

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

WEDNESDAY, JUNE 4, 2003, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Reverend Michael Torphy, Religious Science
Church of Grand Junction

SCHEDULED CITIZEN COMMENTS

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

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Minutes of the April 24, 2003 Special Joint Meeting, the Summary of the May 19, 2003 Workshop, the Minutes of the May 19, 2003 Special Meeting, the Summary of the May 21, 2003 Special Workshop and the Minutes of the May 21, 2003 Regular Meeting

2. **Setting a Hearing for the Sonrise Acres Annexation Located at 3068 F Road**

[File #ANX-2003-090]

[Attach 2](#)

Sonrise Acres Annexation, a serial annexation comprised of 9.847 acres, located at 3068 F Road, has presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, first reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately.

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

Resolution No. 49-03 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Sonrise Acres Annexation, Located at 3068 F Road

*Action: Adopt Resolution No. 49-03

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunrise Acres Annexation No. 1, a Serial Annexation Comprising Sunrise Annexation No. 1, Sunrise Annexation No. 2, Sunrise Annexation No. 3 and Sunrise Annexation No. 4, Approximately 0.0666 Acres, Located at 3068 F Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunrise Acres Annexation No. 2, a Serial Annexation Comprising Sunrise Annexation No. 1, Sunrise Annexation No. 2, Sunrise Annexation No. 3 and Sunrise Annexation No. 4, Approximately 0.3278 Acres, Located at 3068 F Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunrise Acres Annexation No. 3, a Serial Annexation Comprising Sunrise Annexation No. 1, Sunrise Annexation No. 2, Sunrise Annexation No. 3 and Sunrise Annexation No. 4, Approximately 5.0956 Acres, Located at 3068 F Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunrise Acres Annexation No. 4, a Serial Annexation Comprising Sunrise Annexation No. 1, Sunrise Annexation No. 2, Sunrise Annexation No. 3 and Sunrise Annexation No. 4, Approximately 4.3572 Acres, Located at 3068 F Road

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

Staff presentation: Lori V. Bowers, Senior Planner

3. **Setting a Hearing on UnawEEP Heights Annexation No. 1, 2 and 3 Located at 2857 UnawEEP** [File # ANX-2003-022] [Attach 3](#)

UnawEEP Heights Annexation, a serial annexation comprised of 36.119 acres, located at 2857 UnawEEP, has presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, first reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately.

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

Resolution No. 50-03 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a

Hearing on Such Annexation, and Exercising Land Use Control, UnawEEP Heights Annexation, Located at 2857 UnawEEP Avenue

**Action:* Adopt Resolution No. 50-03

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing UnawEEP Heights Annexation No. 1, a Serial Annexation Comprising UnawEEP Heights Annexation No. 1, UnawEEP Heights Annexation No. 2 and UnawEEP Heights Annexation No. 3, Approximately 0.0358 Acres, Located along B $\frac{3}{4}$ Road, 2857 UnawEEP Avenue

Proposed Ordinance Annexing Territory to the City Of Grand Junction, Colorado UnawEEP Heights Annexation No. 2, a Serial Annexation Comprising UnawEEP Heights Annexation No. 1, UnawEEP Heights Annexation No. 2, and UnawEEP Heights Annexation No. 3, Approximately 1.3790 Acres, Located along B $\frac{3}{4}$ Road, at 2857 UnawEEP Avenue

Proposed Ordinance Annexing Territory to the City Of Grand Junction, Colorado UnawEEP Heights Annexation No. 3, a Serial Annexation Comprising UnawEEP Heights Annexation No. 1, UnawEEP Heights Annexation No. 2 and UnawEEP Heights Annexation No. 3, Approximately 34.7049 Acres, Located at 2857 UnawEEP Avenue

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

Staff presentation: Lori V. Bowers, Senior Planner

4. **Sole Source Purchase of Asphalt Testing Equipment** [Attach 4](#)

Request City Council authorization for the sole source purchase of an asphalt compaction tester in the amount of \$27,500. This compactor is needed for preparing and verifying asphalt mix designs using current technology.

Action: Authorize the Purchase of a Troxler Gyrotory Compactor from Troxler Electronic Laboratories, Inc. in the Amount of \$27,500.00

Staff presentation: Tim Moore, Public Works Manager

5. **Homeland Security Overtime Grant** [Attach 6](#)

The Community Oriented Policing Services Office of the U.S. Department of Justice is offering grant funding to pay for overtime expenses in support of

community policing and homeland security. As a part of the Grand Junction Police Departments new Neighborhood Beat System the Police Department would like to host quarterly meetings in each of the 63 neighborhood beats. The grant funding will allow overtime pay for the officers involved with these meetings.

Action: Authorize the Grand Junction Police Department to Apply for the Homeland Security Overtime Grant

Staff presentation: Greg Morrison, Chief of Police

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

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

6. **Bid Approvals** (Items a and b may be awarded under one motion)

a. **2003 Sewer Interceptor Rehabilitations**

[Attach 7](#)

Bids were received and opened on Tuesday May 20, 2003. Western Slope Utilities submitted the low bid in the amount of \$528,858.00. The project will utilize "trenchless technology" to install cured-in-place-pipe (CIPP) to rehabilitate over 6,077 feet of pipe ranging in size from 6 inch to 24 inches in diameter.

Action: Authorize the City Manager to Execute a Construction Contract for the 2003 Sewer Interceptor Rehabilitations to Western Slope Utilities in the Amount of \$528,858.00

Staff presentation: Mark Relph, Public Works and Utilities Director

b. **2003 Asphalt Overlays Project**

[Attach 8](#)

Bids were received and opened on May 15, 2003 for 2003 Asphalt Overlay Project. Elam Construction, Inc. submitted the low bid in the amount of \$1,054,700.40.

Action: Authorize the City Manager to Execute a Construction Contract for the 2003 Asphalt Overlay Project to Elam Construction, Inc. in the Amount of \$1,054,700.40

Staff presentation: Tim Moore, Public Works Manager

7. **Riverside Parkway Access to Highway 50 – 1601 Process** [Attach 10](#)

The proposed Riverside Parkway will connect to 5th Street in the lower downtown area. This connection will be important to the street system long term by providing easy access between Orchard Mesa and the commercial areas on I-70B between North Ave. and 24 Road. A connection to 5th Street (State Highway 50) will require review and approval by the Colorado Department of Transportation (CDOT) and is outlined in CDOT Policy Directive 1601. Council will consider formally initiating the P.D.1601 process.

Action: Authorize the Mayor to Sign a Letter to the Department of Transportation and the local Transportation Planning Region Office requesting the Initiation of the P.D. 1601 Review for the 5th Street crossing of the Riverside Parkway

Staff presentation: Mark Relph, Public Works and Utilities Director

8. **Setting a Hearing on Smoking in Public Places Ordinance** [Attach 5](#)

As per Council direction, a proposed ordinance prohibiting smoking in public places to be considered and scheduled (and advertised) for a public hearing on June 16, 2003.

Proposed Ordinance Prohibiting Smoking in Workplaces and Public Places in the City of Grand Junction

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

Staff presentation: Dan Wilson, City Attorney

9. **Setting a Hearing on Watershed and Water Supply Protection District Ordinance (No Public Discussion)** [Attach 11](#)

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 and Authorized to Publish in Pamphlet Form

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

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

10. **NON-SCHEDULED CITIZENS & VISITORS**
11. **OTHER BUSINESS**
12. **ADJOURNMENT**

Attach 1
Minutes of Previous Meetings

**CITY OF GRAND JUNCTION CITY COUNCIL
and
BOARD OF COUNTY COMMISSIONERS FOR MESA COUNTY
JOINT PERSIGO SPECIAL MEETING
APRIL 24, 2003**

City and County representatives met at 1:30 p.m. on April 24, 2003 at Two Rivers for a tour of the area around 21.5 and H Roads and 22 and H Roads. The meeting convened at Two Rivers Convention Center in the Adobe-Escalante Room immediately following.

County Commissioner Chair Jim Baughman called the meeting to order at 2:35 p.m. and introduced his fellow Commissioners Doralyn Genova and Tilman Bishop.

President of the Council Cindy Enos-Martinez introduced her fellow Councilmembers Jim Spehar, Dennis Kirtland, Harry Butler and Bill McCurry. Also present was Council-elect Gregg Palmer. Councilmembers Janet Terry and Reford Theobald were absent.

Also present were City staffers City Manager Kelly Arnold, City Attorney Dan Wilson, Public Works and Utilities Director Mark Relph, Community Development Director Bob Blanchard, Utilities Manager Greg Trainor, Utilities Engineer Trent Prall and City Clerk Stephanie Tuin. County staffers present were County Administrator Bob Jasper, County Attorney Lyle Dechant, Planning Director Kurt Larsen, Public Works Director Pete Baier, Planner Keith Fife and Clerk to the Board Bert Raley. Also present was Larry Beckner, attorney for several Special Districts.

1. REVIEW OF PREVIOUSLY APPROVED MINUTES OF OCTOBER 14, 2002

The Commissioners and the Council acknowledged that they have previously approved their respective minutes.

2. SEWER VARIANCE PROCEDURE

A request to change the Wastewater Regulations regarding a variance procedure in residential areas.

Mark Relph, Public Works and Utilities Director, introduced the first discussion item. He noted that the sewer regulations were written some time ago and that two incidents have come up where it seemed appropriate to waive the sewer hook-up requirement, but the current regulations do not allow such variances. He suggested there are two options for the governing boards to consider: change the Persigo Agreement at the next annual

meeting or the City can amend the existing sewer regulations. If the sewer regulations are to be amended, then some criteria should probably be developed.

Commission Chair Baughman asked Mr. Relph to review the situation in more detail for new Commissioner Tilman Bishop, which he did. Councilmember Kirtland noted that the Council felt that it was only right to discuss it with the Commissioners. Chairman Baughman asked why this situation exists when the two bodies tried to delete all properties that would not logically hook onto to sewer from the 201 boundary. Mr. Relph noted that large and obvious areas were deleted. Large (infill) type lots that are split could not practically be taken out.

Mr. Relph noted that if such a variance is granted, he would suggest that the petitioner sign a Power of Attorney for a sewer improvement district and pay for that up front. The requirement to install dry sewer lines is also a possibility.

Both bodies agreed not to make the variance procedure too complicated or drawn out time-wise for the petitioner.

It was added by Community Development Director Bob Blanchard that the Zoning and Development Code would also have to be amended and the issue would go before Planning Commission before final adoption with City Council.

Commissioner Bishop asked procedurally how things are decided. County Administrator Bob Jasper advised that both bodies will vote separately.

City Manager Arnold said there is a consensus so Staff will work out the details and bring back the amendments to the next meeting.

3. REQUEST FOR DE-ANNEXATION AND 201 BOUNDARY CHANGE

Doyle Files has requested exclusion from the 201 District.

Utilities Manager Greg Trainor explained the request and the history of the request. The Files want to de-annex the portion of their property north of Monument Road and then they can develop through the County process. The question is whether or not it would ever be served by sewer. Because of adjacent public lands, topography, zoning and distance to existing sewer lines, the chances are pretty slim. Existing sewer is

about two miles away in each direction, so it would not be economically feasible. It is Staff's opinion to leave the 201 boundary as is and have the Files petition to de-annex.

Commissioner Chair Baughman asked if one option is to leave the piece north of Monument Road within the 201. Mr. Trainor answered affirmatively and it could be

served with sewer, but more likely it would need a variance if the owners want to build on it.

Chairman Baughman thought there were other properties north of Monument Road that should also be taken out of the 201.

Mr. Trainor advised that Mr. Files has also mentioned trading an access agreement for that triangular piece of his property north of Monument Road.

Mr. Trainor clarified the options. 39.8 acres are not in the 201 boundary but are in the City. It is suggested that the 201 boundary stay the same and then the City must decide whether to de-annex. Another option is to take the ½ acre triangle north of Monument Road out of the 201 boundary and the City can decide on de-annexation.

Commissioner Doralyn Genova moved to de-annex the Files property from the 201 boundary. Commissioner Tilman Bishop seconded. Motion carried.

Councilmember Spehar moved same motion, Councilmember Kirtland seconded. Motion carried.

4. PROJECT UPDATES:

1. Bio-solids.

Pete Baier, County Public Works Director, reviewed this item. Current practice is to dispose of biosolids at the landfill. It is becoming an issue as there is an increasing methane problem and biosolids produce methane when mixed with garbage. Other options are being pursued. Mr. Baier listed the options: 1 – do nothing, 2 – pre-dry the solids, 3 – privatize disposal, and 4 – examine new ways of integrating the solids into composting. The trial of integrating the biosolids into the composting program was met with neighborhood resistance. Option 1 will not be an option forever with the growth. Option 2 – pre-dry the solids - will have capital costs and may meet with neighborhood resistance for this process. Option 3 – there are no private companies available right now. With composting programs being successful in other communities, Staff is recommending going forward on option 4.

Commission Chair Baughman recalled that an organization (People Organized Against Odor Pollution a.k.a. "POOP") had opposed this plan. Mr. Baier agreed and said the result is that Staff needs to work with that group and others in Orchard Mesa to work out a solution. Mr. Baughman noted that relocating the composting site was one idea. Mr. Baier said correct, also using it for animal waste. Another thought is to mix it up quickly to cut down on the odor. Councilmember Kirtland asked about a business plan and budget for this program. Mr. Baier said that has not been done but a consultant has

approached the Staff. Mr. Trainor said a considerable amount of study has been done on the cost to pre-dry the biosolids at the plant. The compost is the least cost alternative and Staff would like to explore that option first. Commissioner Bishop asked about time frame to correct the situation. Mr. Trainor said the landfill wants the biosolids removed from the co-mingling operation within the next two years. County Public Works Director Baier estimated \$15,000 to \$20,000 will be needed from the Persigo Fund to get the process going.

Councilmember Spehar suggested they go forward and try this approach, getting consultants on board.

City Manager Arnold suggested that Staff be directed to pursue option 4 with a report back by July, 2004 or sooner.

County Administrator Jasper said landfill has the funds, but since it's a mutual problem, a partnership with the two funds is appropriate. He noted both funds are enterprise funds.

Commissioner Genova moved to approve a study as outlined in Option 4 to be done by a joint City and County staff, and associated components in Option 4, and have a report back by July 2004. Commissioner Bishop seconded. Motion carried.

Councilmember McCurry made the same motion, Councilmember Spehar seconded. Motion carried.

2. Grease and Septic Waste.

Utilities Manager Greg Trainor reviewed the status of privatizing grease disposal. There is a private party currently trying to open such a disposal plant and is in the review process. He can then accept grease from the restaurants. If he is not approved, then the City will go forward in installing a grease collection system at the wastewater treatment plant.

Commission Chair Baughman asked about the previously mentioned approved site south of Mesa County. Mr. Trainor answer that this applicant is the only one that has

gone forward with his proposal. The site near Delta is accepting grease and people can still use him but this new facility will be cheaper.

Councilmember Spehar expressed concern that the City is still waiting and not taking any action for their facility. Mr. Trainor said the State says it is not an issue as long as they are pursuing a solution. The treatment plant is not in violation at this time.

Public Works & Utilities Director Mark Relph advised that the standard is a little soft and the State is willing to work with the plant management, as long as Mr. Kettle (the applicant) is going forward. The decision should be known by the end of summer.

Commissioner Bishop asked about the location of the proposed site. Utilities Manager Trainor answered that it is to be located at I-70 Business Loop and 33 Road.

Chairman Baughman asked why the grease can't be taken to the landfill. Mr. Baier thought the cost per weight would be prohibitive. They have not looked at developing a disposal site at the landfill since a private individual is pursuing it.

Councilmember Spehar reiterated the same question. Commissioner Genova thought there needs to be two options so when they review the petitioner's C.U.P. they are not pressed to approve because of an immediate need to dispose of the grease. Commissioner Bishop suggested a disposal site with the lease option to the petitioner. Commissioner Genova wanted to have something on the alternatives by July.

3. Central Grand Valley, Orchard Mesa and Fruitvale Special Sanitation Districts.

Public Works & Utilities Director Mark Relph updated everyone on the progress being made. They are developing a mechanism that will encourage the Special Districts to invest in their districts. Dissolution of the Districts has also been discussed with a longer time frame of 7 to 9 years.

County Administrator Jasper gave the background of this issue for the benefit of Commissioner Bishop. Since the thought is that eventually all of the Special Districts will eventually be part of the City, it is in the best interest of everyone to solve the infiltration problems and other issues. Mr. Larry Beckner, attorney for these Special Districts, said he has been working on that proposal. He represents all three boards and they will have to each take it to their voters. It is the goal of those boards to put substantial capital improvements into those systems so when the City takes over there will not be infiltration problems. Fruitvale Sanitation District has not had a big capital improvement program; most of that system is already in the city limits and has rates lower than the city. Chairman Baughman added that Fruitvale Sanitation District is

debt-free. Commissioner Genova noted Central Grand Valley Sanitation District is debt-free also.

Mr. Beckner said his proposal is an annual distribution to the Special Districts for capital improvements based on EQU's. Councilmember Spehar asked if the standards being done for the design are up to City standards. Mr. Beckner said that City standards are the minimum they are requiring. Mr. Beckner concluded by saying his draft proposal will be submitted to the Staff in the next few days.

d. Clifton Sanitation District #2.

The City has received a proposal from the Clifton Sanitation District #2 that will eliminate their treatment process and responsibility. Commissioner Genova asked Mr. Beckner to ensure their users that this proposal is being pursued by their board not the City or the County.

e. 201 BOUNDARY ADJUSTMENT

Request to adjust boundary in the 21.5 and H Road and 22 and H Road areas.

Chairman Baughman noted that the boards went on a field trip to the area being discussed.

Planning Director Kurt Larsen reviewed this item. He is recommending that the two areas be brought into the 201 area. Staff is recommending moving forward with the public hearing process.

Commissioner Bishop asked for further clarification on advantages and disadvantages of bringing the properties into the sewer service area.

Mr. Larsen said it is an opportunity to provide sewer to the area. Chairman Baughman voiced concern that if these areas are brought in, surrounding owners will fear further expansion in that area. Mr. Larsen said the City has indicated that there is capacity at the treatment plant for the indicated areas but not for further expansion.

Councilmember Spehar agreed that there should be no further expansion, as did Chairman Baughman. Councilmember Kirtland said the County would be in the role of saying no to those adjacent property owners who want to develop. Councilmember Spehar used his aunt's property as an example and would want to hear that the answer would be no if the question was posed. Chairman Baughman noted that the area probably should have never been allowed to develop as it has but nothing can be done about that now.

