ordinance shall be liberally construed to: Implement the policy of the City that human activity, direct and indirect, including the construction or use of any building, utility, structure or land within the Watersheds be operated, maintained, constructed and used to limit pollution in the Watersheds; and Protect the people of the City and all the persons using or relying upon the municipal water supply and services of the City.

1.5. DEFINITIONS. For the purposes of this ordinance, the following words shall have the following meanings:

- (a) "Best Management Practice" means the most effective means of preventing or reducing harmful effects or impacts of certain activities so that City of Grand Junction standards are met, and so that no pollution occurs within Zone 1.
- (b) "City" means the City of Grand Junction, Colorado.
- (c) "Director" means the Public Works Director of the City or his authorized representative.
- (d) "Diverted" has the meaning determined by the statutory and common law of Colorado, as it changes from time-to-time.
- (e) "Drilling Operations" includes drilling for water, oil, gas or other natural resources, and the related grading, construction, traffic activities.
- (f) "Excavating" means the intentional movement of earth leaving any cut bank over three feet (3') in height or a movement of material in excess of ten (10) cubic yards.
- (g) "Facility" means any component or portion of the City water supply system or waterworks.
- (h) "Filling" means the intentional movement of earth that results in any earth bank over two feet (2') in height or filled earth over two feet (2') deep, or, artificial addition of earth above a line sloping up at a grade of one (1) vertical unit to five (5) horizontal units from the ground before the filling.
- (i) "Foreseeable Risk" means the reasonable anticipation that harm or injury may result from acts or omissions, even if indirect.
- (j) "Grading" means: The intentional movement of over five (5) cubic yards of material; Movement of any earth or material that changes the natural flow of surface water, or affects or creates a drainage channel; Pioneering of a road, cutting or clearing of trees and shrubbery that results in creating a roadway or driveway in excess of twenty-five feet (25') in length; or The use of vehicles or keeping

of any animals upon any land that could reasonably lead to a movement of five (5) cubic yards of material within any five (5) year period.

- (k) "Impact" means any alteration or change resulting directly or indirectly from an action.
- (l) "Mitigation" means methods to: avoid an impact by redesigning an activity; minimize an impact by substantially limiting the scope of an activity; rectify the impact by repairing, rehabilitating or restoring an affected area, resource or facility; and/or compensate for an impact by replacing or providing substitute facilities or resources.
- (m) "Notification" means a letter by mail or facsimile, or email, which shall include the name and address of the person undertaking the activity, a description of the proposed activity, its location, duration and such other information as the Utility Manager may require. The notification requirement shall include a description of the Best Management Practices that are proposed, and any possible risks of pollution be employed.
- (n) "Person" means any individual, corporation, business, company, public or quasi-public utility, trust, estate, trust, partnership, governments, political subdivision, association or any other legal entity.
- (o) "Pollution" means any man-made, man-induced, or natural alteration of the physical, chemical, biological and/or radiological integrity or condition of water(s). "Pollution" includes introducing hazardous materials or any substance regulated by the Resource Conservation Recovery Act (RCRA), the Federal Insecticide, Fungicide, and Rodenticide Act(FIFRA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), or other state law and includes any element, compound or addition that reduces the quality of water, or adds any chemicals or molecule that is regulated by the environmental laws of the United States or Colorado.
- (p) "Removing Vegetation" means: the intentional cutting, burning, grubbing, dragging, chemical killing or any other manner of removing any flora or tree; any shrubs and/or trees, or combination, covering an area of more than one hundred (100)

square feet; or any grasses covering an area of more than one thousand (1,000) square feet; except that “removing vegetation” does not include removal of clearly diseased or dead trees for domestic purposes, or to clearing of trees in order to construct a residence, or cutting of Christmas trees for non-commercial purposes.

- (q) "Sewage Disposal System" or "ISDS" means a septic tank or other facility designed and constructed for the purpose of receiving and disposing of sewage.
- (r) "Substantial" means material, considerable in importance, value, degree, amount or extent, rather than to a trifling degree.
- (s) "Surfacing" means any action resulting in the hardening or covering of the pre-existing ground in an area greater than one hundred (100) square feet such that precipitation striking the area will accumulate or run off the surface to a greater extent than prior to the hardening or covering of said pre-existing ground. Surfacing includes, but is not limited to, such things as compacting the surface of the earth, placing gravel, asphalt, concrete or like substances on the surface of the earth, and the placement of structures upon the ground and construction of buildings.
- (t) "Timber Harvesting" means the cutting or removal of trees for commercial or resale purposes.
- (u) "Utility Manager" means the person assigned, hired or employed by the City to manage the City's utilities.
- (v) "Utility" means any one or more of the following: waterworks, diverter box, weir, gauge, sewer system(s), pipeline(s), gas line(s), electrical line(s), telephone or telegraph line(s), cable television and fiber optics systems, radio tower(s) and repeater(s), transportation system(s); and any person providing the same for public or private use.
- (w) "Watershed" or "Watersheds" means: the territory occupied by the City's waterworks pumps, emergency water sources and the stream or other source from which the water is diverted or controlled; and all up-gradient lands five miles above the points from which taken, diverted or may be taken or diverted in drought or other unusual conditions; and includes the area within a circle

the radius of which is 500 feet of any weir, intake structure, pump, diversion settling basin, reservoir or other lake, pool or pond that is a part of the City's water system of the City.