County Administrator Jasper said that it is known what these properties are zoned and so they should go ahead and take them in the sewer service area. Whether or not there will be other property owners that come forward with a request to come in cannot be guaranteed. The County's property records are still not complete and accurate.

City Manager Arnold asked if they expand the boundary and another property crops up, if the County would be inclined to turn it over to this group for Persigo discussion prior to considering rezoning. He thought any adjacent property should have the zoning shown

unless something comes forward that is different, then it will be brought back to this joint body first.

Chairman Baughman said the County considers existing zoning as sacrosanct. If the property is outside the 201 and annexation is not triggered, then it will go through just the County review process.

Councilmember Spehar noted that when there are land use changes in the County, the City sends a letter and that is all that happens.

City Attorney Wilson suggested running a title search on those adjacent properties and if nothing comes up for the search, the concern about these unknowns is lessened. The County could then hold a zoning hearing and make it the zoning as shown.

County Administrator Jasper agreed that the title search could be done for just this area to alleviate any of the Commissioner's concerns.

Commissioner Genova thinks this area needs to be in the 201 for health and safety issues and if others develop they too need to come in. Chairman Baughman said he wants the County planning department to investigate this area more before making the decision.

Commissioner Bishop moved to proceed with the recommendation on the memo dated April 24, 2003 to proceed with the formal hearing process to consider extension of the 201 boundary to include those properties zoned for commercial and industrial uses and four parcels of land zoned AFT as identified on the maps. Commissioner Genova seconded. Motion carried.

City Manager Arnold reiterated that a title search be conducted on the adjacent properties and get them clearly defined.

Councilmember Kirtland made the same motion. Councilmember McCurry seconded. Motion carried.

6. PROCEDURAL ISSUES WITH THE PERSIGO AGREEMENT

Chairman Baughman referred to Council President Enos-Martinez's letter to former Commissioner Kathy Hall. The questions posed in the letter referred to development application in the joint planning area (in the "donut"), commercial development in that area and how to resolve disagreement in the interpretation of the Persigo Agreement.

Commissioner Bishop asked that this discussion be put off till the July meeting as it has not been discussed amongst the Commissioners.

Council President Enos-Martinez asked that it be addressed as soon as possible. Commissioner Genova did not disagree, noting that the Commissioners hold in high regard existing zoning and do not formally adopt Master Plans.

Councilmember Kirtland suggested the Commissioners focus on the agreement itself.

Commissioner Genova excused herself from the meeting at 4:50 p.m.

City Manager Arnold suggested that what was done in the previous item at this meeting really laid groundwork for resolving question #2 relating to commercial development in the joint planning area. He said the Staff can look at different areas that might be similar and work on those areas.

County Administrator Jasper countered that he was hoping for a broader range discussion. The Persigo Agreement addressed some big picture items. He questioned whether the Council was suggesting reopening the Persigo Agreement. Chairman Baughman stated that although there have been some minor conflicts with the Persigo Agreement, overall it has served the City and the County well and accomplished its purpose.

Councilmember Spehar agreed and noted it would behoove them to work it out.

Commissioner Bishop said no agreement is perfect and it is his experience that in opening up the whole agreement it becomes bigger. Mesa County may have something to discuss with Council too. He would prefer to keep the discussions specific.

Mr. Arnold said the question may be if the Persigo Agreement is the overriding document or what a title from 1947 says. Chairman Baughman responded that outside the joint planning area, it is the County's responsibility.

County Administrator Jasper called upon the joint bodies to build on successes noting the valley is going to grow and the agreement may not work ten years from now.

Planning Director Larsen advised that some commercial activities are allowed in AFT with a conditional use permit and those uses may not be appropriate for city. City Manager Arnold asked Mr. Larsen to identify those areas. County Administrator Jasper used campgrounds as an example.

Councilmember Butler inquired if the County wants to zone something commercial and then asks for it to be brought into the 201 boundary. Mr. Jasper noted that the Board of Commissioners agrees that industrial/commercial should be in the City, where the Board would have never suggested the City annex those in the past. They won't approve a development and then ask that it be annexed. Councilmember Spehar

cautioned that the two bodies should not let a couple of issues get in the way of working together.

Councilmember McCurry excused himself from the meeting at 5:10 p.m.

City Manager Arnold said he would like to see these small issues resolved. He then asked about what the governing bodies are going to do with the Pear Park area. Chairman Baughman advised that with the build out occurring, there will undoubtedly be a push for commercial in that area. City Manager Arnold agreed that the City and County need to work together to resolve these issues.

7. AGENDA FOR THE ANNUAL PERSIGO MEETING IN JULY

The two bodies decided that the Annual Persigo meeting will be tentatively scheduled for Thursday, July 10th.

8. OTHER BUSINESS

There was none.

9. ADJOURN

The meeting was adjourned at 5:17 p.m.

**GRAND JUNCTION
CITY COUNCIL WORKSHOP**

May 19, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, May 19, 2003 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Jim Spehar. Absent was Councilmember Cindy Enos-Martinez.

Summaries and action on the following topics:

1. **STRATEGIC PLAN UPDATE:** City Manager Kelly Arnold directed Council's attention to the Strategic Plan update. He referred to the Shelter and Housing progress report and asked Council to consent to the scheduling of a meeting with the Housing Authority to review this Strategic Plan item.

Council President Spehar noted that there have been a number of neighborhood meetings and there are more scheduled in the month of June. Those meeting dates should be included in the progress report. City Manager Arnold advised that the progress reports only include the specific action steps. Planning Manager Kathy Portner listed the areas and meeting dates.

Action summary: Council accepted the update and authorized the meeting with the Housing Authority.

2. **CANYON VIEW PARK EAST BID:** City Manager Arnold introduced this item. Meetings with the Parks Board have occurred previously and Council asked for the specifications to include a base bid and a number of alternatives so that Council could decide what alternatives to accept later. He reminded Council what improvements are in the current Parks Improvement Budget – Darla Jean and Paradise Hills. Joe Stevens, Parks and Recreation Director, then reviewed the summary of the bids that were received on April 29th. He advised Council of a contribution from the late Armore Arcieri. He reviewed the priorities the Parks Board has identified in the Parks Master Plan and what improvements have already been made to Darla Jean and Paradise Hills Parks.

Bernie Goss, Chairman of the Parks and Recreation Advisory Board, said the residents of Paradise Hills are not really in agreement as to what should be done in their park. Also, no work has been done toward the

development of Darla Jean Park, so it is unlikely the work will be complete in 2003. Also, because of the additional study being required by the State for the Riverside Parkway, work will need to be delayed at Las Colonias Park. He also spoke to the economy of mobilization and the need not to tear out any work installed at this time when they go in to complete later.

Councilmember Enos-Martinez entered the meeting at 7:59 p.m.

Tom Dixon, board member, advised that the City is looking at Master Planning for Lincoln Park and if Canyon View Park is complete, that allows for a more holistic view of the parks system.

Councilmember Kirtland asked about the time for completion of this phase of Canyon View Park. Parks Planner Shawn Cooper said improvements will be complete in 2004.

Councilmember Hill inquired about the cost for building the additional area (Phase D), i.e., more parking and more tennis courts. City Manager Arnold responded that the estimate is the same as this phase, about \$1.5 million.

Bob Cron, parks board member, noted that they are looking to finish this area as it will make Canyon View look finished. The next phase will have to wait.

Council President Spehar summarized that the difference is whether to do four or six tennis courts. He asked about demand for more tennis courts. Parks & Recreation Director Stevens referred back to the Parks Master Plan that recommended the construction of a tennis complex that includes championship courts and a pro shop. He had made the statement that national tennis play is flat, as is golf. Council President Spehar asked if there is a demand, and have there been complaints on the lack of facilities. Mr. Stevens said the need is for post-tension courts. Councilmember Kirtland asked if the schools will be able and will use these new courts. Mr. Stevens said there is no question of that. Currently soccer tournaments are drawing a lot of people to the valley. Tennis could do the same thing.

Lena Elliot, parks board member, said in the summer time there is no place for adults to play during the day when the programs are going on. In the evenings, the leagues are filling the courts. The local need is there. The local tennis association hosts two tournaments, one in May and one

in October, and the numbers of players have had to be limited due to the lack of facilities. Seniors will especially be using the Canyon View courts.

Councilmember Enos-Martinez asked what it will cost to build the two additional courts later. Mr. Stevens said about \$18,000 more and some of the improvements going in would have to be destroyed. Council President Spehar clarified that more courts are planned for later so those improvements will have to be torn up anyway. Mr. Stevens concurred. Councilmember Palmer asked if Alternative #2 actually moves Darla Jean and Paradise Hills to 2004. Mr. Stevens said that would be up to Council but there are no funds currently identified for those two projects in 2004. Council President Spehar asked for assurance that those two parks would be the highest priority after this phase of Canyon View. Parks Board Chair Bernie Goss confirmed this and added that the multipurpose fields will also house the football players that are currently going to Fruita. Those fields are being partially funded by an organization supporting football.

Councilmember Palmer supported getting the improvements done now. Councilmember Enos-Martinez concurred. Councilmembers McCurry, Butler, Kirtland and Hill supported Alternative #2. Mayor Spehar noted that this will not finish Canyon View Park and the Council must recognize the need to finish the neighborhood parks. He somewhat hesitantly supported Alternative #2. Mr. Goss said that is his stance but members change on the parks board.

City Manager Arnold noted that the problem in Paradise Hills is not the improvements, but the concern that loitering will increase with installation of improvements.

Action summary: The Clerk was directed to amend the Action on the Agenda to identify the award of the bid for alternative #2 for the Canyon View Park East Bid.

The Council took a recess at 8:32 p.m.

The Council reconvened at 8:39 p.m.

3. **EL POSO NIEGHBORHOOD DISCUSSION:** City Manager Kelly Arnold introduced this item. He referred to the report that states the neighborhood is CDBG eligible and there are three possible funding options for improvements being proposed. Another possibility is using some CDBG funding. The Council will need to decide if they want to

support the creation of an improvement district. Two other elements that are not in the current options are the storm water improvements that would be the City's responsibility and the improvements to Crosby Avenue too. Council President Spehar clarified that the storm water improvements would have to be done first or concurrently. Mr. Arnold agreed but noted that the improvements can be done in phases.

Representatives of the neighborhood were present. Frank Jimenez, who lives in El Poso, said his request goes back 25 years. Construction companies have helped with previous projects and the neighborhood has received free landfill use, but they need more help.

Councilmember Enos-Martinez asked if the property owners are willing to share in the cost. Mr. Jimenez said the owners are in agreement.

Mayor Spehar thought the use of CDBG would force this project to be done in just such small bits and pieces that another alternative needs to be considered. He thought drainage should be done first.

John Trujillo, 323 W. Ouray, said everyone in the neighborhood wants to see the streets paved. It was 1968 when storm sewer went in and then the capacity was increased in 1994.

Frank Maldonado, 406 W. Grand, would like to see the improvements. There is a sewer lift pump now; the storm water improvements might eliminate the pump. He would like to see the improvements, and is concerned that a delay will increase the cost.

City Manager Arnold noted that the City tapped a good source of funds for the storm sewer in the downtown and perhaps similar funds can be obtained for this project. He said City Staff can help with the petition process for the creation of any special improvement district. If Council wants to go forward, then it will mean a partnership effort. The improvements will include standard streets and sidewalks.

The City Attorney reviewed the process for the formation of the improvement district, the construction of the improvements and the subsequent assessment. Mayor Spehar thought time needs to be spent with the neighborhood to explain the options and the cost estimates.

Councilmember Hill forewarned the residents that improvements will invite more traffic and that may not be favorable.

Councilmember Butler said this is long overdue.

Action summary: The Council agreed to make this a priority and work with the neighborhood to get the improvements accomplished.

4. **UPDATE ON WATERSHED ORDINANCE OUTREACH:**

City Manager Arnold reviewed the outreach efforts to solicit comments. A summary of the comments is being provided in a packet being distributed. City Clerk Tuin indicated that she had additional information from Everton that had been provided to her that night. Also a map has been developed by Terry Franklin that identifies the entire watershed area.

Mayor Spehar asked for some additions to the watershed ordinance: a definition of an emergency, the discretion of the Public Works Director options, and more objective criteria. City Attorney Wilson agreed but noted that there is a lot of subjectivity in this type of regulation but he will try to tighten the language.

Mr. Arnold noted that there will be more information coming from Mesa County.

Action summary: Council received the information provided thus far and will review it prior to Wednesday's meeting.

At 9:23 p.m., Council went into regular session.

ADJOURNED at 9:23 p.m.

City Council for the City of Grand Junction

Special Meeting

May 19, 2003

The City Council of the City of Grand Junction convened into special session at 9:23 p.m. on the 19th day of May, 2003 in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and City Clerk Stephanie Tuin.

Councilmember Cindy Enos-Martinez moved to go into executive session for the purpose of receiving legal advice concerning Grand Mesa Slopes under C.R.S. section 24-6-402(4)(b). Councilmember Kirtland seconded. Motion carried.

The City Council adjourned to the Administration Conference Room for executive session at 9:24 p.m.

Stephanie Tuin, MMC
City Clerk

**GRAND JUNCTION
CITY COUNCIL SPECIAL WORKSHOP**

May 21, 2003

The City Council of the City of Grand Junction, Colorado met on Wednesday, May 21, 2003 at 6:01 p.m. in the City Hall Auditorium to discuss smoking in public places. Those present were Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Absent were Councilmembers Harry Butler and Cindy Enos-Martinez.

Mayor Jim Spehar introduced the discussion for the meeting and advised that it will include an update from Councilmember McCurry, staff and the young people. No public testimony will be taken. City Staff, specifically the City Attorney, will lay out the options for the City Council.

Councilmember McCurry listed the meetings (6) and the participation that has occurred thus far (the students, Quincy's, the bingo halls, the bowling alley, the Sports Page, Rockslide, Dos Hombres, Colorado Respiratory Association and Otto's). He listed the different comments gathered through the meetings. He also briefly described the alternatives discussed with the students.

The Mayor noted that Councilmember Enos-Martinez plans to attend, just will be a little late.

Shelby Irwin, 2910 North Ave, #45B, representing Bookcliff Middle School, addressed the Council and stated how the issue will be presented. She will speak to why this ordinance is necessary; Juan Quintero will address which alternative the students support and Annie Alysworth will suggest how it should be enacted. Shelby presented a number of facts regarding smoking and secondhand smoke. She had a petition that was signed by 210 people at the Earth Day event that supported the enactment of the ordinance.

Juan Quintero, 2879 Texas Ave, Bookcliff Middle School, referred to letters to the editor that asked why the students should care about smoking in bars. Juan said their concern is for the workers. That is the reason they support Alternative #1 (ban all smoking in public places) which protect all workers from secondhand smoke. He noted that alternative #1 has been adopted in many other places, gives protection to all workers, alternative #1 is endorsed by all major health organizations, it was upheld by voters in Pueblo the day before, and there is no evidence that banning smoking has any ill affect on businesses.

Annie Aylsworth, 623 Stonegate Dr, Bookcliff Middle School, addressed Council on reasons for the ordinance to be enacted and not taken to the ballot. She gave many examples where laws were enacted without the matter being taken to the ballot. She noted that Council enacts ordinances to protect the water supply, regulate loud parties, etc. and listed a few cities where ordinances have been enacted without any backlash. Enacting an ordinance will save time and money by not sending it to the ballot. Lastly she said the City Council has an opportunity to make a change to preserve the health safety and quality of life in Grand Junction.

Councilmember McCurry commended the students' effort and clarified that is something the kids did on their own, not a school project.

Mayor Spehar asked City Attorney Dan Wilson to review the options and the current regulations.

City Attorney Wilson explained the law as it is currently on the books, that larger restaurants (over 30) must designate an area for smoking if they want smoking to be allowed. The public should not have to pass through that area to leave, pay or use the restroom. The smoking ordinance was placed on the books 20 years ago.

The first alternative prohibits smoking in all public places and non-compliance would allow complaint and also litigation to the owner. Many of those business owners that participated in the meetings voiced concerns that it would be cost prohibitive to physically separate smoking and non-smoking areas. Alternative #2 allows a time period for compliance and allows for smoking in totally separate areas. Alternative #1 has a requirement for continuous education programs as directed by the City Manager. Alternative #2 does not require private offices to be smoke-free.

Councilmember Palmer said the Council is going to talk about a lot of options but wanted the students to be aware that they should be proud of their work.

Councilmember Bruce Hill asked how the current ordinance differs from Alternative #2. City Attorney Wilson answered that it is the separation (partition walls and ventilations) being required that is the difference. The current ordinance allows for some incidental contact of secondhand smoke into non-smoking areas.

Councilmember Hill asked if all businesses would have to comply with either alternative to which Mr. Wilson responded affirmatively. Councilmember Hill clarified that Alternative #1 allows no smoking at all, Alternative #2 requires a separate area.

Councilmember Palmer inquired if there are any time-of-day stipulations. City Attorney Wilson replied not in these alternatives, but that was a suggestion from some restaurant owners.

Councilmember Palmer inquired if changes can be made to the existing Code without going to the ballot. City Attorney responded affirmatively.

Councilmember Hill asked about the requirement to post signs to which Mr. Wilson said the regulation is the same as what is currently in the Code but expanded to every public place.

Councilmember Palmer asked about outside restrictions. City Attorney Wilson answered that all outdoor sporting arenas would not allow under any alternative – current, Alternative #1 or Alternative #2.

The Council inquired as to details of ballot issues. The City Attorney and the City Clerk clarified those options.

Councilmember Hill asked what it would take for the County to adopt such a regulation. Mr. Wilson answered that they certainly could. Councilmember Hill asked about a statewide regulation and Mr. Wilson said the State has the authority and have already banned smoking in healthcare facilities.

Councilmember Palmer asked if a county-side regulation would exempt the incorporated areas to which the Attorney said yes.

Councilmember Hill commended students and then asked about the process to bring this forward as an ordinance. Wilson described the process as required by the City Charter.

City Manager Arnold asked the Attorney to address the process to refer the issue to the ballot. Mr. Wilson said it would come forward as an ordinance and Council would direct it to the ballot.

Councilmember Kirtland noted that while 80% may not smoke, that does not mean they feel that the government should regulate where they can smoke. He voiced concern with the impact on businesses, noting that owners can certainly make their restaurants smoke-free. He offered an approach that would give incentives to businesses to be smoke-free.