- (x) "Waterworks" means any waterworks, water courses, water collection and storage facilities connected physically or hydrologically, and all man-made or designed components of the City's water system(s) including, but not limited to, all transmission, diversion structures, emergency or stand-by pumps, storage and filtration facilities; and all reservoirs, ponds, lakes, ditches, canals, flow lines, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the City's water system.

1.6. UNLAWFUL AND ACTIVITIES. REQUIRED NOTICE OF OTHER ACTIVITY.

- (a) Certain activities in a Zone 1 Watershed pose a significant, serious threat of pollution or a foreseeable risk of damage or injury to the City's waterworks supply. Therefore, it shall be unlawful for any person to engage in any of the following activities within a Zone 1 Watershed unless such person has first obtained a Watershed Work Permit issued by the City:

1. Construction of a sewage disposal system, including a County permitted individual sewage disposal system (ISDS) and a facility or system serving more than one user;
2. Excavating, grading, filling or surfacing;
3. Removing vegetation;
4. Timber harvesting;
5. Drilling operations;
6. Grading;
7. Surface or subsurface mining operations, including the extraction of gas and/or oil and the preparation of sites in anticipating of drilling;

8. Spraying or using fertilizers, herbicides, pesticides or rodenticides;
 9. Using, handling, storing, or transmitting amounts of hazardous materials or radioactive substances in amounts or in ways that are within that are at or above federal or state regulatory limits;
 10. Using, handling, storing or transmitting flammable or explosive materials, except for domestic uses; except that three hundred (300) gallon above-ground fuel tanks and within vehicular storage tanks that are an integral part of the vehicle, are allowed for each farm or ranch.
- (b) Activities within a Zone 1 Watershed which are allowed unless done in a location that creates a risk of pollution but which require notice to the Utility Manager prior to a person undertaking such activity are:
1. Stock grazing.
 2. Road maintenance and construction by governmental entities.
 3. Burning of the prior year's vegetative growth on canals, ditches and fields.
- (c) In Zones 2 and 3 except during times of declared drought or emergency as provided herein, no person(s) shall conduct any activity within the Watershed which is likely to result in pollution within the Zone 2 or 3 Watershed until such person(s) has given Notice to the Utility Manager and ten (10) City business days have elapsed, unless within such time the Utility Manager has written or emailed such person(s) that a complete application and permit, required by section 1.8 is first required. For purposes of this subsection, except during times of declared drought or emergency, it is presumed that the land use authority of Mesa County and other federal, state and local regulations will keep the risks of pollution to very low levels so that the City need not require notice of land uses and activities; except that the following land uses and activities shall be presumed to create a risk of pollution and shall require notice as provided above: feed lots and industrial activities that use or produce hazardous materials.

- (d) The Utility Manager shall prohibit any activity that may otherwise be allowed under this Ordinance if a better Best Management Practice than that proposed is reasonably available.
- (e) In the event that any activity not set forth in Section 1.6(a) above is being conducted in such a manner that the Utility Manager finds that a foreseeable risk of pollution to the City's Watershed or Waterworks, the Utility Manager shall inform the person responsible for such activity of such finding. Such person shall forthwith cease any such activity until a permit is issued pursuant to this ordinance.

1.7. TYPES OF PERMITS TO WORK IN WATERSHEDS. There shall be three types of permits to work in a Watershed District:

- (a) Annual permits: permits granted to person(s) to cover work to be done in a Watershed for a period of one year, commencing each January 1 and ending the next December 31.
- (b) Individual permits: permits granted to person(s) for a specific project in a Watershed.
- (c) Zone 2 and 3 permits during times when the City does not expect to divert water in such watershed for its water supply.

1.8. APPLICATION FOR PERMIT.

- (a) A separate written application for the work to be done under an annual or individual permit shall be submitted to the Utility Manager on a form available from City Hall or on the City's web site. The application shall be submitted no later than forty-five (45) days prior to the date for which the proposed activity is planned to commence; except that in cases where substantial injury or loss to the applicant will likely occur if the application is not quickly reviewed and the Watersheds will not be injured the Utility Manager may issue a permit sooner. If the applicant is not the record owner of the subject property, the owner shall also sign such application or otherwise indicate consent in writing. An application will not be deemed to be complete until all information required by the City has been submitted to the City.
- (b) During times when the City expects to divert water in Zones 2 and/or 3, in whole or in part with other Watersheds, the Utility Manager may require that a 17(a) or 17(b) permit be issued before further activity can occur.

- (c) Every application, including those in Zones 2 or 3 for which a permit is required, shall include a detailed description of the proposed activity for which a permit is sought, including, if applicable, a discussion of any future activity anticipated by the applicant, either alone or in conjunction with others, with respect to the subject property for which a permit may be required hereunder.
- (d) The application shall include the following information which the Utility Manager will use to evaluate risks to the City's water and Watersheds :
1. A description of the overall goals of the proposed work, unless it is obvious from the description.
 2. A description of the number of trips and type of vehicle(s) to be used.
 3. A vicinity sketch indicating the site location and the location of any water works or an adjacent to the subject property, including the tax assessors parcel number and showing the boundary lines of the property.
 4. Location of buildings/structures.
 5. For permits proposing grading, filling or excavating, two feet (2') interval contours establishing the pre-developed topography of the vicinity.
 6. Elevations, dimensions, location, extent and the slopes of all proposed excavating, grading, filling and surfacing shown by contours and/or other means.
 7. (a) Engineered drawings of all drainage devices/structures used or to be developed/constructed in connection with the proposed activity.

(b) A written statement describing the amount and location of any material proposed to be deposited or moved.

(c) Nature and location of existing vegetation and how

the proposed activity will effect such vegetation.

8. Delineation of any wetlands, in accordance with current Army Corps of Engineering standards.
9. For permits for other than construction of a single family home, a barn or other agricultural structure on a parcel of 35 acres or more; hydrological analysis by a Colorado registered professional engineer of surface water relationships to groundwater supplies.
10. Identification of any activity that presents or creates a foreseeable risk of pollution within a watershed along with a specific written description of the measures, including best management practices, that will be employed by applicant to reduce the risks of pollution and the impacts on the watershed.
11. A map showing historic and developed drainage pattern(s) and estimated runoff that will result from the proposed activity.
12. Revegetation and reclamation plans and specifications.
13. A soils analysis, including the nature, distribution and strength of existing soils and recommendations for earth moving procedures and other design criteria.
14. A geologic analysis of the site and adjacent areas and its impact on the proposed activity.
15. An operational and maintenance analysis of the proposed activity.
16. Water use/right analysis, including legal basis, source, quality, amount of consumptive use, impact on ground water and discharge characteristics.
17. If applicable, a plan of development for future proposed activities that are either likely to occur, or might occur if the correct circumstances arise, in the Watershed. The purpose of this provision is to allow the Utility Manager to understand potential cumulative impacts of the activities of one or more

persons or proposals, taken in the aggregate, over time, within a Watershed.

- 1.9. PERMIT, INSPECTION AND TESTING FEES. Each Applicant shall submit to the City a non-refundable Watershed Work Permit application fee at the time of filing an application. Fees shall be determined by resolution of the City Council. The Council shall establish fees in an amount sufficient to cover the costs of publication, hearing, processing, administration, inspection and enforcement of such requested permit for the following:
- (a) Zone 1 Individual Permit;
 - (b) Zone 1 Annual Permit;
 - (c) Zone 2 or Zone 3 Permit when the City has given timely notice that a permit is required;
 - (d) Inspection and Testing Fees: Until changed by resolution of the City Council, a fee of forty-five dollars \$45.00 per hour (to the nearest quarter hour) shall be required for inspection and testing.
- 1.10. REVIEW, ANALYSIS AND RISKS.
- (a) Within thirty (30) days following the applicant's having provided a complete application the Utility Manager shall review the same and prepare an analysis of the proposed activity, including a written report which identifies any factor(s) that may present or create a foreseeable risk of pollution to the waterworks of the City or the Watersheds. The report shall analyze whether the applicant has proposed best management practices. The Utility Manager may issue a permit or may refer the application to the City Council for hearing at the next regular meeting.
 - (b) The analysis of any proposed activity shall, among other things, consider the following:
 - 1. Nature and extent of the proposed activity.
 - 2. Proximity to existing water courses.
 - 3. Drainage patterns and control measures.
 - 4. Soil characteristics.

5. Slope steepness and stability.
 6. Effects of vegetation removal, grading, filling and/or excavating.
 7. Geologic hazards, including, but not limited to, avalanche paths, landslide areas, flood plains, high water tables, fault zones and similar factors.
 8. Point source effluent and emissions into the air or water.
 9. Ambient and non-point source emissions into air or water.
 10. Vehicular and motorized activity.
 11. Fire hazard.
- (c) The Utility Manager may classify a proposed activity as a minor impact based upon the analysis set forth above if the proposed activity, in light of other permits and/or plans of future activity, clearly does not present or create a foreseeable risk of pollution, damage or injury to the watershed or waterworks of the City. Within thirty (30) days after any such minor impact classification, the Utility Manager shall issue a permit or refer the application to the City Council for any application classified as a minor impact. The failure of the Utility Manager to either issue a permit or refer the application to the City Council within the time prescribed shall be deemed to be approved of the requested permit.
- (d) The Utility Manager may classify a proposed activity as "no impact" if the proposed activity, in light of other permits and/or plans of future activity, is not likely to have any adverse impacts on a Watershed. The Utility Manager shall issue a Watershed Work Permit for a no impact activity or use within ten (10) days of such classification.
- (e) The Utility Manager shall keep a record of all "no impact" permits for the purpose of assessing the cumulative impact of "no impact" activities.

1.11. HEARING.

- (a) The City Council shall conduct a public hearing to review any application referred or appealed to it within 90 days of such referral or appeal, unless the activity requires approval of a permit from any agency of the county, state or federal government and which approval or permit procedure exceeds the time limits provided by requirements of this Ordinance. In that event, the City Council shall have an additional sixty (60) days following the final decision of such county, state or federal government permit procedure to conduct the public hearing required hereunder and render a decision regarding the issuance or denial of a Watershed Work Permit. The City Council may require additional information from any applicant needed to fully evaluate potential impacts on the City's waterworks or watersheds, in which event the public hearing and decision may be delayed or continued, in which case the deadlines shall apply as though a newly completed application has been submitted.
- (b) Notice of any public hearing hereunder shall be given at least ten (10) days in advance of the public hearing.
- (c) Any permit required hereunder can be reviewed and issued pursuant to a joint review process with any other government entity or agency with jurisdiction over the same activity or activities.