Councilmember McCurry noted that many places are smoke-free and it is up to the owners.

Mayor Spehar noted that the Council is two members short so it would be inappropriate to make decision at that time. He suggested they make decision at next Council meeting. He offered that Council should desire to effect what happens rather than react to what comes forward. He suggested they strike a balance and refer the measure to

the voters. He explained the absence of two Councilmembers and noted that public comment will be taken after an ordinance is introduced.

Councilmember Hill suggested public comment be taken prior to through an open house format.

Mayor Spehar said it would be a more focused discussion if the actual balanced option was being introduced.

Councilmembers Kirtland and Palmer agreed with the Mayor's approach.

City Attorney Wilson suggested a discussion at the next workshop with more in-depth discussion of Alternative #2. He advised that although he has counseled the students that Council will likely lean toward Alternative #2, the students were insistent on Alternative #1 and may go forward with a petition for Alternative #1 anyway.

Councilmember Kirtland suggested a schedule be established so that those who would like to comment would know when they can do that. Councilmember Palmer solicited comments in writing.

Action summary: Mayor Spehar suggested they direct the City Attorney to work on something akin to Alternative #2, craft something to be released at workshop, that first reading be at the next regular meeting, with second reading on June 16th.

Councilmember Enos-Martinez entered at 7:15 p.m.

The meeting adjourned at 7:16 p.m. The Council took a break and will begin regular meeting at 7:30 p.m.

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

MAY 21, 2003

The City Council of the City of Grand Junction convened into regular session on the 21st day of May 2003, at 7:35 p.m. in the City Auditorium. Those present were Councilmembers Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Councilmember Harry Butler was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Tuin.

President of the Council Jim Spehar called the meeting to order. Councilmember Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Reverend Michael Torphy, Religious Science Church of Grand Junction.

PRESENTATION OF APPRECIATION PLAQUE TO OUTGOING MAYOR CINDY ENOS-MARTINEZ

Mayor Spehar presented the appreciation plaque and read the sentiments to former Mayor Enos-Martinez. She also received the gavel band off the actual gavel.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO NEWLY APPOINTED MEMBER OF THE HISTORIC PRESERVATION BOARD

Appointee Judy Prosser-Armstrong was present and received her certificate.

PROCLAMATIONS / RECOGNITIONS

6TH ANNUAL HISTORIC PRESERVATION AWARDS

Chairman Bill Jones presented the following two awards:

- 1) To the First United Methodist Church, 522 White Avenue; and
- 2) To JT and Sheri Jacobson, owners of the Colorado Fruit and Commercial Association Shipping House, 601 Pitkin Avenue, presently occupied by Mesa Supply.

PROCLAIMING MAY 18TH – MAY 24TH, 2003 AS “EMERGENCY MEDICAL SERVICES WEEK” IN THE CITY OF GRAND JUNCTION

PRE-SCHEDULED CITIZENS AND VISITORS

JOHN DUFFY PUBLISHER OF THE GRAND JUNCTION FREE PRESS

Mr. Duffy was not present.

**STEVE WAREHAM WITH BROTHERHOOD OF LOCOMOTIVE ENGINEERS
REGARDING REMOTE CONTROL LOCOMOTIVES**

Steve Wareham, a 10-year engineer with Union Pacific Railroad, told Council of Union Pacific Railroad's plans to use remote-control locomotives in its Grand Junction yard. He then provided information on this new concept. Councilmember Enos-Martinez asked where the remote control location is. Mr. Wareham said the remote-controlled locomotives would be controlled from close proximity by radio control from a person wearing a "belt pack" standing on the ground near the train. Mr. Wareham was concerned about this new practice and asked Council to look into it.

SCHEDULED CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember McCurry, seconded by Councilmember Kirtland, and carried, to approve Consent Items #1 through 5.

1. Minutes of Previous Meetings

Action: Approve the Summary of the May 5, 2003 Workshop and the Minutes of the May 7, 2003 Regular Meeting

2. Setting a Hearing for the O'Connor Annexation Located at 511 31 Road [File #ANX-2003-068]

The O'Connor Annexation is comprised of 1 parcel of land on 1.3121 acres located at 511 31 Road. The owner is seeking annexation in conjunction with a future subdivision request, pursuant to the 1998 Persigo Agreement with Mesa County.

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

Resolution No. 45-03 - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, O'Connor Annexation, Located at 511 31 Road and Including a Portion of E Road and 31 Road Rights-Of-Way

*Action: Adopt Resolution No. 45 -03

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, O'Connor Annexation, Approximately 1.3121 Acres Located at 511 31 Road and Including a Portion of E Road and 31 Road Rights-Of-Way

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

3. Setting a Hearing for the Rold Annexation Located at 524 30 Road [File #ANX-2003-080]

Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Rold Annexation located 524 30 Road. The 0.7998 acre Rold Annexation is an annexation consisting of one parcel of land.

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

Resolution No. 46-03 - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Rold Annexation, Located at 524 30 Road

*Action: Adopt Resolution No. 46 -03

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rold Annexation, Approximately 0.7998 Acres Located at 524 30 Road

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

4. Nomination to CML Executive Board

City Council will consider a letter of nomination for Mayor Jim Spehar to the Colorado Municipal League slate of nominees.

Action: Authorize the Mayor Pro Tem to Sign a Letter of Nomination for CML's Executive Board on Behalf of the City Council

5. Hallenbeck Ranch Property Lease

This is a proposed one-year ranching and grazing lease with an option to extend for an additional year if Mr. Miller achieves all of the City's performance objectives.

Resolution No. 48-03 – A Resolution Authorizing a One-Year Lease of the City's Hallenbeck Ranch Property to Clint Miller

**Action: Adopt Resolution No. 48-03*

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

Bid Approvals (Items a. b. c. d. may be awarded under one motion)

City Manager Kelly Arnold introduced this item and explained the process.

a. Canyon View Park East Bid

On April 29, 2003, the City of Grand Junction opened bids for Canyon View – East. Base bid improvements include 3 multipurpose fields, 2 tennis courts, parking, hard and soft surfaced trails, security lighting, landscaping, irrigation and a new entry off of 24 ½ Road.

Joe Stevens, Parks and Recreation Director, briefly described the recommendation and asked that the improvements to Darla Jean and Paradise Hills Parks be deferred until 2004. He identified the source of the funding and specifically mentioned the funds received from the Mesa Football Association and the Armore Arcieri Trust.

Councilmember Enos-Martinez asked if Canyon View Park has a curfew. Mr. Stevens said the park closes at midnight, but an exception can be requested.

b. 2003 Alley Improvement District

Bids were received and opened on May 6, 2003 for 2003 Alley Improvement District. Reyes Construction Inc. submitted the low bid in the amount of \$397,832.78.

c. 29 Road Improvements Phase II Streets

Bids were opened on May 6, 2003 for the street reconstruction phase of the 29 Road Improvement Project between North Avenue and Pinyon Street. Utility relocations in this section were completed in April 2003. Phase II street improvements include construction of 3,500 linear feet of concrete curb, gutter, and sidewalk, and 14,000 square yards of aggregate base course and asphalt pavement.

d. Signal Communications, Phase 1B

Bids were opened on May 6, 2003 for the Signal Communications Phase 1B project. The low bid was submitted by Temple & Petty Construction in the amount of \$280,693.88.

Tim Moore, Public Works Manager, reviewed the contract awards of Items b, c, and d.

It was moved by Councilmember Kirtland to:

a. Authorize the City Manager to sign a construction contract for Canyon View Park (East Side) with Sorter Construction in the amount of \$1,402,727.25 to include the Base Bid and Alternates A, B, C, D, E, and F;

b. Authorize the City Manager to sign a construction contract with Reyes Construction for the 2003 Alley Improvement District in the amount of \$397,805.80;

c. Authorize the City Manager to sign a construction contract with M.A. Concrete for the 29 Road Improvements, Phase II Streets in the amount of \$892,448.88; and

d. Authorize the City Manager to sign a construction contract with Temple & Petty Construction in the amount of \$280,693.88.

Councilmember Enos-Martinez seconded the motion. Motion carried.

Contract to Buy and Sell Real Estate at 159 Colorado Avenue

The City has entered into a contract to purchase the property at 159 Colorado Avenue from Mr. Robert C. Miller. The property will accommodate additional parking for Two Rivers Convention Center.

Tim Moore, Public Works Manager, reviewed this item.

Councilmember Palmer asked if there is a time frame for this transaction. Mr. Moore replied that closing is scheduled for June 10th, followed by an asbestos cleanup and

subsequent demolition of the building. He said the cleanup should be finished by October.

Resolution No. 47-03 – A Resolution Authorizing the Purchase by the City of Real Property Located at 159 Colorado Avenue from Robert C. Miller and Ratifying Actions Heretofore Taken in Connection Therewith

Councilmember Palmer moved to adopt Resolution No. 47-03. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

Public Hearing – CDBG 2003 Action Plan

City Council will consider which activities and programs to fund and will prioritize and recommend levels of funding for CDBG projects for the 2003 Program Year. The City will be receiving \$417,000 from the US Department of Housing and Urban Development for its 2003 CDBG Program Year.

The public hearing was opened at 8:05 p.m.

David Thornton, Principal Planner, reviewed this item and briefly described how the CDBG program works. He said the City of Grand Junction received 14 applications this year totaling \$1,138,585 in requests. However, funding is down and the City only expects to receive \$417,000. He noted that some of the applicants were in the audience. Mr. Thornton listed each of the requests. He then identified the Subcommittee's recommendations for awarding the funds to the various applicants.

Council President Spehar noted that the City determined a set percentage for neighborhood projects, for neighborhoods that qualify, and Council's intention is to focus those funds in that direction.

Dr. Tom Updike, Colorado West Mental Health, said he understands funds are tight but wanted to explain his organization's request. He said they would like to build a new pediatric in-patient facility. He explained that currently they have to send children to Denver for treatment, while adults needing treatment are treated like animals and transferred to Pueblo.

Councilmember Palmer asked about the total cost of the facility. Dr. Updike said the property costs \$1 million, and the total cost of the project is about \$8 million.

Council President Spehar noted that there are no bad choices on the list, but that he appreciated Dr. Updike's efforts to educate the public about their plans.

Sharon Sturgess, Executive Director for WRAP, thanked Council for its past support and the current recommendation. She said the funds would be used to help families who need assistance in posting security deposits for housing.

City Manager Arnold asked Mr. Thornton to outline the rest of the process and the various dates.

David Thornton, Principal Planner, said the public hearing tonight was the budget portion of the Action Plan and the public hearing scheduled for June 16th would be the final acceptance of the 2003 Action Plan. He said the deadline of the 16th allows for a 45-day review period to submit the 2003 Consolidated Plan to HUD on July 11th so funding would be available on the 1st of September. He said because of notice requirements a public hearing on June 4th is not possible.

The public hearing was closed at 8:30 p.m.

Councilmember Enos-Martinez moved to adopt the CDBG City Council Subcommittee's recommendations for funding the City's 2003 CDBG Program Year Action Plan and to set a final hearing for June 16, 2003. Councilmember Kirtland disclosed his employment at Shaw Construction and that Shaw Construction is working with the Grand Junction Housing Authority on the Linden project. Councilmember Hill seconded the motion. Motion carried. Councilmember Kirtland abstained.

Public Hearing – Amending the Hospice Campus Planned Development to be Located at 3090 & 3150 North 12th Street [File# PDR-2003-036]

Second Reading of the Ordinance to amend Ordinance 3391 for the Preliminary Development Plan for the Hospice Medical Campus to be located at 3090 & 3150 North 12th Street.

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

Roy Blythe, Blythe Design and architect for the project, presented the request. He noted that the plan is designed to be sensitive to their neighbors. He listed the many amenities including trails and the display of "Art on the Corner" pieces. He said Staff recommended a residential appearance of the buildings. He then showed the proposed plans of the buildings and noted that they are "Prairie Style" with decks. He said the scale and the exterior building materials have also been addressed.

Councilmember Hill asked if the plan also included a trail system.

Mr. Blythe replied that a paved path for pedestrians and bikes connected to a sidewalk would surround the site. Councilmember Hill asked about the neighbors' reaction to the project. Mr. Blythe said only positive comments were received.

Councilmember Hill said he was worried about the ditch and he felt it was a safety concern.

Lori V. Bowers, Senior Planner, reviewed this item. She said Mr. Blythe gave a good overview of the project. She said the previous ordinance requires that this be reviewed again. Ms. Bowers explained why Staff supports the new plan. She said the new plan was more condensed and left more open space, and with the two stories it will fit well in this neighborhood with large buildings in the surrounding areas. She gave other justifications and listed criteria that had been met with this new plan or that will be met at another stage in the process.

Council had no questions.

Christy Whitney, President and CEO of Hospice, said they are in favor of the project and proud of the presentation. She said the project is critical to their organization and that Hospice receives many requests for inpatient facilities.

Council President Spehar noted that the planning effort done for this project might be a learning lesson for others.

Larry Jokerst, Practice Administrator of Primary Care Physicians (PCP), agreed with the previous comments and mentioned Hospice's long history in the community, the physicians support, and their belief in the community and the project as a whole.

The public hearing was closed at 8:56 p.m.

Ordinance No. 3534 – 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

Councilmember Enos-Martinez moved to adopt Ordinance No. 3534 on Second Reading and ordered it published. Councilmember McCurry seconded the motion. Councilmember Kirtland advised Council that Shaw Construction has been selected to build the facility and he will therefore abstain from voting on this item to prevent any appearance of impropriety. Motion carried by a roll call vote with Councilmember Kirtland abstaining.

Council President Spehar called a recess at 8:59 p.m.

The meeting reconvened at 9:07 p.m.

Staff Update and First Reading - Watershed and Water Supply Protection District Ordinance (No Public Discussion)

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.

Council President Spehar referred Council to a letter informing the BLM that the City will not appeal the BLM's finding of "No significant impact" by allowing a natural gas compressor station to be built on the slopes of Grand Mesa. At the same time, this action would display a good faith effort on behalf of the City to work with the other entities.

Councilmember McCurry moved to approve the letter and authorized the Mayor to sign. Councilmember Palmer seconded the motion. Motion carried.

Councilmember Kirtland expressed his appreciation for all of the Council President's efforts. Councilmember Hill concurred and emphasized the significance of cooperation as noted in the letter.

Council President Spehar then reviewed the purpose of the next step and what the City was trying to accomplish. He said the proposed ordinance would be discussed, that Council has received a number of comments, and revisions have been suggested. He said the ordinance is not attempting to stop drilling on the Grand Mesa, but rather is an attempt to protect the City's water resources and the high water quality in Grand Junction. He explained that there are 39 other communities that have similar ordinances, including the Town of Palisade. He said the City does not attempt to usurp anyone else's authority. He then asked the City Manager for an update and said if Council goes forward with this reading, testimony then will be taken at Second Reading at the next Council meeting.

City Manager Arnold gave an activity overview since Monday night's workshop and of the comments received.

City Attorney Wilson next reviewed various comments and suggestions received from various agencies and the public on how the ordinance could be improved. He noted that one comment was not to duplicate efforts; if Memorandums of Understanding or regulations are already in place with equivalent agencies, use those. Another suggestion is to expand the definition of domestic use to include building a driveway.

He said one exception to domestic uses that would require review and/or permit would be septic tanks. He said the applicant would submit an application to the County and a copy to the City. Since the County is the approval agency for that activity, the County would inform the City of the status of the application.

Mr. Wilson said Staff disagrees with public comments received regarding the timbering provision. He explained, although no timbering is performed now, Staff feels that it is better to have the activity addressed and on the books for the future, when the situation might be different.

Mr. Wilson noted that the title "Unlawful Activities" in the ordinance was wrong and should instead read "Activities Not Permitted".

Mr. Wilson continued to review various comments received and Staff's suggestions to incorporate them into the ordinance. He said Staff suggests having three sections with a) a section of activities for what is permitted; b) what activities are exempted; and c) one section to include the grandfathered clauses to make the ordinance more readable.

He said other comments and questions received were in regards to cattle activities; leases to the City; how to deal with licensed outfitters; and previous soil sedimentation. He said of course the City can't go back and fix sedimentation, but can oversee those activities in the future. He said another comment was about weed spraying. He said that process would be a County function and affects the County in a couple of areas, i.e. canals and ditches. He said he hopes that the County and City can work together.

Mr. Wilson said water wells already require a permit through the State, and would require a copy of the permit request to be forwarded to the City.

Mr. Wilson said he still needs to clarify the comments and questions received regarding performance guarantees and insurance language. He said he wants to check with various local insurance agents.

In regards to the BLM comments, Mr. Wilson said he disagrees with Flint Ogle's, the BLM's solicitor, opinion that the ordinance is attempting to regulate land use and some of his other comments.

Councilmember Kirtland questioned how the various Memorandums of Understanding might dovetail with this ordinance.

City Attorney Wilson said he believes that the current Memorandums of Understanding would work, but the one with the Forest Service will need updating to concede their authority to regulate land use, and that the City reserves the right to protect its

watershed. He said if the ordinance conflicts with Forest Service authority, the Federal Government would pre-empt the City's.

Council President Spehar said that in reading the BLM comments; the letter said the BLM can't delegate their statutory authority.

City Attorney Wilson next explained Zone 2 (Gunnison) and Zone 3 (Clifton Plant). He said Zone 3 is needed and is used as the City's emergency water supply. He explained Zone 3, the Colorado River Watershed includes the Clifton Water District Plant, and extends five miles upstream and up-gradient of the intake and diversions of the plant, and goes five miles east through developed land. He said Clifton Water oversees the activities and permits. Every six years the City of Grand Junction must perform diligence, otherwise the City's interest would be declared abandoned. Mr. Wilson said the City needs to update its Memorandum of Understanding with Clifton Water for them to continue their great job.

Greg Trainor, Utilities Manager, said all domestic water providers have to meet the requirements of the Clean Water Act. He said Clifton Water meets all requirements, which is why it does not make sense to go beyond Clifton. He said he had about 25 discussions with landowners and listed all the participants. He said the discussions covered two objectives. How to protect the City's drinking water supply and how to accomplish that task. He said many of the people he spoke with about these issues had different concerns than those who he would have talked to when he started with the City 17 years ago. He said a lot of development and changes were occurring in the Kannah Creek area.

Mr. Trainor said the discussions were how the protection of the water supply should happen. He said there were very good practical suggestions on how the ordinance should be changed, and that in redrafting the ordinance, there probably will be significant changes in the drafting itself.