1.12. STANDARDS FOR ISSUANCE OF PERMIT. A Watershed Work Permit shall be issued when the City Council finds that the applicant has sustained its burden of proof that the proposed activity, including best management practices if any are proposed or required, does not present or create a foreseeable risk of pollution to the watershed or waterworks. A Watershed Work Permit shall be denied when the City Council finds that the applicant has not sustained such burden of proof.

1.13. PERMIT CONDITIONS. In issuing any Watershed Work Permit, the Utility Manager or the City Council may prescribe any conditions deemed necessary to effect the intent of this Ordinance.

1.14. PERFORMANCE GUARANTEE FOR PERMITS.

- (a) Individual Permit. Before a Zone 1 major or minor impact permit is issued to any permittee, each permittee shall provide the City, at the permittee's expense, a performance guarantee in the form of cash or a letter of credit. The amount of the guarantee shall be equal to one hundred fifty percent of the Utility Manager's estimate

of the cost to ensure compliance with the Watershed Work Permit, including, but not limited to, the cost of maintenance, operation, revegetation, reclamation and other requirements of or arising out of or under the proposed activities. The letter of credit shall be in effect for at least one year beyond the anticipated completion of the activity identified in the permit. Such guarantees shall be extended for the period of any and all permit renewals. The Utility Manager may release to the applicant, in whole or in part, a portion of any cash or letter of credit from time to time when the Utility Manager determines that the guarantee is no longer necessary to ensure compliance with the Watershed Work Permit.

- (b) Annual Permit. Any person undertaking an activity under an annual major or minor impact permit in Zone 1 shall provide the City with no less than ten thousand dollars cash or a letter of credit of equivalent cash value. The letter of credit shall run for a period of time at least one year beyond the anticipated completion date of the activity identified in the permit.
- (c) Any public utility regulated by the Colorado Public Utilities Commission, any governmental agency, any mutual water company, any conservancy district or any equivalent public or quasi-public water delivery entity may provide the City with an annual letter signed by an appropriate officer of the same guaranteeing: complete performance of the conditions prescribed in the permit; and the correction of any defect in the work which the City discovers and for which the City gives written notice to the permittee within one year after the date when the City initially accepts the completed work.
- (d) If the Utility Manager determines that the permittee has failed to perform promptly under the conditions of the preceding subsection, the permittee shall be required to post a performance guarantee meeting the requirements of the preceding section. If the Utility Manager determines that the permittee then satisfactorily complies with this ordinance for a one-year period while operating under the provisions of the preceding section, the permittee shall again be eligible to operate with the annual guarantee letter provided by governmental or public utilities, as provided in the preceding subsection.

1.15. PURPOSE OF PERFORMANCE GUARANTEE.

- (a) Any guarantee made hereunder shall serve as security for the performance of conditions prescribed under the permit if the permittee fails to obviate risks or to complete the work as prescribed under the permit.
- (b) The permittee, by acceptance of the permit, expressly guarantees: complete performance of the work acceptable to the City; all work done by such person for a period of one year after the date of acceptance by the City; and, upon demand, to maintain and to make all necessary repairs during a one-year period following City acceptance of the whole or a part thereof. This guarantee shall include, but not be limited to, all repairs and actions needed as a result of:

- 1. Defects in workmanship.
- 2. Settling of fills or excavations.
- 3. Failure to meet the best management practices, if any, as prescribed in the permit.
- 4. Any unauthorized deviations from the approved plans and specifications.
- 5. Failure to clean up during and after performance of work.
- 6. Any other violation of this ordinance.

- (c) The one-year guarantee period shall run from the date of the Utility Director's written acceptance of the work, or one year from any repairs or replacements, whichever is longer.

1.16. INSPECTION AND TESTING FEES AND PROCEDURES. At the time of permit application and at such activity or construction intervals as may be established by the Utility Manager, all permittees shall pay for the costs of inspection and testing. Costs of inspection and testing shall be in accordance with this ordinance and the schedule of charges adopted by City Council resolution. Inspections shall occur as follows:

- (a) Major and minor impact Individual and Annual Permits in Zone 1. A minimum of two inspections shall take place. First, the permittee shall notify the City immediately after completion of work operations and acceptance so that the City may determine if all

work meets the conditions prescribed under the permit. Second, approximately thirty days prior to the expiration of the guarantee, the permittee shall request that the City inspect the completed work. If the Utility Manager does not accept the work, in whole or in part, the cash or letter of credit guarantee for individual permit holders shall be returned less 110% of any amounts estimated to be needed to complete unaccepted work. At any time prior to completion of the warranty period or one year after any repairs or replacement, whichever is longer, the Utility Manager may notify the permittee in writing of any needed repairs or replacements. Such repairs shall be completed within twenty-four hours if the Utility Manager determines that any defects are an imminent danger to the public health, safety or welfare. Non-emergency repairs shall be completed within thirty days after notice.