Council President Spehar asked Mr. Wilson if objective criteria and definitions could be included in the ordinance. Mr. Wilson said that would be preferable but there is not a scientific approach for all these items, such as measuring silt deposits in the water. He then asked for suggestions on how to address that, so Staff can make these decisions and won't have to come to Council. Mr. Wilson said the applicant can pick the review entity and has the option to take the request to Council.

Council President Spehar suggested that Council move forward so that Council can hear public comments.

Councilmember Kirtland said it is important to determine how to establish expectations, to make sure it addresses situations in the future, and that he supports the hearing of public comments at Council's first meeting in July.

Councilmember Enos-Martinez asked if the Second Reading would be in July.

Councilmember Kirtland suggested not doing the First Reading tonight, but to do it at the next meeting and then set the Second Reading for July 2nd.

City Manager Arnold noted that the week of July 2nd would be a holiday week.

Councilmember Kirtland suggest to then have the Second Reading at the July 16th meeting.

Councilmember McCurry agreed with Councilmember Kirtland.

Councilmember Palmer said he supports Councilmember Kirtland's proposal and suggested Council move cautiously forward.

Councilmember Enos-Martinez said she is comfortable with Councilmember Kirtland's suggestion.

Councilmember Hill said after listening to Ed Gardner's letter, he has concerns and would like to voice them, but had not had time to fully digest all the information. He then threw out questions, one being, how the ordinance would protect the City's watershed better than the regulations of the BLM and that of the Forest Service.

Councilmember Hill said Terry Franklin took him out to tour the watershed. He said he realized that when he moved, Ute Water became his water supplier and that the proposed ordinance does not protect the water supplied by Ute Water. He said the ordinance may be the tool for protecting the water quality, but is not the full answer. He suggested meeting with landowners and leaseholders, so the ordinance could be done right, and to give this issue/ordinance the time it deserves. He said he wanted to talk to these people personally.

Council President Spehar said he acknowledges those concerns, to have the opportunity to deal with what the statute allows and that Council can't solve Ute Water's issues. He said he wanted to get the public hearing process started, the time to get to it is now, and that the appeal issue with the deadline was no longer an issue.

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

Councilmember Kirtland moved to table the First Reading. Councilmember Hill seconded the motion. Motion carried.

Councilmember Kirtland moved to direct Staff to prepare a redraft of the ordinance for First Reading on June 4th, and with Second Reading being not before July 16th.

Councilmember Hill asked that First Reading be on June 4th, and to hear public testimony at that meeting. Councilmember Enos-Martinez questioned how his request was any different from Councilmember Kirtland's motion. Councilmember Hill said he felt that at the Second Reading, the people feel that the ordinance is then at a different level.

Council President Spehar said he was concerned that a precedent would be set, noting the current procedure works.

City Attorney Wilson said the perception might be that at Second Reading the decision is already made, but that is not the case in the City's Charter.

Councilmember Palmer said Council wants to give people the opportunity to digest all the information and get their thoughts in order, and that the motion allows six weeks for people to contemplate the issue.

Councilmember Hill said he wanted the BLM, the Forest Service, and the Town of Palisade all to be on the same page.

Councilmember Palmer said since there is no timeline, adoption at Second Reading could be put off if more input was needed.

Councilmember Enos-Martinez noted that Council could always delay Second Reading if Council was not ready to adopt the final ordinance.

Council President Spehar called for a vote on the motion on the floor. By voice vote, the motion carried with Councilmember Hill voting NO.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

City Manager Arnold asked Council if Staff should move forward on an ordinance regarding pigeons. Council President Spehar thought it would be prudent to put this ordinance off for a while. Councilmember Palmer agreed and felt it was not as urgent as other issues. Mr. Arnold suggested to Council to revisit the pigeon ordinance in 60 days.

ADJOURNMENT

Council President Spehar declared the meeting adjourned at 10:36 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2
Sonrise Acres Annexation, Located at 3068 F Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Sonrise Acres Annexation No. 1, 2, 3 and 4 – Referral of Petition, First Reading and Exercise Land Use Jurisdiction					
Meeting Date	June 4, 2003					
Date Prepared	May 27, 2003				File # ANX-2003-090	
Author	Lori V. Bowers		Senior Planner			
Presenter Name	Lori V. Bowers		Senior 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: Sonrise Acres Annexation, a serial annexation comprised of 9.847 acres, located at 3068 F Road, has presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, first reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution referring the annexation petition, first reading of the Annexation Ordinance and exercise Land Use Jurisdiction immediately, and setting a hearing for July 16, 2003.

Attachments:

- Staff Report
- Annexation Map
- Resolution
- Annexation Ordinance

Background Information: Please see attached Staff Report

BACKGROUND INFORMATION

Location:		3068 F Road
Applicant:		CPS Enterprises, LLC, owner; Vista Engineering Corporation, representative
Existing Land Use:		Single family residence with vacant land
Proposed Land Use:		Residential
Surrounding Land Use:	North	Thunder Mountain Elementary
	South	Museum of Western Colorado
	East	Single Family residential
	West	Single Family residential
Existing Zoning:		RSF-4 (Mesa County)
Proposed Zoning:		RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre)
Surrounding Zoning:	North	RSF-4 (Mesa County)
	South	RSF-4 (Mesa County)
	East	RSF-4 (Mesa County)
	West	RSF-4 (Mesa County)
Growth Plan Designation:		Residential Medium Low – 2 to 4 dwelling units per acre
Zoning within density range?		X Yes <input type="checkbox"/> No

RELATIONSHIP TO COMPREHENSIVE PLAN: The City of Grand Junction’s Growth Plan identifies the subject parcels as “residential medium low”, 2 to 4 dwelling units per acre. The proposed future development will be compatible with adjacent land uses. There is no commercial development associated with this plan.

STAFF ANALYSIS

Annexation

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

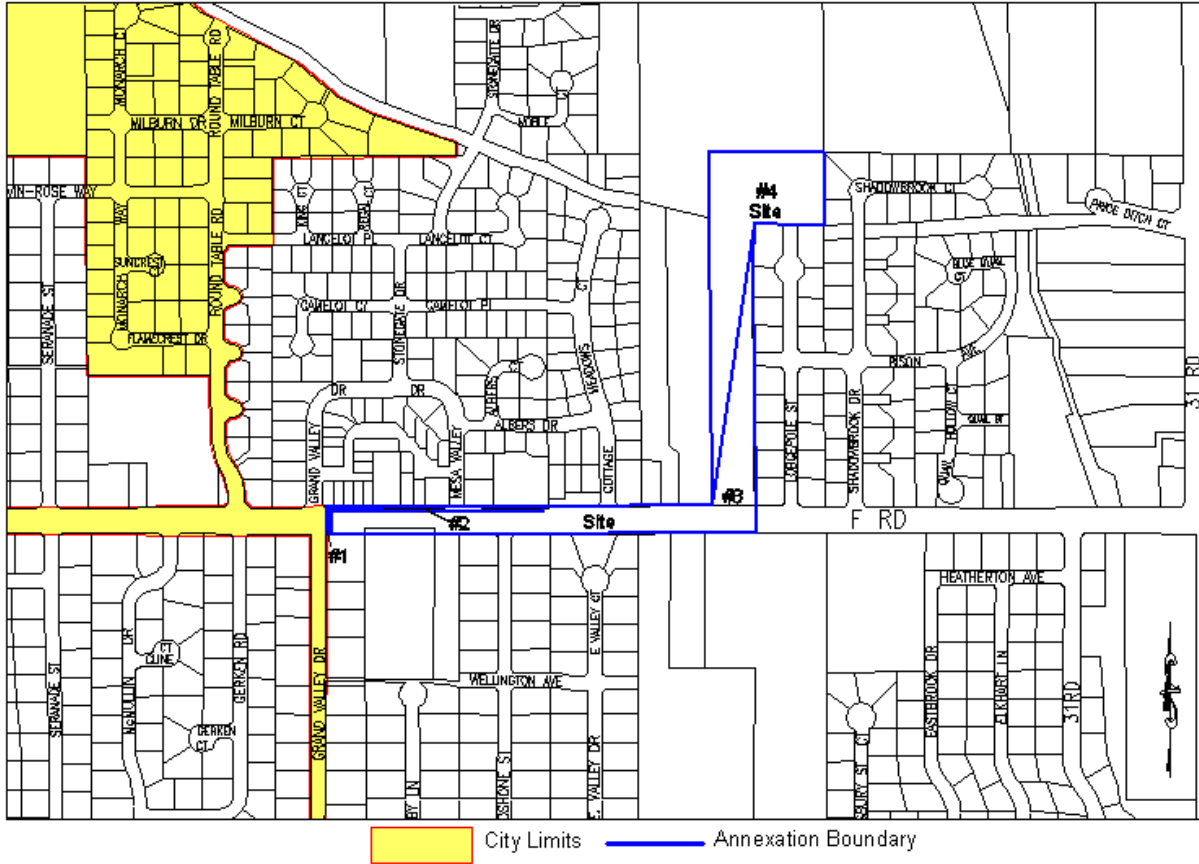
The following annexation and zoning schedule is being proposed:

<i>ANNEXATION SCHEDULE</i>	
June 4th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
June 10th	Planning Commission considers Zone of Annexation
July 10th	First Reading on Zoning by City Council
July 16th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
August 17	Effective date of Annexation and Zoning

SONRISE ACRES ANNEXATION

File Number:		ANX-2003-090
Location:		3069 F Road
Tax ID Numbers:		2943-044-00-130
Parcels:		1
Estimated Population:		2
# of Parcels (owner occupied):		0
# of Dwelling Units:		1
Acres land annexed:		9.8472 acres for annexation area
Developable Acres Remaining:		6.28 acres
Right-of-way in Annexation:		1,049 linear feet along F Road
Previous County Zoning:		RSF-4 (County)
Proposed City Zoning:		(RSF-4) Residential Single Family not to exceed 4 units per acre
Current Land Use:		Single residence / vacant land
Future Land Use:		Residential
Values:	Assessed:	= \$ 12,130
	Actual:	= \$ 132,590
Address Ranges:		
Special Districts:	Water:	Clifton Water & Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire
	Drainage:	Grand Junction Drainage District
	School:	District 51
	Pest:	Upper Grand Valley Pest Control

Sonrise Acres Annexations #1, #2, #3, & #4
Figure 5



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 4th day of June, 2003, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

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

SONRISE ACRES ANNEXATION

LOCATED AT 3068 F ROAD

WHEREAS, on the 4th day of June, 2003, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

PERIMETER BOUNDARY LEGAL DESCRIPTION

**PERIMETER BOUNDARY LEGAL DESCRIPTION
SONRISE ANNEXATION**

A Serial Annexation Comprising Sonrise Annexation No. 1, Sonrise Annexation No.2, Sonrise Annexation No. 3 and Sonrise Annexation No. 4

SONRISE ACRES ANNEXATION NO. 1

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 4 and the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 472.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'22" E a distance of 50.00 feet to a point on the South right of way for Patterson Road (F Road); thence N 89°55'23" W along said South right of way a distance of 10.00 feet; thence N 00°06'22" W, along the East line of Beagley Annexation No. 3,

Ordinance No. 3434, City of Grand Junction, a distance of 100.00 feet to a point on the North right of way for said Patterson Road; thence S 89°55'23" E along said North right of way, a distance of 200.00 feet; thence S 00°04'37" W a distance of 10.00 feet; thence N 89°55'23" W along a line 10.00 feet South of and parallel to, the North right of way for said Patterson Road, a distance of 189.97 feet; thence S 00°06'22" E a distance of 40.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.0666 Acres (2,899.84 Sq. Ft.) more or less, as described.

SONRISE ACRES ANNEXATION NO. 2

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 4 and the Northwest Quarter (NW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 462.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'22" E a distance of 50.00 feet to a point on the South right of way for Patterson Road (F Road); thence N 89°55'23" W along said South right of way a distance of 10.00 feet; thence N 00°06'22" W a distance of 90.00 feet; thence S 89°55'23" E along a line 10.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 189.97 feet; thence N 00°04'37" E a distance of 10.00 feet to a point on the North right of way for Patterson Road; thence S 89°55'23" E, along said North right of way, a distance of 282.68 feet, more or less, to a point on the East line of the SW 1/4 of said Section 4; thence S 89°54'45" E, along the North right of way for Patterson Road, a distance of 296.32 feet; thence S 00°05'15" W a distance of 20.00 feet; thence N 89°54'45" W along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 296.31 feet, more or less, to a point on the East line of the SW 1/4 of said Section 4; thence N 89°55'23" W along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 462.62 feet; thence S 00°06'22" E a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.3278 Acres (14,279.42 Sq. Ft.) more or less, as described.

SONRISE ACRES ANNEXATION NO. 3

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 4 and the Northwest Quarter (NW 1/4) and the Northeast Quarter (NE 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 462.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°06'22" W a distance of 30.00 feet; thence N 89°55'23" W along a line 20.00 feet South of and parallel to, the North right of way for Patterson Road (F Road) a distance of 462.62 feet to a point on the East line of the SW 1/4 of said Section 4; thence S 89°54'45" E along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 296.31 feet; thence N 00°05'31" E a distance of 20.00 feet to a point on the North right of way for Patterson Road; thence S 89°54'45" E along said North right of way, a distance of 612.33 feet; thence N 09°00'56" E a distance of 1027.87 feet; thence S 00°11'49" E a distance of 1115.43 feet, more or less, to a point on the South right of way for Patterson Road; thence N 89°54'45" W, along said South right of way, a distance of 1073.54 feet, more or less, to a point on the East line of the NW 1/4 of said Section 9; thence N 89°55'23" W along the South right of way for Patterson Road, a distance of 462.51 feet; thence N 00°06'22" W a distance of 50.00 feet, more or less, to the Point of Beginning.

CONTAINING 5.0956 Acres (221,965.94 Sq. Ft.) more or less, as described.

SONRISE ACRES ANNEXATION NO. 4

A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 4, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SW 1/4 SE 1/4 of said Section 4 bears S 89°54'45" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°54'45" E along the South line of the SW 1/4 SE 1/4 of said Section 4, a distance of 1073.43 feet; thence N 00°11'49" W a distance of 1065.43 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 09°00'56" W a distance of 1027.87 feet to a point on the North right of way for Patterson Road (F Road); thence N 00°10'11" W a distance of 1268.33 feet to a point on the North line of the SW 1/4 SE 1/4 of said Section 4; thence S 89°57'45" E along the North line of the SW 1/4 SE 1/4 of said

Section 4, a distance of 412.09 feet to a point being the Northeast corner of the SW 1/4 SE 1/4 of said Section 4; thence S 00°13'12" E along the East line of the SW 1/4 SE 1/4 of said Section 4, a distance of 272.68 feet; thence N 85°39'45" W a distance of 229.89 feet; thence N 77°00'45" W a distance of 19.59 feet, more or less, to the Point of Beginning.

CONTAINING 4.3572 Acres (189,797.69 Sq. Ft.) more or less, as described.

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

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

1. That a hearing will be held on the 16th day of July, 2003, in the City Hall auditorium, located at 250 N 5th Street, City of Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the City; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this __ day of _____, 2002.

Attest:

President of the Council

City Clerk

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

City Clerk

Published:
June 13, 2003
June 20, 2003
June 27, 2003
July 4, 2003

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SONRISE ACRES ANNEXATION NO. 1

**A Serial Annexation Comprising Sonrise Annexation No. 1, Sonrise Annexation No.2, Sonrise
Annexation No. 3 and Sonrise Annexation No. 4**

**APPROXIMATELY 0.0666 ACRES
LOCATED AT 3068 F ROAD**

WHEREAS, on the 4th day of June, 2003, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of July, 2003; and

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

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

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

SONRISE ACRES
ANNEXATION NO. 1

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 4 and the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of

Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 472.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'22" E a distance of 50.00 feet to a point on the South right of way for Patterson Road (F Road); thence N 89°55'23" W along said South right of way a distance of 10.00 feet; thence N 00°06'22" W, along the East line of Beagley Annexation No. 3, Ordinance No. 3434, City of Grand Junction, a distance of 100.00 feet to a point on the North right of way for said Patterson Road; thence S 89°55'23" E along said North right of way, a distance of 200.00 feet; thence S 00°04'37" W a distance of 10.00 feet; thence N 89°55'23" W along a line 10.00 feet South of and parallel to, the North right of way for said Patterson Road, a distance of 189.97 feet; thence S 00°06'22" E a distance of 40.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.0666 Acres (2,899.84 Sq. Ft.) more or less, as described.

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

INTRODUCED on first reading on the _____ day of _____, 2003.

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

Attest:

Council

President of the

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SONRISE ACRES ANNEXATION NO. 2

**A Serial Annexation Comprising Sonrise Annexation No. 1, Sonrise Annexation No. 2, Sonrise
Annexation No. 3 and Sonrise Annexation No. 4**

**APPROXIMATELY 0.3278 ACRES
LOCATED AT 3068 F ROAD**

WHEREAS, on the 4th day of June, 2003, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of July, 2003; and

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

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

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

SONRISE ACRES ANNEXATION NO. 2

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 4 and the Northwest Quarter (NW 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other

bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 462.52 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'22" E a distance of 50.00 feet to a point on the South right of way for Patterson Road (F Road); thence N 89°55'23" W along said South right of way a distance of 10.00 feet; thence N 00°06'22" W a distance of 90.00 feet; thence S 89°55'23" E along a line 10.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 189.97 feet; thence N 00°04'37" E a distance of 10.00 feet to a point on the North right of way for Patterson Road; thence S 89°55'23" E, along said North right of way, a distance of 282.68 feet, more or less, to a point on the East line of the SW 1/4 of said Section 4; thence S 89°54'45" E, along the North right of way for Patterson Road, a distance of 296.32 feet; thence S 00°05'15" W a distance of 20.00 feet; thence N 89°54'45" W along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 296.31 feet, more or less, to a point on the East line of the SW 1/4 of said Section 4; thence N 89°55'23" W along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 462.62 feet; thence S 00°06'22" E a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.3278 Acres (14,279.42 Sq. Ft.) more or less, as described.