- (b) In Zones 2 and 3 the Utility Manager will ordinarily inspect activities and uses for which notice to the City has been given approximately once each year.
- (c) Testing. Testing may be accomplished by the City as required by the specifications and/or permit.

1.17. ENFORCEMENT.

- (a) Right of Entry. Whenever necessary to make an inspection, or to enforce any provision of this Ordinance, an authorized representative of the City may go upon any land described in a permit at any reasonable time to inspect the same or to perform any duty imposed hereunder, provided that the representative shall identify himself and if such land be unoccupied, shall make a reasonable effort to locate the applicant or other persons having control of such land to give notice of such entry.
- (b) Stop Work Order. Whenever any work or activity is being done contrary to the provisions of this Ordinance, or in violation of the terms of any Watershed Work Permit issued hereunder, the Director or Utility Manager may order the work stopped by notice, in writing served on the applicant or any person engaged in or causing such activity to be done or by conspicuous posting at the location of the work. Any such person receiving notice shall cease such activity until authorized by the City to proceed. The City reserves the right to revoke or suspend any permit issued hereunder if work is not done in accordance therewith. Any permit

may be revoked or suspended by the Utility Manager, after email, telephone or similar notice to the permittee.

(c) Cause for suspension or revocation includes but is not limited to:

1. Violation of any condition of the permit or of any provision of this Ordinance.
2. Violation of any provision of any Watershed Work Permit or any other governmental law relating to the work.
3. Existence of any condition or the doing of any act, which constitutes or causes a condition that the Utility Manager or Director determines endangers the watershed or waterworks of the City.

(c) A summary suspension or revocation of a permit necessary to avoid substantial injury to the City's watershed or waterworks shall be immediately effective upon notice to the person performing the work or the holder of the permit, or upon posting at a conspicuous location within or on the permitted area.

(d) A suspension or revocation order may be appealed by the permittee to the municipal court by filing a written appeal within ten days of the suspension or revocation. The municipal court shall hear the matter as a priority matter.

(e) The Municipal Court of the City shall have jurisdiction over matters and orders under this ordinance, except as otherwise required by the Colorado Rules of Civil Procedure 106(a)(4).

1.18. TIME OF COMPLETION. All permitted work shall be completed by the date stated on the permit application, or if no date is stated within 180 days of the issuance date. Permits shall be void if work has not commenced by 180 days after issuance.

1.19. INSURANCE. As a precondition to the issuance of a major or minor Watershed Work Permit in Zone 1, the applicant shall submit to the Utility Manager a certificate of insurance in an amount determined by administrative regulation or resolution of the City Council. The certificate of insurance shall list the City and its officers, employees and agents as additional named insureds. City departments, any public utility regulated by the Colorado Public Utilities Commission,

governments, mutual water companies, and conservancy districts shall be relieved of the obligation of submitting a certificate of insurance if the applicant carries insurance or is self-insured up to one million dollars per incident, or as otherwise set by City Council resolution, and if such applicant submits a letter certifying such coverage or self-insurance.

- 1.20. EMERGENCY WORK. Any person having facilities in place as of the effective date of this Ordinance may repair those facilities without a permit under emergency circumstances. Emergency work means any work necessary to prevent injury to the public or a situation where a credible danger to public or private health, safety or welfare exists. The person doing the work shall apply to the Utility Manager for a permit on the first working day after such work has commenced.
- 1.21. REGULATIONS. The City Council may issue regulations to interpret, clarify, construe and otherwise carry out the purposes of this Ordinance.
- 1.22. ACTIVITY IN PROGRESS. The lawful use of any building, structure or land existing as of the effective date of this Ordinance may continue even though the use does not conform to the requirements of this Ordinance; except to the extent that any such use or activity constitutes a reasonable risk of pollution to a Zone 1 Watershed. Ordinary repairs and maintenance of any existing building, structure or land shall be allowed but the same shall not be allowed to expand and/or the use change without a permit pursuant to this ordinance. Any substantial change, expansion, alteration or enlargement of such existing lawful use shall be subject to all requirements of this Ordinance.
- 1.21 APPEALS PROCEDURE. Any decision rendered pursuant to this ordinance by the Utility Manager may be appealed to the Director in accordance with §38-68 of the City Code.
- 1.22. PENALTY. If any person violates, causes the violation of, or aid or abets a violation of any of the provision of this Ordinance, he/she/it shall be guilty of a separate offense for each and every day, or portion thereof, during which a violation is committed, continues or is permitted. Upon conviction a violator shall be punished by a fine of not more than \$1000.00 and/or by imprisonment for up to one year, or by both such fine and imprisonment, for each day or portion thereof, of each violation.
- 1.23. ACTIONS FOR VIOLATION. If any person violates any order of the Utility Manager, Director, or City Council, or otherwise fails to comply with any provision of this Ordinance or the orders, rules, regulations and permits

issued hereunder, the City Attorney may commence an action in a municipal court or district court for Mesa County for appropriate civil, including but not limited to injunctive and equitable relief. The City may recover from the defendant its attorney fees, court costs, deposition and discovery costs, expert witness fees and other expenses of investigation,

enforcement action, and litigation, if the City settles or otherwise prevails in the action with a ruling adverse to the defendant being entered.