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

INTRODUCED on first reading on the ___ day of _____, 2003.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SONRISE ACRES ANNEXATION NO. 3

A Serial Annexation Comprising Sonrise Annexation No. 1, Sonrise Annexation No. 2, Sonrise Annexation No. 3 and Sonrise Annexation No. 4

**APPROXIMATELY 5.0956 ACRES
LOCATED AT 3068 F ROAD**

WHEREAS, on the 4th day of June, 2003, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of July, 2003; and

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

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

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

SONRISE ACRES ANNEXATION NO. 3

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of Section 4 and the Northwest Quarter (NW 1/4) and the Northeast Quarter (NE 1/4) of Section 9, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SE 1/4 SW 1/4 of said Section 4 bears N 89°55'23" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°55'23" W along the South line of the SE 1/4 SW 1/4 of said Section 4 a distance of 462.52 feet to the POINT OF BEGINNING; thence from said Point of

Beginning, N 00°06'22" W a distance of 30.00 feet; thence N 89°55'23" W along a line 20.00 feet South of and parallel to, the North right of way for Patterson Road (F Road) a distance of 462.62 feet to a point on the East line of the SW 1/4 of said Section 4; thence S 89°54'45" E along a line 20.00 feet South of and parallel to the North right of way for Patterson Road, a distance of 296.31 feet; thence N 00°05'31" E a distance of 20.00 feet to a point on the North right of way for Patterson Road; thence S 89°54'45" E along said North right of way, a distance of 612.33 feet; thence N 09°00'56" E a distance of 1027.87 feet; thence S 00°11'49" E a distance of 1115.43 feet, more or less, to a point on the South right of way for Patterson Road; thence N 89°54'45" W, along said South right of way, a distance of 1073.54 feet, more or less, to a point on the East line of the NW 1/4 of said Section 9; thence N 89°55'23" W along the South right of way for Patterson Road, a distance of 462.51 feet; thence N 00°06'22" W a distance of 50.00 feet, more or less, to the Point of Beginning.

CONTAINING 5.0956 Acres (221,965.94 Sq. Ft.) more or less, as described.

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

INTRODUCED on first reading on the ____ day of _____, 2003.

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

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SONRISE ACRES ANNEXATION NO. 4

**A Serial Annexation Comprising Sonrise Annexation No. 1, Sonrise Annexation No. 2, Sonrise
Annexation No. 3 and Sonrise Annexation No. 4**

**APPROXIMATELY 4.3572 ACRES
LOCATED AT 3068 F ROAD**

WHEREAS, on the 4th day of June, 2003, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of July, 2003; and

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

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

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

SONRISE ACRES ANNEXATION NO. 4

A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 4, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) Corner of said Section 4 and assuming the South line of the SW 1/4 SE 1/4 of said Section 4 bears S 89°54'45" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°54'45" E along the South line of the SW 1/4 SE 1/4 of said Section 4, a distance of 1073.43 feet; thence N 00°11'49" W a distance of 1065.43 feet to the

POINT OF BEGINNING; thence from said Point of Beginning, S 09°00'56" W a distance of 1027.87 feet to a point on the North right of way for Patterson Road (F Road); thence N 00°10'11" W a distance of 1268.33 feet to a point on the North line of the SW 1/4 SE 1/4 of said Section 4; thence S 89°57'45" E along the North line of the SW 1/4 SE 1/4 of said Section 4, a distance of 412.09 feet to a point being the Northeast corner of the SW 1/4 SE 1/4 of said Section 4; thence S 00°13'12" E along the East line of the SW 1/4 SE 1/4 of said Section 4, a distance of 272.68 feet; thence N 85°39'45" W a distance of 229.89 feet; thence N 77°00'45" W a distance of 19.59 feet, more or less, to the Point of Beginning.

CONTAINING 4.3572 Acres (189,797.69 Sq. Ft.) more or less, as described.

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

INTRODUCED on first reading on the day of ____ , 2003.

ADOPTED and ordered published this day of , 2003.

Attest:

President of the Council

City Clerk

Attach 3

**UnawEEP Heights Annexation, Located at 2857 UnawEEP
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	UnawEEP Heights Annexation No. 1, 2 and 3, Referral of Petition, First Reading and Exercise Land Use Jurisdiction					
Meeting Date	June 4, 2003					
Date Prepared	May 27, 2003				File # ANX-2003-022	
Author	Lori V. Bowers		Senior Planner			
Presenter Name	Lori V. Bowers		Senior 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: UnawEEP Heights Annexation, a serial annexation comprised of 36.119 acres, located at 2857 UnawEEP, has presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, first reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution referring the annexation petition, first reading of the Annexation Ordinance and exercise Land Use Jurisdiction immediately, and setting a hearing for July 16, 2003.

Attachments:

- Staff Report
- Annexation Map
- Resolution
- Annexation Ordinance

Background Information: Please see attached Staff Report

BACKGROUND INFORMATION

Location:		2857 UnawEEP Avenue (C Road)			
Applicant:		Parkerson Brothers, LLC, Alan Parkerson, Agent; Thompson Langford Corporation, Doug Thies, representative			
Existing Land Use:		Irrigated field			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Vacant land and residential			
	East	Farm			
	West	Residential			
Existing Zoning:		RSF-4 (Mesa County)			
Proposed Zoning:		RSF-4 (Residential Single-Family, not to exceed 4 dwelling units per acre)			
Surrounding Zoning:	North	RSF-4 (Mesa County)			
	South	RSF-4 (Mesa County)			
	East	RSF-4 (Mesa County)			
	West	RSF-4 (Mesa County)			
Growth Plan Designation:		Residential Medium Low – 2 to 4 dwelling units per acre			
Zoning within density range?		X	Yes		No

RELATIONSHIP TO COMPREHENSIVE PLAN: The City of Grand Junction’s Growth Plan identifies the subject parcels as “residential medium low”, 2 to 4 dwelling units per acre. The proposed future development will be compatible with adjacent land uses. There is no commercial development associated with this plan.

STAFF ANALYSIS

Annexation

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;

- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed:

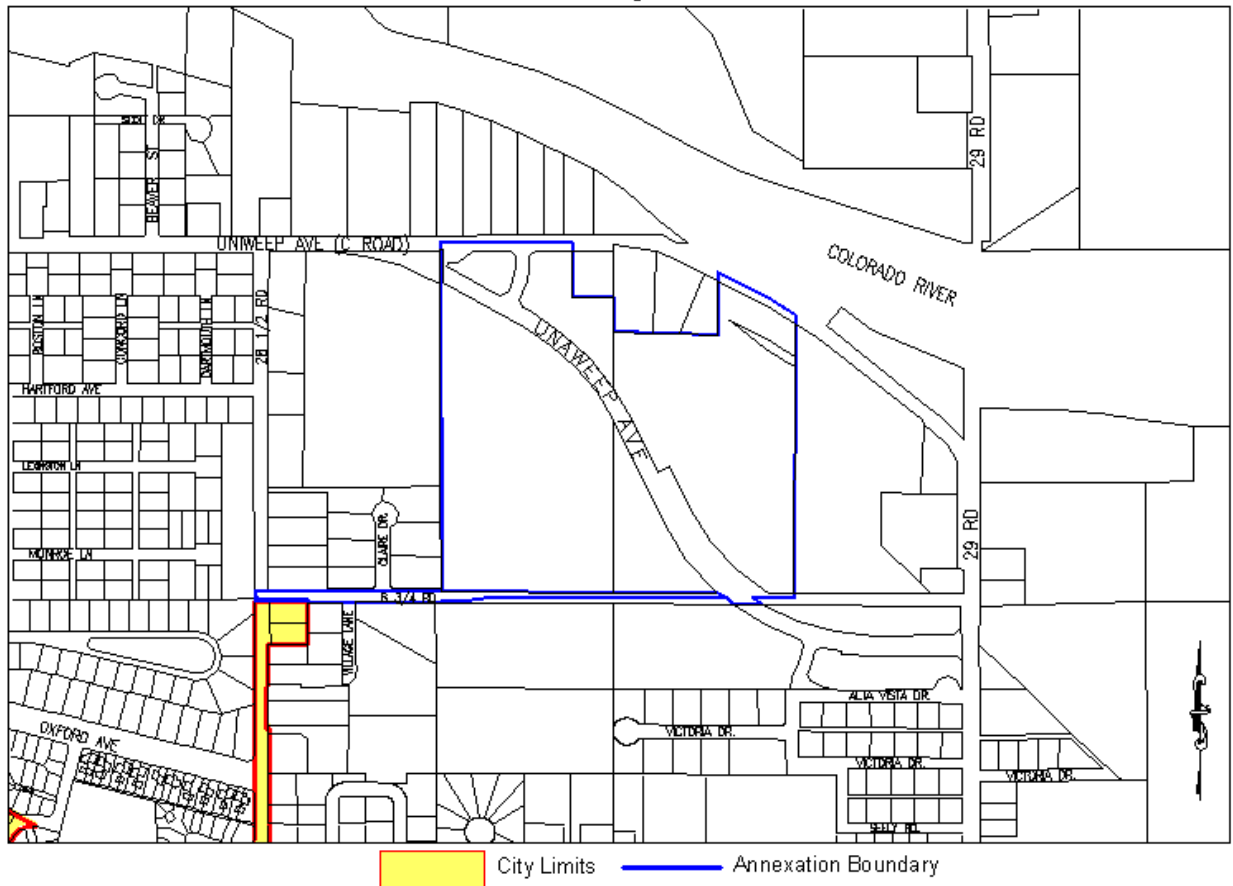
<i>ANNEXATION SCHEDULE</i>	
June 4th	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
June 10th	Planning Commission considers Zone of Annexation
July 10th	First Reading on Zoning by City Council
July 16th	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
August 17	Effective date of Annexation and Zoning

UNAWEEP HEIGHTS ANNEXATION

File Number:	ANX-2003-022	
Location:	2857 UnawEEP Avenue	
Tax ID Numbers:	2943-301-00-254 & 2943-301-00-162	
Parcels:	2	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	36.119 acres for annexation area	
Developable Acres Remaining:	34.70 acres	
Right-of-way in Annexation:	365 linear feet along B 3/4 Road	
Previous County Zoning:	RSF-4 (County)	
Proposed City Zoning:	(RSF-4) Residential Single Family not to exceed 4 units per acre	
Current Land Use:	Vacant land	
Future Land Use:	Residential	
Values:	Assessed:	= \$6,160
	Actual:	= \$21,230
Address Ranges:		
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation
	Fire:	Grand Junction Rural Fire
	Drainage:	Orchard Mesa Irrigation
	School:	District 51
	Pest:	

Unawep Heights Annexations #1, #2, & #3

Figure 5



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 4th day of June, 2002, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

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

UNAWEEP HEIGHTS ANNEXATION

LOCATED AT 2857 UNAWEEP AVENUE

WHEREAS, on the 4th day of June, 2003, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

PERIMETER BOUNDARY LEGAL DESCRIPTION

UNAWEEP HEIGHTS ANNEXATION

A Serial Annexation Comprising UnawEEP Heights Annexation No. 1, Unawep Heights Annexation No. 2 and UnawEEP Heights Annexation No. 3

UNAWEEP HEIGHTS ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

COMMENCING at the Southwest Corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Commencement, S 00°03'42" W a distance of 20.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'35" W, along the North line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126, a distance of 30.00 feet to a point on the West right of way for 28-1/2 Road, as same is shown on the Replat of Village Nine-Phase 2, as same is recorded in Plat Book 12, Page 151, Public Records of Mesa County, Colorado; thence N 00°03'42" E along said West right of way, a distance of 45.00 feet; thence N 89°58'35" E, along the North right of way for B-3/4 Road, as same is shown on a Plat recorded in Plat Book 9, Page 23, Public Records of Mesa

County, Colorado, a distance of 365.00 feet; thence S 00°01'25" E a distance of 1.00 feet; thence S 89°58'35" W along a line 1.00 feet South of and parallel to, the said North right of way for B-3/4 Road, a distance of 360.00 feet; thence S 00°03'42" W along a line 5.00 feet East of and parallel to, the West right of way for said 28-1/2 Road, a distance of 39.00 feet; thence N 89°58'35" E along a line 10.00 feet North of and parallel to, the South right of way for said B-3/4 Road, a distance of 194.99 feet; thence S 00°01'25" E a distance of 5.00 feet to a point being the Northeast corner of said Armantrout Annexation No. 3; thence S 89°58'35" W along the North line of said Armantrout Annexation No. 3, being a line 5.00 feet North of and parallel to, the South right of way for said B-3/4 Road, a distance of 170.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.0358 Acres (1,559.94 Sq. Ft.) more or less, as described.

UNAWEEP HEIGHTS ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Beginning, S 89°58'35" W along the South line of the NW 1/4 NE 1/4 of said Section 30, a distance of 484.25 feet to a point being the beginning of a non-tangent curve, concave Northwest, having a radius of 172.00 feet; thence Southwesterly 87.94 feet along the arc of said curve, through a central angle of 29°17'44", having a chord bearing of S 75°17'44" W with a chord length of 86.99 feet; thence S 89°58'35" W along a line 22.00 feet South of and parallel to, the South line of the NW 1/4 NE 1/4 of said Section 30, a distance of 94.97 feet; thence S 00°01'12" E a distance of 3.00 feet to a point on the South right of way for B-3/4 Road, as same is shown on that certain Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado; thence S 89°58'35" W along said South right of way, a distance of 478.70 feet to a point on the East line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126; thence N 00°01'25" W a distance of 10.00 feet; thence S 89°58'35" W a distance of 194.99 feet; thence N 00°03'42" E a distance of 39.00 feet; thence N 89°58'35" E along a line 1.00 foot South of and parallel to, the North right of way for said B-3/4 Road, a distance of 360.00 feet; thence N 00°01'25" E a distance of 1.00 foot to a point on the North right of way for said B-3/4 Road; thence N 89°58'35" E along said North right of way, a distance of 977.02 feet, more or less, to a point on the East line of the NW 1/4 NE 1/4 of said Section 30; thence N 89° 58'04" E along the North right of way for said B-3/4 Road, a distance of 367.53 feet to a point on the West line of UnawEEP Avenue, as same is recorded in Book 3132, Pages 568 through

574, inclusive, said point being the beginning of a non-tangent curve, concave Northeast, having a radius of 880.00 feet; thence 38.72 feet Southeasterly along the arc of said curve, through a central angle of 02°31'15", having a chord bearing of S 49°47'52" E with a chord length of 38.71 feet, to a point on the South line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 30; thence S 89°58'04" W, along the South line of the NE 1/4 NE 1/4 of said Section 30, a distance of 397.09 feet, more or less, to the Point of Beginning.

CONTAINING 1.3790 Acres (60,857.40 Sq. Ft.) more or less, as described.

UNAWEEP HEIGHTS ANNEXATION NO. 3

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

COMMENCING at the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Commencement, N 00°04'38" W a distance of 25.00 feet to a point on the North right of way for B-3/4 Road, as same is shown on that certain Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado, and being the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'35" W along the North right of way for said B-3/4 Road, a distance of 663.38 feet, more or less, to a point being the Southeast corner of Kirby Subdivision, as same is recorded in Plat Book 11, Page 28, Public Records of Mesa County, Colorado, and being a point on the West line of Lots 6 and 3, Plat of Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as same is recorded in Plat Book 1, Page 26, Public Records of Mesa County, Colorado; thence N 00°01'12" W along the West line of said Lots 6 and 3, a distance of 1295.44 feet to a point on the North line of the NW 1/4 NE 1/4 of said Section 30; thence S 89°57'28" E along the North line of the NW 1/4 NE 1/4 of said Section 30 a distance of 507.28 feet; thence S 00°01'25" W a distance of 180.00 feet; thence S 89°57'28" East a distance of 150.00 feet; thence S 00°01'25" W a distance of 143.57 feet; thence S 89°57'28" E a distance of 380.28 feet; thence N 00°07'41" E a distance of 200.10 feet; thence S 63°23'51" E a distance of 233.19 feet; thence S 58°05'51" E a distance of 86.76 feet; thence S 00°07'41" W along the East line of Lots 2 and 7, said Plat of Grand Junction Orchard Mesa Land Company's Orchard Subdivision, a distance of 1045.29 feet, more or less, to a point on the South line of the NE 1/4 NE 1/4 of said Section 30; thence S 89°58'04" W along said South line, a distance of 155.33 feet to a point being the beginning of a 820.00 foot radius non-tangent curve, concave Northeast; thence 47.45 feet Southeasterly along the arc of said curve, through a central angle of 03°18'56", having a chord bearing of S 58°13'57" E with a chord length of

47.44 feet, to a point on the South right of way for said B-3/4 Road; thence S 89°58'04" W along said South right of way, a distance of 109.34 feet to a point being the beginning of a 880.00 foot radius non-tangent curve, concave Northeast; thence 79.66 feet Northwesterly along the arc of said curve, through a central angle of 05°11'08", having a chord bearing of N 51°07'46" W with a chord length of 79.62 feet, to a point on the North right of way for said B-3/4 Road; thence S 89°58'04" W along said North right of way, a distance of 367.53 feet, more or less, to the Point of Beginning.

CONTAINING 34.7049 Acres (1,511,748.86 Sq. Ft.) more or less, as described.

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

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

1. That a hearing will be held on the 16th day of July, 2003, in the City Hall auditorium, located at 250 N 5th Street, City of Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the City; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this ___ day of _____, 2003.

Attest:

President of the Council

City Clerk

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

City Clerk

Published:
June 13, 2003
June 20, 2003
June 27, 2003
July 4, 2003

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

UNAWEEP HEIGHTS ANNEXATION NO. 1

**A Serial Annexation Comprising UnawEEP Heights Annexation No. 1, Unawep Heights Annexation
No. 2 and UnawEEP Heights Annexation No. 3**

**APPROXIMATELY 0.0358 ACRES
LOCATED ALONG B ³/₄ ROAD, 2857 UNAWEEP AVENUE**

WHEREAS, on the 4TH day of June, 2003, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of July, 2003; and

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

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

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

UNAWEEP HEIGHTS ANNEXATION NO. 1

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

COMMENCING at the Southwest Corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Commencement, S 00°03'42" W a distance of 20.00 feet to the POINT OF

BEGINNING; thence from said Point of Beginning, S 89°58'35" W, along the North line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126, a distance of 30.00 feet to a point on the West right of way for 28-1/2 Road, as same is shown on the Replat of Village Nine-Phase 2, as same is recorded in Plat Book 12, Page 151, Public Records of Mesa County, Colorado; thence N 00°03'42" E along said West right of way, a distance of 45.00 feet; thence N 89°58'35" E, along the North right of way for B-3/4 Road, as same is shown on a Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado, a distance of 365.00 feet; thence S 00°01'25" E a distance of 1.00 feet; thence S 89°58'35" W along a line 1.00 feet South of and parallel to, the said North right of way for B-3/4 Road, a distance of 360.00 feet; thence S 00°03'42" W along a line 5.00 feet East of and parallel to, the West right of way for said 28-1/2 Road, a distance of 39.00 feet; thence N 89°58'35" E along a line 10.00 feet North of and parallel to, the South right of way for said B-3/4 Road, a distance of 194.99 feet; thence S 00°01'25" E a distance of 5.00 feet to a point being the Northeast corner of said Armantrout Annexation No. 3; thence S 89°58'35" W along the North line of said Armantrout Annexation No. 3, being a line 5.00 feet North of and parallel to, the South right of way for said B-3/4 Road, a distance of 170.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.0358 Acres (1,559.94 Sq. Ft.) more or less, as described.

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

INTRODUCED on first reading on the 2nd day of July, 2003.

ADOPTED and ordered published this ___ day of _____, 2002.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

UNAWEEP HEIGHTS ANNEXATION NO. 2

**A Serial Annexation Comprising UnawEEP Heights Annexation No. 1, Unawep Heights Annexation
No. 2 and UnawEEP Heights Annexation No. 3**

**APPROXIMATELY 1.3790 ACRES
LOCATED ALONG B ³/₄ ROAD, AT 2857 UNAWEEP AVENUE**

WHEREAS, on the 4TH day of June, 2003, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of July, 2003; and

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

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

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

UNAWEEP HEIGHTS ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

BEGINNING at the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of Beginning, S 89°58'35" W along the South line of the NW 1/4 NE 1/4 of said Section 30, a

distance of 484.25 feet to a point being the beginning of a non-tangent curve, concave Northwest, having a radius of 172.00 feet; thence Southwesterly 87.94 feet along the arc of said curve, through a central angle of 29°17'44", having a chord bearing of S 75°17'44" W with a chord length of 86.99 feet; thence S 89°58'35" W along a line 22.00 feet South of and parallel to, the South line of the NW 1/4 NE 1/4 of said Section 30, a distance of 94.97 feet; thence S 00°01'12" E a distance of 3.00 feet to a point on the South right of way for B-3/4 Road, as same is shown on that certain Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado; thence S 89°58'35" W along said South right of way, a distance of 478.70 feet to a point on the East line of the Armantrout Annexation No. 3, City of Grand Junction Ordinance No. 3126; thence N 00°01'25" W a distance of 10.00 feet; thence S 89°58'35" W a distance of 194.99 feet; thence N 00°03'42" E a distance of 39.00 feet; thence N 89°58'35" E along a line 1.00 foot South of and parallel to, the North right of way for said B-3/4 Road, a distance of 360.00 feet; thence N 00°01'25" E a distance of 1.00 foot to a point on the North right of way for said B-3/4 Road; thence N 89°58'35" E along said North right of way, a distance of 977.02 feet, more or less, to a point on the East line of the NW 1/4 NE 1/4 of said Section 30; thence N 89° 58'04" E along the North right of way for said B-3/4 Road, a distance of 367.53 feet to a point on the West line of Unawep Avenue, as same is recorded in Book 3132, Pages 568 through 574, inclusive, said point being the beginning of a non-tangent curve, concave Northeast, having a radius of 880.00 feet; thence 38.72 feet Southeasterly along the arc of said curve, through a central angle of 02°31'15", having a chord bearing of S 49°47'52" E with a chord length of 38.71 feet, to a point on the South line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 30; thence S 89°58'04" W, along the South line of the NE 1/4 NE 1/4 of said Section 30, a distance of 397.09 feet, more or less, to the Point of Beginning.

CONTAINING 1.3790 Acres (60,857.40 Sq. Ft.) more or less, as described.

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

INTRODUCED on first reading on the 2nd day of July, 2003.

ADOPTED and ordered published this ___ day of _____, 2002.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

UNAWEEP HEIGHTS ANNEXATION NO. 3

**A Serial Annexation Comprising UnawEEP Heights Annexation No. 1, Unawep Heights Annexation
No. 2 and UnawEEP Heights Annexation No. 3**

**APPROXIMATELY 34.7049 ACRES
LOCATED AT 2857 UNAWEEP AVENUE**

WHEREAS, on the 4TH day of June, 2003, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of July, 2003; and

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

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

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

UNAWEEP HEIGHTS ANNEXATION NO. 3

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

COMMENCING at the Southeast corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Meridian, and assuming the South line of the NW 1/4 NE 1/4 of said Section 30 bears S 89°58'35" W and all other bearings contained herein are relative thereto; thence from said Point of

Commencement, N 00°04'38" W a distance of 25.00 feet to a point on the North right of way for B-3/4 Road, as same is shown on that certain Plat recorded in Plat Book 9, Page 23, Public Records of Mesa County, Colorado, and being the POINT OF BEGINNING; thence from said Point of Beginning, S 89°58'35" W along the North right of way for said B-3/4 Road, a distance of 663.38 feet, more or less, to a point being the Southeast corner of Kirby Subdivision, as same is recorded in Plat Book 11, Page 28, Public Records of Mesa County, Colorado, and being a point on the West line of Lots 6 and 3, Plat of Grand Junction Orchard Mesa Land Company's Orchard Subdivision, as same is recorded in Plat Book 1, Page 26, Public Records of Mesa County, Colorado; thence N 00°01'12" W along the West line of said Lots 6 and 3, a distance of 1295.44 feet to a point on the North line of the NW 1/4 NE 1/4 of said Section 30; thence S 89°57'28" E along the North line of the NW 1/4 NE 1/4 of said Section 30 a distance of 507.28 feet; thence S 00°01'25" W a distance of 180.00 feet; thence S 89°57'28" East a distance of 150.00 feet; thence S 00°01'25" W a distance of 143.57 feet; thence S 89°57'28" E a distance of 380.28 feet; thence N 00°07'41" E a distance of 200.10 feet; thence S 63°23'51" E a distance of 233.19 feet; thence S 58°05'51" E a distance of 86.76 feet; thence S 00°07'41" W along the East line of Lots 2 and 7, said Plat of Grand Junction Orchard Mesa Land Company's Orchard Subdivision, a distance of 1045.29 feet, more or less, to a point on the South line of the NE 1/4 NE 1/4 of said Section 30; thence S 89°58'04" W along said South line, a distance of 155.33 feet to a point being the beginning of a 820.00 foot radius non-tangent curve, concave Northeast; thence 47.45 feet Southeasterly along the arc of said curve, through a central angle of 03°18'56", having a chord bearing of S 58°13'57" E with a chord length of 47.44 feet, to a point on the South right of way for said B-3/4 Road; thence S 89°58'04" W along said South right of way, a distance of 109.34 feet to a point being the beginning of a 880.00 foot radius non-tangent curve, concave Northeast; thence 79.66 feet Northwesterly along the arc of said curve, through a central angle of 05°11'08", having a chord bearing of N 51°07'46" W with a chord length of 79.62 feet, to a point on the North right of way for said B-3/4 Road; thence S 89°58'04" W along said North right of way, a distance of 367.53 feet, more or less, to the Point of Beginning.

CONTAINING 34.7049 Acres (1,511,748.86 Sq. Ft.) more or less, as described.

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

INTRODUCED on first reading on the 2nd day of July, 2003.

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

Attest:

President of the Council

City Clerk

Attach 4
Sole Source Purchase of Asphalt Testing Equipment

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Sole Source Purchase of Asphalt Testing Equipment						
Meeting Date	June 4, 2003						
Date Prepared	May 27, 2003				File #		
Author	Don Newton		Engineering Projects Manager				
Presenter Name	Tim Moore		Public Works Manager				
Report results back to Council		No		Yes	When		
Citizen Presentation		Yes		No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Request City Council authorization for the sole source purchase of an asphalt compaction tester in the amount of \$27,500. This compactor is needed for preparing and verifying asphalt mix designs using the current "Superpave" technology.

Budget:

Budget for Superpave Testing equipment-----\$32,000
 Cost of Compactor-----\$27,500
 Remaining Balance-----\$4,500

The balance of \$4,500 will be used to purchase an oven for heating asphalt samples in the laboratory.

Action Requested/Recommendation: Authorize the Purchasing Department to purchase a Troxler Gyratory Compactor from Troxler Electronic Laboratories, Inc. without competitive bidding by other Manufactures or distributors.

Background Information: In 2002 the City Engineering began a transition from the "Marshall" mix design method to the "Superpave" method of designing hot mix asphalt. The Superpave method was developed over several years of research by the Strategic Highway Research Program (SHRP). The objective of SHRP was to improve the quality of asphalt pavements by developing mix designs that are more durable and resistant to rutting, fatigue cracking, low temperature cracking and moisture damage. Superpave mix designs and performance graded asphalt binders developed by SHRP are now being specified by all state DOTs and most Cities in the United States.

Superpave mixes are designed and verified for quality using a piece of equipment developed by SHRP known as the gyratory compactor. Although there are several companies that manufacture this equipment, the Troxler compactor is used by the Colorado DOT, and all of the local asphalt paving contractors and materials testing laboratories. In order for City Engineering to be able to verify the physical properties and quality of hot mix asphalt being used to pave City streets, the City's gyratory compactor must be compatible and easily calibrated to the equipment being used by CDOT, local testing laboratories and paving contractors. Only the Troxler compactor can provide this compatibility.

Proposed Alternative Smoking Ordinances

Alternative 1 Characteristics	Common to all Alternatives	Alternative 2 Characteristics
Applies to Work Places		Does Not Apply to Work Places
Bans Smoking in all Public Places		<ul style="list-style-type: none"> • Allows Smoking in a Restaurant portion of a bar if physically separated. • Smoking allowed in Free Standing bars. • Smoking allowed in physically separated bars attached to bowling alleys. • Smoking allowed in bingo halls if a physically separate area is available for non-smokers
	Bans Smoking in Doorways and Entrances	
	Bans Smoking in 75% of Hotel Rooms	
	Bans Smoking on all Public Transit, Including Shelters	
	Bans Smoking in all City Vehicles and Buildings	
Enforcement by Private Citizen		Five Year Amortization ¹
City Manager to Enforce		
	Signs Must be Posted	

¹ Five (5) years to come into compliance for existing business.

	No Retaliation	
	No Smoking in Private Homes Used for Day Care, Health Care During Such Use and 30 Minutes Before	

ORDINANCE NO. _____

**ORDINANCE PROHIBITING SMOKING
IN PUBLIC PLACES
In the City of Grand Junction**

Recitals.

- A. Cigarette smoking is dangerous to human health. Substantial scientific evidence has clearly established that smoking tobacco products causes cancer, chronic pulmonary disease, heart disease, and various other life-threatening and life-impairing medical disorders. The U.S. EPA has classified secondhand smoke as a Class A human carcinogen.
- B. Reputable studies have identified that secondhand smoke contains almost 5,000 chemicals, 60 which are known toxins and 43 of which are known carcinogens, including arsenic, formaldehyde, hydrogen cyanide and radioactive elements.
- C. The damage and dangers of smoking extend to those who passively inhale cigarette smoke.
- D. State law, § 25-14-101, C.R.S., *et seq.*, prohibits smoking in elevators, museums, libraries, on school properties, and other listed places. Restaurants and taverns are exempted from that law, although the owners are encouraged to separate smokers from non-smokers.
- E. Section 105 of that state law authorizes towns, cities and counties to regulate smoking.
- F. Based on the foregoing authority, and the authority granted by the City's charter, we determine that this ordinance pertains to and is in the furtherance of health, welfare and safety of the residents of Grand Junction.

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

1. Definitions

The following words and phrases, whenever used in this ordinance shall have the following meanings:

- a. "Attached Bar" means a bar area of a restaurant. An "attached bar" shall not include any area where full meals are served, but may include the service of appetizers and snacks. Although a restaurant may contain a bar, the term "bar" shall not include any restaurant dining area.

- b. “Bingo Hall” means any enclosed area used for the management, operation or conduct of a game of bingo by any organization holding a license to manage, operate or conduct games of bingo pursuant to Colorado law, and in which food service for consumption on the premises is incidental to the primary activity of the establishment.
- c. “Bowling Alley” means a business open to the public which offers the use of bowling lanes, typically equipped with operable automatic pin setting apparatus and in which food service for consumption on the premises is incidental to the primary activity of the establishment.
- d. “Business” means any sole proprietorship, partnership, joint venture, corporation or other entity formed for profit-making or non-profit purposes, including retail establishments where goods or services are sold, as well as professional corporations, limited liability companies. “Business” includes entities where legal, accounting, financial, planning, medical, dental, engineering, architectural or other professional services are delivered.
- e. “Enclosed Area” means all space between a floor and ceiling within a structure or building which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling. “Enclosed Area” includes all space that is not physically separated from any areas in which smoking occurs or is allowed.
- f. “Freestanding Bar” means a liquor licensee whose establishment is an enclosed area that is physically separated from restaurants and other public places in which smoking is prohibited. Taverns, nightclubs, cocktail lounges and cabarets are typical examples of Freestanding Bars.
- g. “Licensee” means any person licensed by, or subject to regulation pursuant to, the Colorado Liquor Code, including proprietors and businesses within the definition in § 12-47-401, C.R.S.
- h. “Person” means a human or any entity or business recognized by law or formed to do business of any sort.
- i. “Physically Separated” means separated from smoke-free public places by continuous floor-to-ceiling walls which are interrupted only by entrances or exits to smoking areas, or which are separately ventilated, cooled, and/or heated such

that smoke does not drift, permeate or re-circulate into any area in which smoking is prohibited.

- j. "Private Club" means any establishment which restricts admission to members of the club and their guests.
- k. "Private Function" means any activity which is restricted to invited guests in a non-public setting and to which the general public is not invited.
- l. "Public Place" means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, schools, health facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing/grocery establishments, retail service establishments, retail stores, theaters and waiting rooms. A private club is considered a "public place" when functions are held at the club which are open to the general public and are not restricted to the members of the club. A private residence is not a "public place;" except during times when its being used as a child care, adult care or health care facility, and for thirty minutes before such uses.
- m. "Restaurant" means any coffee shop, cafeteria, sandwich stand, private or public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities, except that the term "restaurant" shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is either an "attached bar" or "freestanding bar" as defined herein. A facility shall conclusively be considered to be a "restaurant" for the purposes of this ordinance, regardless of the category of liquor license under which that facility operates, if such facility: (a) serves malt, vinous, and/or spirituous liquors; and (b) includes a restaurant, as defined by § 12-47-103 (30), C.R.S., or operates a kitchen used for preparing meals, as defined by §12-47-103 (20), C.R.S.
- n. "Retail Tobacco Store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.
- o. "Service Line" means any indoor or outdoor line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.
- p. "Smoke-free" means that air in an enclosed area is free from smoke caused by smoking.

- q. “Smoke” or Smoking” means the carrying or possession of a lighted cigarette, lighted cigar or lighted pipe of any kind, and includes lighting of a pipe, cigar, cigarette, tobacco, weed or other combustible plant.
- r. “Sports Arena” means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.
- s. “Structure” is defined in the International Building Code, and includes the International Residential Code, (“IBC”) as adopted by the City from time-to-time. The term “structure” includes the term “building,” also defined by the IBC.
- t. “Tobacco” is defined in § 25-14-103.5(1)(c), C.R.S.

2. Application of Article to City Property

All enclosed structures and motor vehicles that are owned or leased by the City shall be subject to the provisions of this article as though such structures and vehicles were public places.

3. Prohibition of Smoking in Public Places

- a. Smoking shall be prohibited in all public places within the City, including, but not limited to, the following:
 - 1. Elevators.
 - 2. Restrooms, lobbies, reception areas, hallways and any other common-use areas.
 - 3. Buses, taxicabs, and other means of public transit while operating within the City limits, and ticket, boarding, and waiting areas of public transit depots.
 - 4. Service lines.
 - 5. Retail stores.

6. All areas available to and customarily used by the public in all businesses and non-profit entities patronized by the public, including, but not limited to, professional and other offices, banks, and laundromats.
7. Restaurants; except that (a): smoking may be allowed in a portion of a restaurant that is physically separated, or in an attached bar that is physically separated, from enclosed areas of the business in which smoking is prohibited; (b) smoking is allowed in restaurants between the hours of 9:30 p.m. and 2 a.m.; (c) smoking is allowed in outdoor areas of restaurants such as patios and outdoor covered areas that are not enclosed areas.
8. Public areas of aquariums, galleries, libraries, museums and similar facilities.
9. Any structure primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance except as covered in Section 6(a)(v).
10. Whether enclosed or outdoors: sports arenas, convention halls and bowling alleys; except that smoking is allowed in attached bars in bowling alleys that are physically separated from areas in which smoking is prohibited.
11. During such time as a public meeting is in progress; every room, chamber, place of meeting or public assembly; including school buildings under the control of any board, council, commission, committee, and including joint committees and agencies of the City and political subdivisions of the State.
12. Waiting rooms, hallways, wards and semi-private rooms of health facilities, including hospitals, clinics, therapists' offices and facilities, physical therapy facilities, doctors' offices, dentists' offices and the offices and facilities of other health care providers.
13. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
14. No less than seventy-five (75%) of hotel and motel rooms rented to guests and all lobbies, elevators and other common areas available to and customarily used by the general public.

15. Polling places.

16. Bingo halls except that smoking is permitted in a bingo hall so long as: (a) a portion of the hall is physically separated so that non-smokers may play bingo in a smoke free enclosed area and (b) no smoking is allowed within fifteen feet of the area where the bingo packets are purchased.

b. Notwithstanding any other provision of this section, any person or business who controls any establishment or facility may declare that entire establishment, facility or grounds as smoke-free.

4. Smoke-free Exits and Entrances

Smoking shall not occur in or so close to exterior exits or entrances that the free flow of pedestrian traffic is affected or so close that the operation of the doors, exits or entrances is affected or diminished.

5. Where in-door smoking is not prohibited

a. Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the prohibition contained in section 3:

(i) Private residences; except when used as a child-care, adult day care or health care facility and during the thirty (30) minutes in advance of such use(s).

(ii) No more than twenty-five percent (25%) of hotel and motel rooms rented to guests.

(iii) Retail tobacco stores.

(iv) Only while being used for private functions: restaurants, bars, hotel and motel conference or meeting rooms and public and private assembly rooms.

(v) When smoking is part of a stage production and then only by the actors as a part of the role: any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance,.

(vi) Freestanding bars, and attached bars that are physically separated from non-smoking areas.

- (vii) Bingo halls, but only if a physically separated enclosed area within the hall is provided in which smoking is prohibited and if smoking is prohibited within 15 feet (15') of the area where packets are purchased.
 - (viii) Attached bars in a bowling alley if the attached bar is physically separated from the rest of the bowling alley.
- b. Notwithstanding any other provision of this ordinance, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment, facility, or grounds as smoke-free.