1.24. REMEDIES. The remedies herein provided shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

1.25. APPEAL OF COUNCIL DECISION. Any person desiring to appeal any final decision or determination by the City Council or the Director hereunder must do so in accordance with Colorado Rule of Civil Procedure 106(a)(4).

INTRODUCED for FIRST READING and AUTHORIZE PUBLICATION IN PAMPHLET FORM this _____ day of _____, 2003.

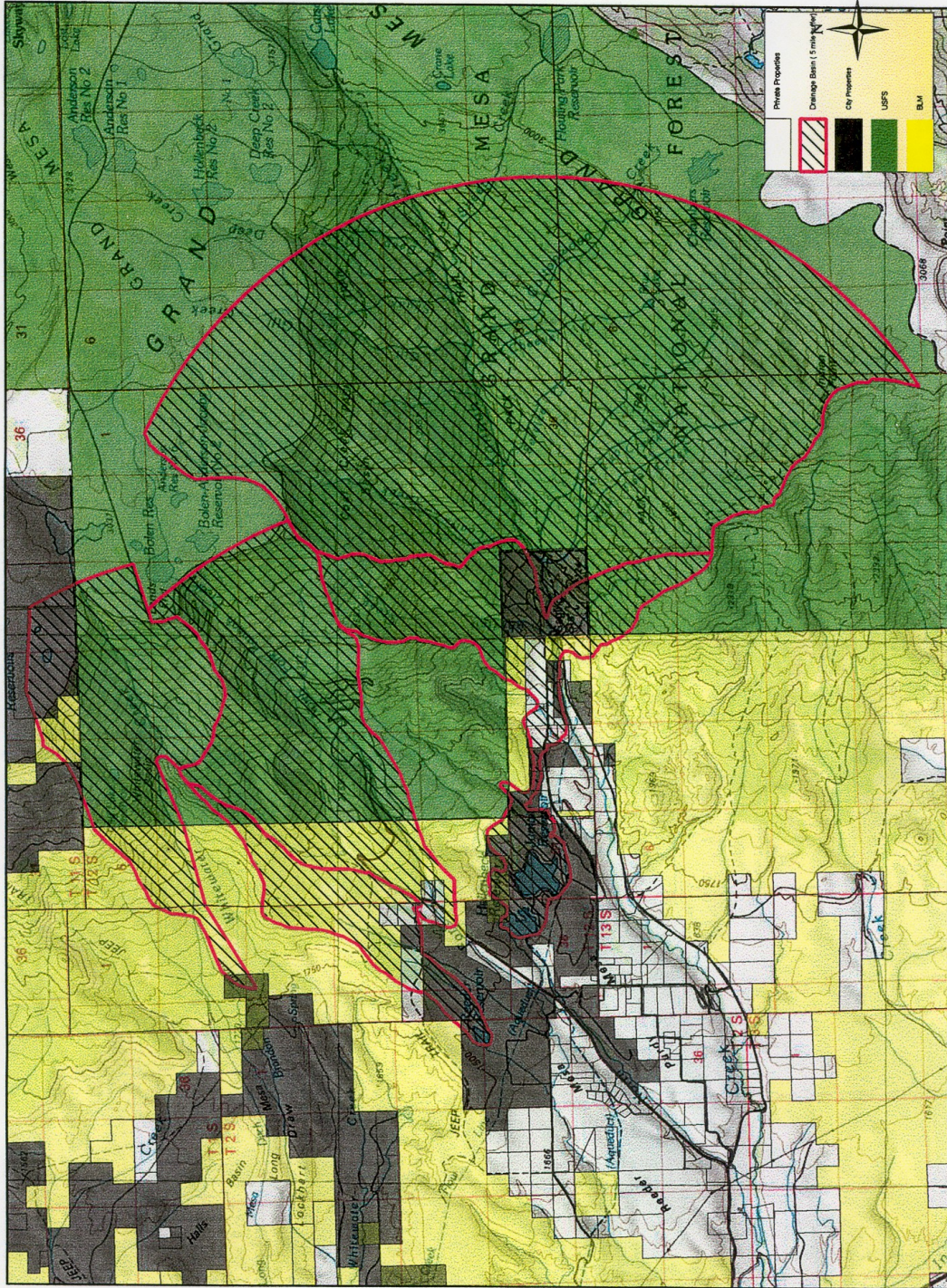
PASSED on SECOND READING and AUTHORIZE PUBLICATION IN PAHMPHLET FORM this _____ day of _____, 2003.