6. No Children in Smoking Areas. Children and minors are prohibited from enclosed areas during times when smoking is allowed, even if accompanied by a parent or other adult. "Children and minors" mean those persons who have not yet attained the age of 18.

7. Posting of Signs

- a. The owner, operator, manager or other person having control of an enclosed area or public place subject to the provisions hereof shall be jointly and severally responsible to clearly and conspicuously post "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it) in every public entrance or other areas where smoking is prohibited by this article.
- b. The owner, operator or manager of every public place where smoking is prohibited shall have posted at every public entrance a conspicuous sign clearly stating that smoking is prohibited.
- c. All signs referred to in this section shall be a minimum size of twenty (20) square inches and must be placed at a height of between four to six feet (4' – 6') above the floor.

8. No Retaliation

No person or employer shall discharge, refuse to hire or retaliate in any manner against any employee, applicant for employment, or customer because such employee, applicant, or customer exercises any right to, or complains about the lack of, a smoke-free environment afforded by this ordinance.

9. Violations and Penalties

- a. It shall be unlawful for any person or business who owns, manages, operates or otherwise controls the use of any premises or enclosed area or place of employment subject to regulation under this ordinance to fail to comply with any of its provisions.
- b. It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this ordinance.
- c. Each day of a continuing violation of any provision of this ordinance shall be deemed to be a separate violation.

10. Other Applicable Laws

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

11. Severability

If any provision, clause, sentence or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

12. Amortization

Any restaurant with an attached bar lawfully in use as of May 1, 2003 shall be entitled to continue such lawful use, without expansion or extension, until January 1, 2009, notwithstanding the provisions of section 3 hereof.

13. Effective Date

This ordinance shall be effective on January 1, 2004.

INTRODUCED for FIRST READING and PUBLICATION this 4th day of June, 2003.

PASSED on SECOND READING this _____ day of _____, 2003

ATTEST:

City Clerk

President of City Council

Attach 6
Homeland Security Overtime Grant

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Homeland Security Overtime Grant					
Meeting Date		02 June 2003					
Date Prepared		28 May 2003			File #		
Author		Michael A. Nordine		Administrative Lieutenant			
Presenter Name		Greg Morrison		Chief of Police			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
X	Workshop			Formal Agenda	X	Consent	Individual Consideration

Summary: The Community Oriented Policing Services Office of the U.S. Department of Justice is offering grant funding to pay for overtime expenses in support of community policing and homeland security. As a part of the Grand Junction Police Departments new Neighborhood Beat System we would like to host quarterly meetings in each of the 63 neighborhood beats. Due to high service demands and staff shortages the neighborhood beat officers will be conducting these meetings on an overtime basis rather than pulling from patrol staffing. Additionally, this grant would allow us to pay overtime to patrol officers to attend a four hour training block on how to host these neighborhood meetings. This grant may also pay for the personnel costs associated with our K-9 training and Hazardous Device training.

Budget: The grant allows for up to \$50,000 in funding to pay for police overtime and requires a 25% local match. The total costs of the proposed project will be \$53,960. Of that amount we are seeking \$40,470 from the COPS office. The remaining \$13,490 would have to be appropriated in the 2003 revised budget.

Action Requested/Recommendation: The Grand Junction Police Department is requesting approval to apply for the Homeland Security Overtime Grant Program.

Attachments:

- 1) Copy of the Grant Data Sheet for this application
- 2) Copy of the announcement letter from Carl Peed, Director of the COPS Office

Background Information: Quarterly meetings in each of the cities 63 neighborhood beat areas will provide increased citizen contact in line with our community policing goals. These meetings can be utilized to solicit information, concerns and direction directly from the citizens most impacted by crime and other concerns of government.

Additionally, these meetings will provide a forum for educating the public on the issues of terrorism and it's impact on Grand Junction. We will be able to pass along some of the information we receive from the federal government regarding potential threats and means of protecting oneself in the event of an attack.

CITY OF GRAND JUNCTION
GRANT DATA SHEET

Date: 5/28/2003 Revision Number _____

Department: Police Contact: Michael A. Nordine Phone: (970)244-3564

Sub-Recipient: _____ Contact: _____ Phone: _____

CONTRACT REQUIRED FOR ALL SUB-RECIPIENTS!

Grant Name: Homeland Security Overtime Program Grant #: _____

Source of Funds: Federal (Federal, State, Other)

Grantor: U.S. Department of Justice Contact: _____ Phone: _____

Purpose/Product/Outcome:

This grant opportunity provides overtime funding for members of the Grand Junction Police Department to provide training to citizens in their neighborhood beats.

IF FEDERAL /STATE FUNDS, CHECK COMPLIANCE REQUIREMENTS LIST ON BACK!

Requirements/Schedule:

Will this require: new employee(s)? No new equipment? No

Financial Summary (Attach Detail):

Projected cost of project or program:	\$ <u>53,960</u>
Estimated cost of administration:	<u>0</u>
Grant in-eligible costs (application):	_____
Total costs of grant.....	_____
Amount of grant	\$ <u>40,470</u>
Other revenues	_____
Total revenues.....	_____
Net cost of the project to the City.....:	_____
Amount to be appropriated:	\$ <u><u>13,490</u></u>

Future Impacts:

Description

Annual ongoing expenditures: \$ 0 _____

Onetime/periodic expenditures: \$ _____

Revenue account number: Fund 100 Org 422 Account 47100 Pgm 21 Activity

Expenditure account number: Fund 100 Org 422 Account 53990 Pgm 21 Activity _____
(If more than one account, attach a list.)

Are revenues/expenses included in the current budget? _____

No Revised? No

Approvals: Department Director: _____ Date: _____
Grant Coordinator: _____ Date: _____
Finance Director: _____ Date: _____
City Manager: _____ Date: _____
City Council: Approved _____ Acceptance _____ Contracts _____
: _____ : _____ : _____

Dates:

Application deadline 6/13/2003 Award of grant: _____ Extension deadline _____
Required completion date: _____ Closeout _____
Date of receipt: _____

Report(s) required: Quarterly (date, monthly, quarterly)

ATTACH NOTES AS NECESSARY – FINANCIAL ANALYSIS, METHOD/TIMING OF PAYMENTS, MULTIPLE REQUIREMENTS, SCHEDULE, OTHER EXPLANATIONS.

City of Grand Junction
Compliance Check List

This check list is provided to help the Department Contact in identifying requirements of the grant for which the requestor is responsible. It does not move the responsibility for compliance or the monitoring of compliance of a department or sub-recipient to the Administrative Services Department

- Co-applicants
- Contract(s) Sub-recipient Source of funds Other
- Insurance/bonding

- Single Audit
- Environmental review
- Equal employment opportunity enforcement
- Davis Bacon
- Minority and/or other preference processes

- Matching funds Budgeted Unbudgeted Generate
- Program income

- Federal funds Advance Reimbursement or
- Payment requests, reports
- Debt issuance
- Cost allocation plan for indirect costs

- State checklist available
- Local determinations

- Hearings / public input / notices / signs
- Open competitive bids
- Plan for real property acquisition and replacement, relocation of people
- Inspections / grantee / grantor

- Subsequent maintenance and/or monitoring
- Subsequent restrictions of use
- Asset monitoring, inventions, patents, equipment (subsequent usage)
- Record retention
- System of documentation

- Other (explain)

***ATTACH ANY ADDITIONAL COMMENTS.
ATTACH A COPY OF THE GRANT APPLICATION, AWARD, AND OTHER DOCUMENTATION.***

8/20/2002



U.S. Department of Justice

Office of Community Oriented Policing Services

Office of the Director
1100 Vermont Ave., N.W.
Washington, D.C. 20530

Dear Colleague:

The COPS Office is pleased to announce the new Homeland Security Overtime Program (HSOP), which will offer state, local, and tribal law enforcement agencies the opportunity to apply for additional officer overtime funding to support community policing and homeland security efforts.

The National Strategy for Homeland Security, the Administration's roadmap for securing the homeland, highlights the key role that state, local and tribal governments play in responding to a terrorist attack.

HSOP grants can be used to pay officer overtime during homeland security training sessions and other law enforcement activities that are designed to assist in the prevention of acts of terrorism and other violent and drug-related crimes.

HSOP funds must be used consistently with the agency's typical or average officer overtime pay scale. In other words, HSOP funds must be used to support officer overtime at the same pay scale that the agency would normally use for locally funded overtime.

Up to \$60 million is available under this program. We anticipate that funding for these grants will be extremely competitive. Law enforcement agencies may apply for funding amounts based on the size of the population they serve or the size of their budgeted sworn strength at the time of application.

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Attach 7
2003 Sewer Interceptor

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	2003 Sewer Interceptor Rehabilitation					
Meeting Date	June 4, 2003					
Date Prepared	May 29, 2003				File #	
Author	Mike Curtis Trent Prall		Project Engineer City Utility Engineer			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Workshop		Formal Agenda		Consent	Individual Consideration

Summary: Bids were received and opened on May 20, 2003. Western Slope Utilities submitted the low bid in the amount of \$528,858.00. The project will utilize "trenchless technology" to install cured-in-place-pipe (CIPP) to rehabilitate over 6,077 feet of pipe ranging in size from 6 inch to 24 inches in diameter.

The following bids were received for this project:

Contractor	From	Bid Amount
Western Slope Utilities	Breckenridge	\$528,858.00
Civil Construction Services	Sedalia	\$563,099.00
Insituform Technologies	Littleton	\$564,133.60
Engineer's Estimate		\$556,932.00

Budget:

	Interceptor Rehab / Fund 904 / F10100	Collection System Repl Fund 905 / F10200	Total Sewer Fund
Budget	\$735,644	\$544,380	\$1,280,024
Engineering and Admin	\$22,269	\$3,731	\$26,000
Other sewer collection wo	\$0	\$6,575	\$6,575
Construction Contract	\$452,974	\$75,884	\$528,858
Total Costs	\$475,243	\$86,190	\$561,433
Remaining Balance	\$260,401	\$458,190	\$718,591

Action Requested/Recommendation:

Authorize the City Manager to execute a construction contract for the 2003 Sewer Interceptor Rehabilitation with Western Slope Utilities in the amount of \$528,858.00.

Background Information:

The project will utilize “trenchless technology” to install cured-in-place-pipe (CIPP) to rehabilitate over 6,077 feet of pipe ranging in size from 6 inch to 24 inches in diameter. After bypass pumping of the section of line to be replaced is set up, the technology allows for a flexible pipe to be installed through existing manholes and then filled with superheated water to “cure” the pipe creating a rigid pipe within the existing pipe. About 800-1200 feet can be accomplished in one 8 hour day, therefore minimizing traffic and local resident disruption. This work is generally completed at 30-40% of the cost of open trench replacement.

More specifically the project consists of 3,093 lineal feet of 24 inch CIPP, 857 lineal feet of 15 inch CIPP, 257 lineal feet of 12 inch CIPP, 503 lineal feet of 10 inch CIPP, 744 lineal feet of 8 inch CIPP, 623 lineal feet of 6 inch CIPP, 150.8 vertical lineal feet of manhole rehabilitation, 150 lineal feet of new 24 inch sewer replacement including two new manholes and asphalt replacement, existing service reconnections, bypass pumping, and traffic control.

Western Slope Utilities out of Breckenridge has been doing this type of work for over 20 years and has completed past projects for the City. Work is scheduled to begin on June 16, 2003 and continue for 7 weeks with an anticipated completion date of August 1, 2003.

2003 Interceptor Rehabilitation Locations

Lakeside Drive

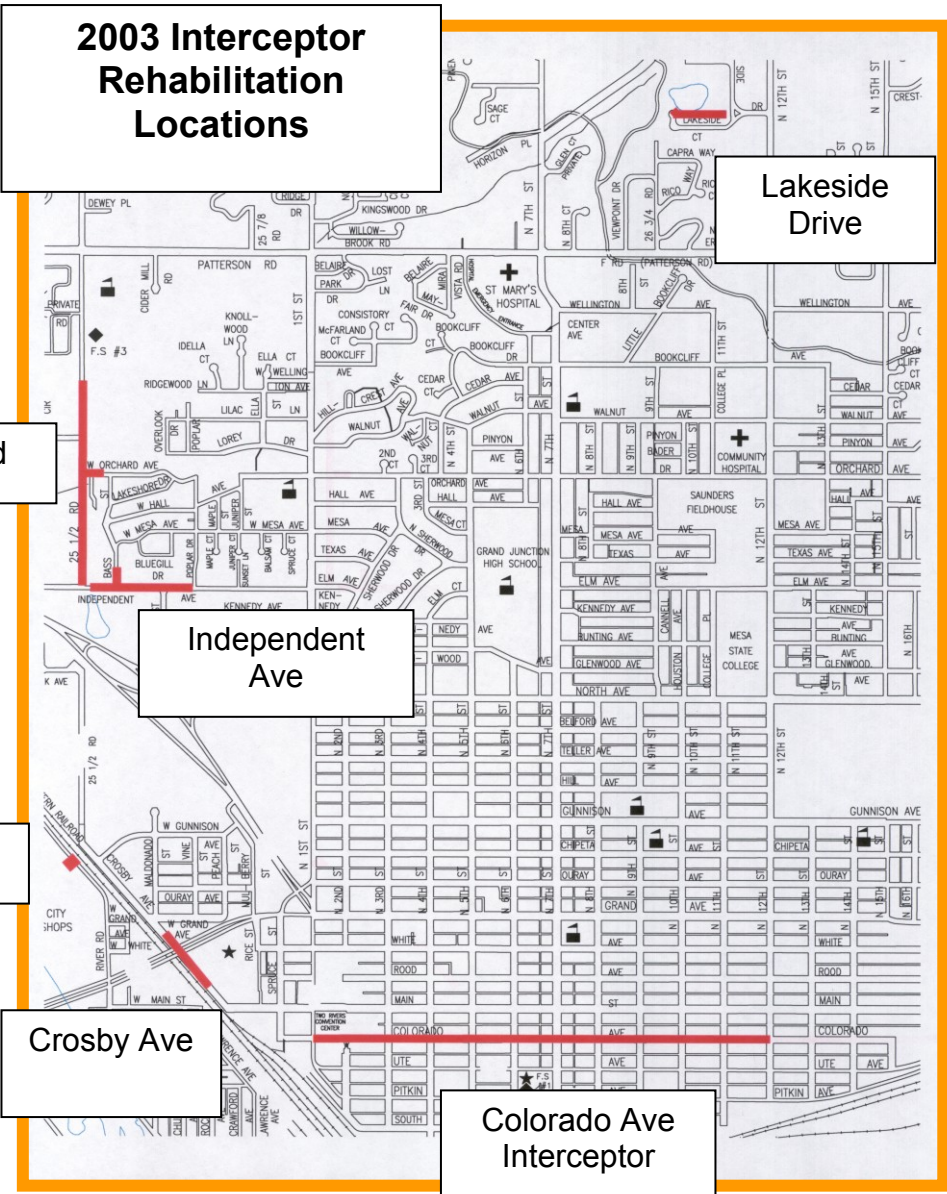
25 1/2 Rd

Independent Ave

City shops

Crosby Ave

Colorado Ave Interceptor



Attach 9
Work Order/Infrastructure Management System Software

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Award of Work Order/Infrastructure Management System					
Meeting Date	June 4, 2003					
Date Prepared	May 19, 2003				File #	
Author	Terry Brown GIS/CADD Manager					
Presenter Name	Mark Relph Public Works & Utilities Director					
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: The Public Works and Utilities (PW&U) Department is in need of a work order and asset management system. Request for Proposals (RFPs) were recently received and reviewed by a PW&U committee. The committee's recommendation is to purchase the GBA Master Series Inc. system for \$313,040.00

The following proposals were received:

Company	From	Interviewed
Bender Engineering	Los Alamitos, CA	No
Corrigo, Inc.	Redwood City, CA	No
Datastream Systems, Inc.	Greenville, SC	April 9, 2003
EMA, Inc.	Longwood, FL	No
GBA Master Series, Inc.	Kansas City, MO	April 8, 2003
Hansen Information Tech.	Sacramento, CA	April 7, 2003
Kanotech Information Sys.	Edmonton, Alberta	No

Budget:

Project costs:	
Software	\$189,700.00
Professional services	84,200.00
Software support & maintenance	<u>39,140.00</u>
Total Project Costs	\$313,040.00

Funding:	
100 Fund	\$200,000.00
301 Fund	50,000.00
902 Fund	<u>100,000.00</u>
Total Funding	\$350,000.00

Action Requested/Recommendation: City Council motion authorizing the City Manager to execute a contract for the **Work Order/Infrastructure Management System** with GBA Master Series, Inc. in the amount of \$313,040.00.

Attachments: (B) Work Plan Services

Background Information:

Work order management system: The work orders being produced in this department are for the most part on paper only. Some divisions within the department have attempted to re-enter work order information into databases with varying degrees of success. One of the problems with this approach is that it requires someone in the office to re-enter all the information that has already been put down on the paper work order. By having this information in a single database it gives our management staff the ability to do comparisons between various crews and more closely track the actual cost of various types of projects and programs.

Asset management system: This system would take the information from the work order system i.e. personnel time, material costs, and vehicle costs and assign the costs to the asset that is being worked on, (e.g. fire hydrant, pothole patch). Some of these assets are tracked by various small databases that are scattered around throughout the department. The asset management system will allow activities within PW&U to track the cost and the maintenance performed on the asset. Once we know the cost of the maintenance being performed on the assets it is then possible to calculate if the life expectancy of the asset had been extended. This information is vital to the department in determining whether or not the maintenance dollars are being spent to their best advantage. The information is also useful for program budgeting and determining whether or not we are meeting our performance goals for the department.

GASB-34: Most people would agree that if you build a street and did nothing to maintain it the street would fall apart long before fifty years was up. This would be an example of straight-line depreciation. Actually you would probably pick a shorter time period than 50 years for the depreciation length. If we use 50 year depreciation we immediately have a major problem; we would have to replace 60 to 70 percent (read billions of dollars in work) of the streets in the city because we get no credit for the maintenance we have

performed over the last 50 years. Obviously this is not correct since our streets are not falling apart. GASB-34 was created to give us a way of taking into account the effects of maintenance on the life expectancy of our infrastructure systems. The catch is in order to use GASB-34 you have to have a work order and asset management system. We also get a number of additional benefits for our management staff; including program budgeting, resource allocation, performance monitoring and enhanced GIS capabilities to make better decisions, etc.