ATTEST:

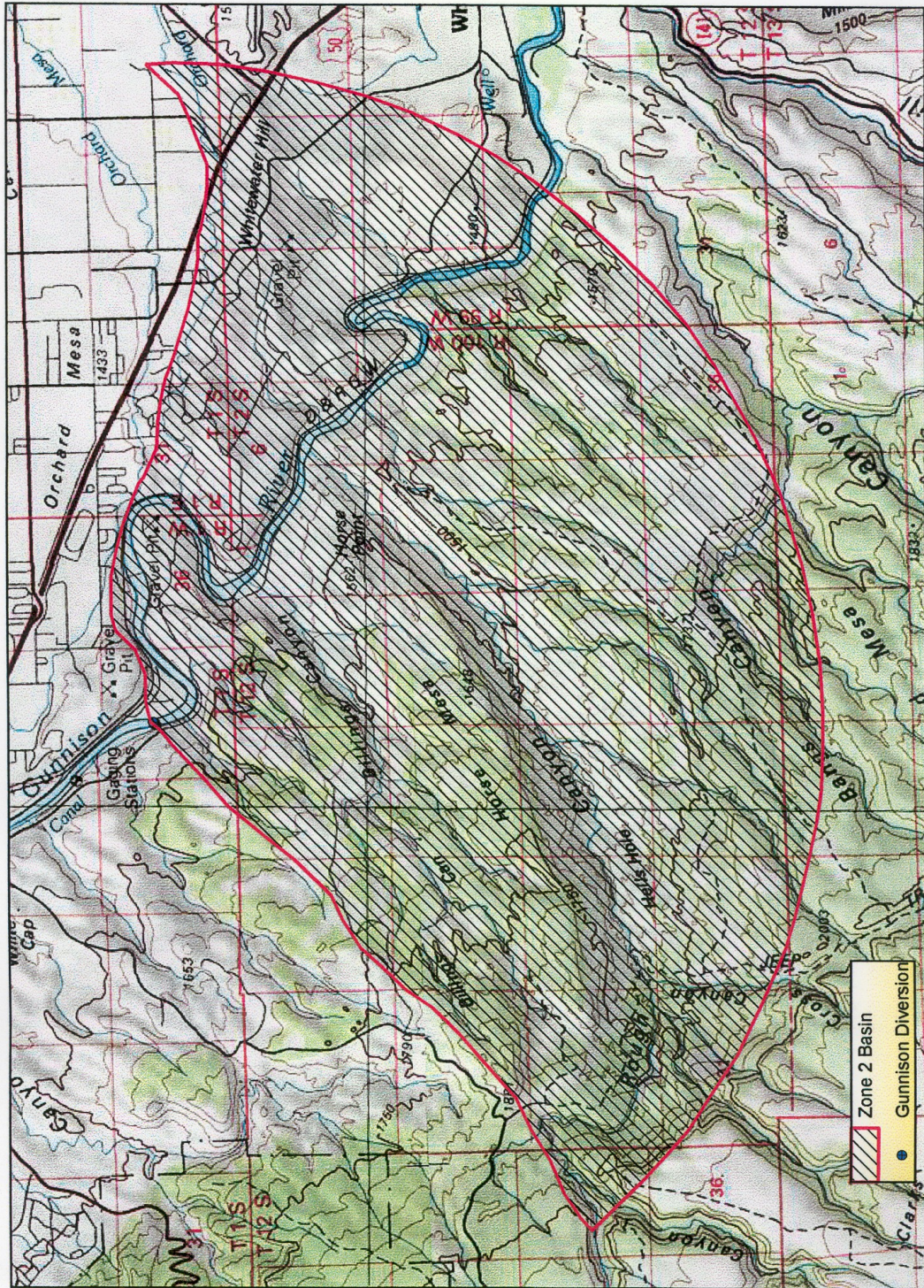
City Clerk

President of City Council

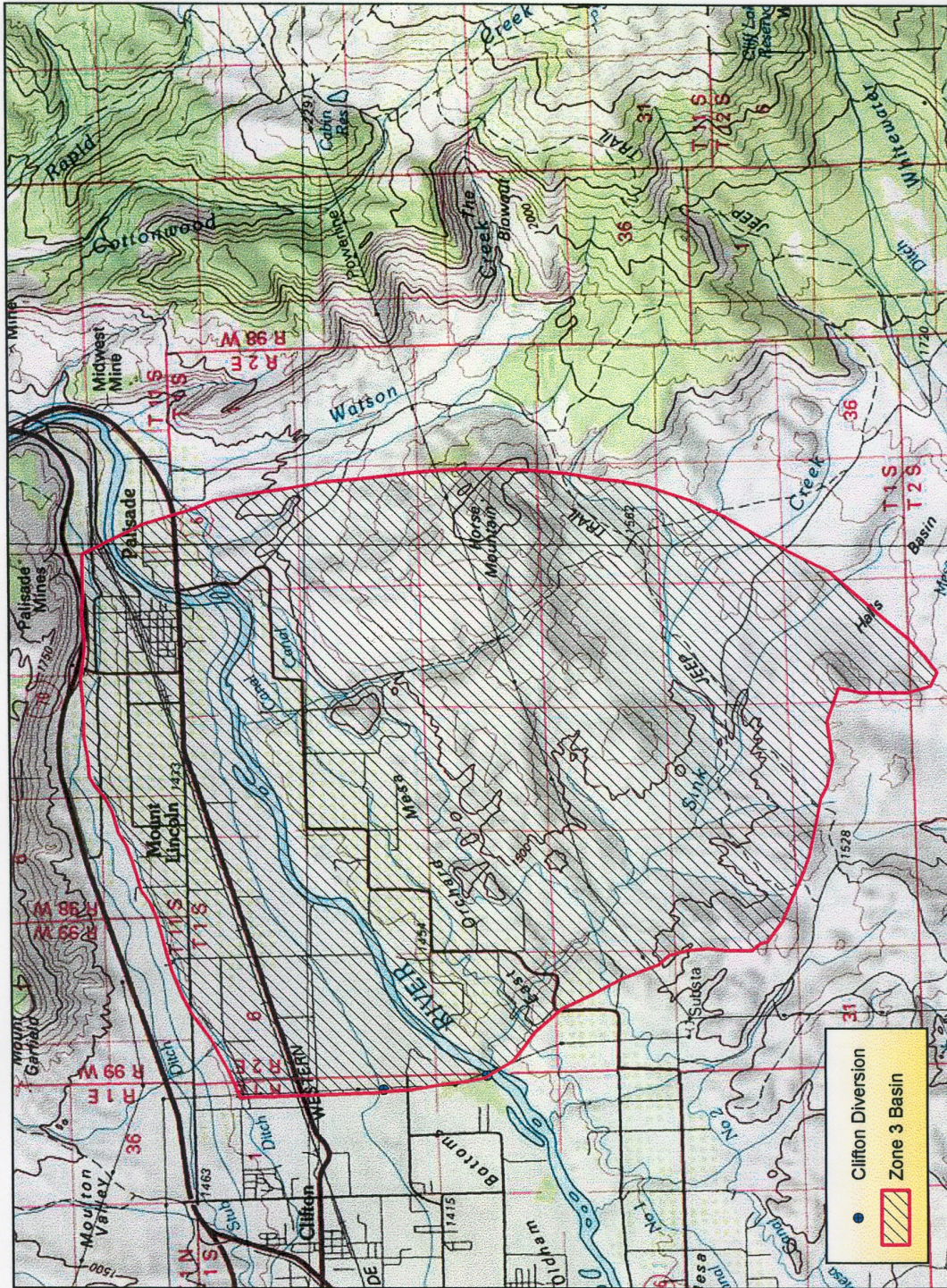
City of Grand Junction Water Protection Drainage Basin Zone 1



City of Grand Junction Water Protection Drainage Basin Zone 2



City of Grand Junction Water Protection Drainage Basin Zone 3



Memo

To: Interested Persons

From: Dan Wilson, City Attorney

Date: April 7, 2003

Re: Key Elements of a Draft Watershed Ordinance

To assist you in making any comments, and your review, listed below are key aspects of the draft Watershed Ordinance.

Legal Background. State law allows towns and cities to protect drinking water supplies by regulating land uses and similar activities around water system facilities, and five miles up-stream from all water diversions/intakes.

The City of Grand Junction has five key water supplies:

Three are located on the western face of the Grand Mesa, and supply the day-to-day water to the City’s water treatment plant. These three are Kannah Creek, the North Fork of Kannah Creek, and Whitewater Creek. For use during emergencies (when the Grand Mesa waters are not available for whatever reason), the City can pump from the Gunnison River up to the City’s water treatment plant.

Also for emergencies, and sometimes during other times as agreed upon by the City and Clifton Water District, the City can obtain water from the Colorado River, via the Clifton Water District’s treatment plant on the Colorado River.

Key Elements of the Draft Watershed Ordinance.

- Classifies the City watersheds into three “zones.”
 - Zone 1 is the Kannah Creek, North Fork of Kannah Creek and Whitewater Creek watersheds, from which the City obtains its regular water supply. The maps show each drainage, the five miles above each diversion, plus the five miles up gradient of each of the surface reservoirs.
 - Zones 2 and 3 are the Gunnison River and Colorado River watersheds. Because these waters are not ordinarily supplied as the City’s drinking water, and normally won’t be except during an emergency or drought, most land use activities are not affected by these watersheds. Unless an emergency or drought exists, the draft

ordinance only deals with feed lots and large industrial users in these watersheds.

In Zone 1, the following rules apply:

- Existing lawful uses are ‘grandfathered.’
- A proposed use would be classified as one of three general categories: major impact, minor impact or no impact.
 - If the use/activity is “no impact,” the permit must be issued by the Utility Manager within ten days.
 - If the use/activity is a “minor impact,” ordinarily the City staff will issue the permit although conditions can be imposed to lower the risks of pollution or damage to one of the watersheds.
 - If the impacts of the proposed use/activity are of “major impact” or if it is not clear what the dangers/impacts might be, City staff will refer the question to the City Council for its decision at a public hearing, or City staff can issue the permit if the risks to the water system can be mitigated with conditions.
 - In nearly all cases, it is expected that the impacts of a proposed land use/activity can be mitigated using “best management practices.”
 - Ordinarily, it is expected that a permit can be issued with conditions so that the actual danger to the City’s waters is low
 - Governments and utilities, such as the county, a local government, or a water company, can get an annual permit, with no requirement to post cash or a letter of credit.
- Private applicants must post cash or a letter of credit equal to 150% of the estimated costs to do the work needed to mitigate the danger of pollution.
- Activities that have no impact:
 - Domestic tree cutting
 - Annual burning of ditches and canals
 - Minor earth movement, such as driveway construction
 - Road maintenance and construction by a government.
- The County’s land use authority is not affected.
- The City can require that the cumulative impacts of otherwise “minor” or “no” impact activities can be looked at together.
- Activities that are likely viewed as “major impact”:
 - Feed lots
 - Industrial uses
 - Application of pesticides and fertilizers up stream from the canals, ditches and City reservoirs