Attachment B

Work Plan Services

Implementation Plan

An outline of the Implementation Plan follows.

Task 1 – Kickoff Meeting

- Three (3) days spent on-site; completed within three (3) weeks of issuance of Notice to Proceed
- Discuss of project scope and schedule
- Review *GBA Master Series*-powered WIMS applications
- Review systems to be replaced
 - ✓ Super Pavement Management
- Review historical data to be migrated into WIMS
 - ✓ GIS layers and databases
 - Wastewater
 - Storm sewer
 - Irrigation
 - Water
 - Street lights
 - ✓ Databases
 - Traffic sign inventory
 - Traffic signal inventory
 - Traffic markings/stripping inventory
 - Traffic volumes
 - Traffic accidents
 - Pavement & street management
 - Curb gutter & sidewalk inventory
 - Handicap ramp inventory
 - Sewer backup locations
 - Sewer TV logs and related work order
 - Sewer cleaning logs
 - Work order data for sewer repairs
 - Wastewater plant maintenance
 - Water plant maintenance
 - Water break locations
 - Backflow prevention device inventory
 - Laboratory chemical inventory
 - Equipment data

- Employee data
- Material data
- Bridge inventory
- Irrigation crossings
- Storm water structures & lines
- Storm cleaning logs
- Storm backup locations
- Work order data for storm repairs
- Review necessary systems integration
 - ✓ BANNER
 - ✓ AutoDesk MapGuide GIS or Envision 8
 - ✓ FASTER CG (data translation, or data upload procedure)
 - ✓ Vehicle location systems and GPS
- Review of hardware requirements
- Discuss Department's specific needs regarding Work Flow Setup Module and user-defined codes

In addition to the personnel time spent on-site by the Project Manager, it is anticipated that another 16 hours will be necessary to adequately prepare, and document results, for Task 1 work.

- **Task 2 – Convert/Populate Historical Data**

- GIS layers and databases
 - ✓ Wastewater
 - Sewer lift station, sewer lines, and manholes into *GBA Sewer Master*
 - ✓ Storm sewer
 - Storm sewer lines, manholes, catch basins, catch basin laterals, ditches and detention basins into *GBA Storm Master*
 - ✓ Irrigation
 - Ditches, manholes, and head gates into *GBA Storm Master*
 - Manholes and pipes crossing public streets into *GBA Water Master*
 - ✓ Water
 - Water lines, water valves, hydrants, pumps, tanks, water nodes, reservoirs, and water line breaks into *GBA Water Master*
 - ✓ Street lights
 - Poles into *GBA Street Light Master*
- Databases
 - ✓ Traffic sign inventory
 - *GBA Sign Master*
 - ✓ Traffic signal inventory

- *GBA Signal Master*
- ✓ Traffic markings/stripping inventory
 - *GBA ROW Master*
- ✓ Traffic volumes
 - *GBA Traffic Volumes Manager*
- ✓ Traffic accidents
 - *GBA Accident Manager*
- ✓ Pavement and street management
 - *GBA Street Master*
 - *GBA Pavement Manager*
- ✓ Curb gutter & sidewalk inventory
 - *GBA ROW Master*
- ✓ Handicap ramp inventory
 - *GBA Street Master* or *GBA ROW Master*
- ✓ Sewer backup locations
 - *GBA Sewer Master*
- ✓ Sewer TV logs and related work orders
 - *GBA Sewer Master*
 - *GBA Work Master*
- ✓ Sewer cleaning logs
 - *GBA Work Master*
- ✓ Work order data for sewer repairs
 - *GBA Work Master*
- ✓ Wastewater plant maintenance
 - *GBA Equipment Master*
- ✓ Water plant maintenance
 - *GBA Equipment Master*
- ✓ Water Break locations & Flow prevention devices inventory
 - *GBA Water Master*
- ✓ Laboratory chemical inventory
 - *GBA Parts Inventory*
- ✓ Equipment, Material, Employee data
 - *GBA Work Master*
- ✓ Bridge inventory
 - *GBA Bridge Master*
- ✓ Irrigation crossings
 - *GBA Street Master*
- ✓ Storm water structures& lines
 - *GBA Storm Master*
- ✓ Storm cleaning logs
 - *GBA Work Master*

- ✓ Storm backup locations
 - *GBA Work Master*
- ✓ Work order data for storm repairs
 - *GBA Work Master*

It is anticipated that the Task 2 work will require approximately 80 hours personnel time. GBAMS will provide conversion services not to exceed the Task 2 amount shown in the cost table. Data provided to GBAMS will be converted based on a priority schedule outlined in Task 1. Data conversion services will be performed until all the provided data is converted or the conversion cost limit is met.

- **Task 3 – Software Installation & Testing**

- Two (2) days spent on-site; completed within two (2) weeks after completion of Task 2
- Install applications software on client workstations and configure Oracle databases
 - ✓ *GBA Work Master*
 - ✓ *GBA Equipment Master*
 - ✓ *GBA Parts Inventory*
 - ✓ *GBA Sewer Master*
 - ✓ *GBA Storm Master*
 - ✓ *GBA Water Master*
 - ✓ *GBA Street Master*
 - ✓ *GBA Pavement Manager*
 - ✓ *GBA Sign Master*
 - ✓ *GBA Signal Master*
 - ✓ *GBA Street Light Master*
 - ✓ *GBA ROW Master*
 - ✓ *GBA Accident Manager*
 - ✓ *GBA Traffic Volumes Manager*
- Test all applications for security settings, performance, and report routing/printing

In addition to the personnel time spent on-site by the Project Manager, it is anticipated that another 8 hours will be necessary to adequately prepare.

- **Task 4 – Systems Integration**

- BANNER Integration - Integrate *GBA Work Master* with BANNER. Specifically this would allow users with in the work order module the ability to view account numbers and project numbers from with in the BANNER database. Users could select an account number/project number from this popup list and populate the corresponding fields in the work order. The City may desire additional functionality. GBAMS will work with the City to include additional functionality as funds are available through

this initial integration phase. It is anticipated that this effort will be very similar to that for which GBAMS has completed involving integration with similar applications.

- AutoDesk Mapguide or Envision GIS Integration - GBAMS and EMS will collaborate to develop a new product version of *GBA GIS Master*®, which will provide functionality within MapGuide or Envision, which ever the City deems necessary. The GBAMS and EMS team will meet with the City to discuss specific functionality required of this product.

While it is unreasonable to expect an accurate estimation of necessary personnel time for completion of Task 4, based on our experience we have estimated an initial integration cost. It's the goal of the City and GBAMS to work together to develop an integration solution that meets the needs of the City.

- **Task 5 – Software Installation & Testing**

- Two (2) days spent on-site; completed within two (2) weeks after completion of Tasks 4
- Install applications software on server and client workstations
 - ✓ BANNER integration product
 - ✓ *GBA GIS Master*
 - ✓ *GBA Mobile Work Master*
- Test applications for security settings, performance, and report routing/printing

In addition to the personnel time spent on-site by the Project Manager, it is anticipated that another 8 hours will be necessary to adequately prepare.

Proposed Training Plan

All training will be performed on-site at a location specified by the City. It's anticipated that those individuals participating in the training sessions will have hand-on access to the software, either live on the City's system or on stand-alone computers. If the later is more convenient, GBAMS will provide workstation versions loaded with the City's data.

- **Task 6 – Training Session #1**

- Four (4) days spent on-site; completed immediately following conclusion of Task 5
- System administration training
- End-user training, performed in appropriate "focus groups"
 - ✓ *GBA Work Master*
 - ✓ *GBA Equipment Master*
 - ✓ *GBA Parts Inventory*
 - ✓ BANNER integration product
 - ✓ *GBA Sewer Master*
 - ✓ *GBA Storm Master*
 - ✓ *GBA Water Master*

- ✓ *GBA Street Master*
- ✓ *GBA Pavement Manager*
- ✓ *GBA Sign Master*
- ✓ *GBA Signal Master*
- ✓ *GBA Street Light Master*
- ✓ *GBA GIS Master*
- ✓ *GBA ROW Master*
- ✓ *GBA Accident Manager*
- ✓ *GBA Traffic Volumes Manager*

In addition to the personnel time spent on-site by the Project Manager, it is anticipated that another 8 hours will be necessary to adequately prepare.

- **Task 7 – Session # 2**

- Three (3) days spent onsite; completed within four (4) weeks after completion of Task 6
- Advanced functionality training, performed in appropriate “focus groups”. Concentrated training on application processes with work management needs and reporting.

In addition to the personnel time spent on-site by the Project Manager, it is anticipated that another 8 hours will be necessary to adequately prepare.

- **Task 8 – Session #3**

- Three (3) days spent onsite; completed within four (4) weeks after completion of Task 7
- Advanced End-user training, performed in appropriate “focus groups”. Concentrated training on application processes with work management needs and reporting.
- End-user training, performed in appropriate “focus groups”
 - ✓ *GBA Bridge Master*
 - ✓ *GBA Facility Master*

In addition to the personnel time spent on-site by the Project Manager, it is anticipated that another 8 hours will be necessary to adequately prepare.

- **Task 9 – Session#4**

- Two (2) days spent on-site; completed within four (4) weeks after completion of Task 8
- End-user training, performed in appropriate “focus groups”
 - ✓ Address specific questions and/or problems that have surfaced from use of applications
 - ✓ Analyze processes established through the software and discuss effectiveness. Explore additional needs of management and end-users.

Attach 10

**Riverside Parkway Access to Highway 50 – 1601 Process
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Colorado Department of Transportation Interchange Review – Policy Directive 1601					
Meeting Date	June 4, 2003					
Date Prepared	May 28, 2003				File #	
Author	Tim Moore			Public Works Manager		
Presenter Name	Mark Relph			Public Works & Utilities Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	N	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary:

The proposed Riverside Parkway will connect to 5th Street in the lower downtown area. This connection will be important to the street system long term by providing easy access between Orchard Mesa and the commercial areas on I-70B between North Ave. and 24 Road. A connection to 5th Street (State Highway 50) will require review and approval by the Colorado Department of Transportation (CDOT) and is outlined in CDOT Policy Directive 1601. Council will consider formally initiating the P.D.1601 process.

Budget:

Costs associated with this review are available in the 2003 CIP budget, project F-04600 – Riverside Parkway.

Action Requested/Recommendation:

Authorize the Mayor to sign a letter to the Department of Transportation and the local Transportation Planning Region Office requesting the initiation of the P.D. 1601 review for the 5th Street crossing of the Riverside Parkway.

Attachments:

13 Step Process for Policy Directive. 1601

Background Information:

After a thorough review of the alternatives for a crossing at 5th Street and the Riverside Parkway, the Council appointed Design Action Committee (DAC) recommended a connection at Noland Avenue. The Committee felt this location would best serve the

future needs of the community and create the most cost effective connection of these two important roadways. Because this section of 5th Street is also part of State Highway 50, the design and construction of a crossing at Noland Avenue will require review and approval by CDOT. This formal review is outlined in CDOT Policy Directive 1601, and is initiated by a letter of intent to begin the process. After several meetings with CDOT staff, Council is now prepared to initiate this next level of review, the PD 1601. The P.D. 1601 process is expected to take approximately 18 months to complete.

**Setting a Hearing on Watershed and Water Supply Protection District Ordinance
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Watershed Protection Ordinance					
Meeting Date	June 4, 2003					
Date Prepared	May 28, 2003				File #	
Author	Greg Trainor			Utility Manager		
Presenter Name	Mark Relph,			Public Works and Utility Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary:

Watershed Protection Ordinance for first reading

Budget:

NA

Action Requested/Recommendation:

First reading of proposed Watershed Protection Ordinance; set the second reading and public hearing for July 16, 2003

Attachments:

Watershed Protection Ordinance

Background Information:

The City of Grand Junction provides drinking water to consumers both inside the City and to residents of the Kannah Creek area. These water supplies have been acquired by the City since 1911. Given the City's primary mission to provide high quality drinking water, the City Council has determined that a Watershed Protection Ordinance is necessary to protect the public water supply and to preserve the City's water resources. The City does not attempt to exercise power over the United States' land use authority

on public lands, but to enact procedures to insure that its supply is not contaminated from development.

ORDINANCE NO.

An Ordinance Establishing Watershed and Water Supply Protection Zones; Establishing Procedures and Standards for Watershed Permits in Connection with Various Activities within said Watersheds; Prohibiting any Person from Polluting said Watersheds; Requiring a Watershed 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 including but not limited 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.
- C. Since 1911, the City has continued to make a tremendous investment in its combined water resources including significant water rights, land, transmission lines, and related infrastructure.
- D. The City Council is not only the steward of the City's water resources, but has the primary responsibility to ensure a safe high-quality water system for the citizens of Grand Junction. Others, including the federal government which owns and manages much of the land underlying the City's watershed, have some responsibility to protect the watershed, but theirs is not primary.
- E. The State of Colorado has provided municipal governments with statutory authority to protect municipal watersheds, thereby acknowledging the primary stewardship role a city has in protecting its watershed.
- F. A watershed ordinance will clearly and perpetually establish the importance of the City's water resources. It also establishes clearly defined areas of interests, as well as provides for mitigation measures that will allow for orderly and coordinated development without degrading the City's watershed.
- G. A watershed ordinance will set forth the foundation of what will likely be updated or new inter-governmental agreements setting forth how the

various governments can integrate efforts with the City's to protect the watershed.

- H. A watershed ordinance will establish clear policy for protecting the City's water resources.
- I. Additional values and issues that the City Council endorses in adopting a watershed ordinance:
 - a. The City will continue to reinforce the idea that the ordinance is not an effort to usurp federal or county land use control.
 - b. The City will continue to forge working relationships with the other municipal and district water suppliers in the Grand Valley and Mesa County.
 - c. The City will work toward a coordinated permitting process with other governments and agencies. For example, the City can benefit from current federal efforts that mandate storm water management plans, for example those that are required for any project disturbing more than one acre.
 - d. The City should work toward a system that allows the City and other governments to rely on a single performance guarantee so that the costs of complying with a watershed ordinance can be kept as low as possible, thus promoting compliance and reducing negative impacts of the watershed protection efforts on residents and permittees in the watershed.
- J. 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.
- K. 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.

- L. The District Ranger for the Grand Valley Ranger District, Grand Mesa National Forest, and Area Manager for the BLM have asked that the City consider the case of *California Coastal Commission v. Granite Rock Company*, 480 U.S. 572 (1987). That case distinguishes between land use regulation by a state (or local) government and environmental regulation. The question according to the Supreme Court in that case is whether or not state law (and local laws authorized by the state) make it impossible for a federal permittee to comply with both federal law and state (or local) regulations.

The City does not attempt to exercise power over the United States' land use authority on BLM lands and Forest lands within the City's watersheds. *Granite Rock* explicitly acknowledged that state and local environmental rules—as opposed to land use regulations—can coexist with federal land use authority.

Granite Rock clearly states that environmental rules of a state (and local) government are allowed. It is just such environmental concerns that motivate the City Council to adopt this ordinance.

- M. The City notes that Mesa County directly asserts land use control over federal permittees in the City's Watershed on BLM lands, without objection from the BLM. The City notes that this ordinance does not attempt to conflict with Mesa County's exercise with such land use jurisdiction. See Section 2 below.
- N. 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. CITATION. This ordinance shall be known as the "Watershed Protection Ordinance" of the City.
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 home rule 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 other governments. 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.
- (e) The City's authority herein shall be for the purpose of restricting any activity, or requiring changes in the way the activity or use is performed, within a watershed which creates a substantial risk of pollution 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.

3. DESIGNATED WATERSHEDS.

- (a) The Kannah Creek, North Fork of Kannah Creek, Whitewater Creek, Gunnison River and Colorado watersheds are hereby declared to extend over all the territory occupied by the City of Grand Junction's waterworks in those drainages 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 (*i.e.*, obtained or used upstream) of each point from which any water is diverted for use by the City of Grand Junction. The Kannah Creek, North Fork of Kannah Creek, 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 extending and including land that is within five (5) miles upstream and up-

gradient of said City pumps and diversion structures, commonly referred to as the “Redlands Diversion.” 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 extending and including lands that are within five (5) miles upstream and up-gradient of the intake(s) and diversions of such plant. For this ordinance, this watershed shall be termed “Zone 3.”
 - (d) A map of each of the three watersheds is attached. The watershed maps for Zones 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. When declared by the City Council, the Director or the Utility Manager, Zone 2 and Zone 3 watersheds shall be treated as though situated within Zone 1, and shall be subject to the regulations of Zone 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 water services of the City.
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 or injury to the City’s watersheds or waterworks occurs.
 - (b) "City" means: The City of Grand Junction, Colorado.
 - (c) “Communicate” or “Communication” means: The City communicates to a person by any of the following methods: personal service, conspicuous posting at or on a parcel or property or location of an activity; mailing of a writing to the last known

address of a person. Such communication shall be effective as of the mailing, sending, service or posting, whichever occurs first.

- (d) “Declared” or “Declaration” means: The City Council’s resolution, or in an emergency until the next regular meeting of the City Council a writing signed by the Director or Utility Manager, that the regulations and requirements that apply in Zone 1 shall apply to either Zone 2 or Zone 3, or both Zone 2 and 3, until declared otherwise by the City Council. Any declaration by the Director or the Utility Manager shall be forthwith posted at the City Clerk’s office at City Hall.
- (e) "Director" means: The Public Works Director of the City or his authorized representative.
- (f) “Diverted” has the meaning determined by the statutory and common law of Colorado, as it changes from time-to-time.
- (g) “Domestic Use” means: Construction of a single family residence of less than 10,000 square feet in total interior square feet; construction and maintenance of driveways, landscaping and accessory barns and sheds in connection with single family residence; the maintenance, cutting and clearing of necessary trees and vegetation to accomplish the same; and treatment of noxious weeds and fire fuels management on the single family residential property.
- (h) “Drilling” or “Drilling Operations” means: Drilling for water, oil, gas or other natural resources, and includes grading, construction, and traffic activities associated with the drilling.
- (i) "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.
- (j) “Facility” means: Any component or portion of the City water supply system or waterworks.
- (k) "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.

- (l) "Foreseeable Risk" means: The reasonable anticipation that harm or injury may result from acts or omissions, even if indirect.
- (m) "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.
- (n) "Impact" means: Any alteration or change resulting directly or indirectly from an action.
- (o) "LEWMA" means: The Lands's End Weed Management Area, a voluntary association of local governments and property owners who set standards and procedures for weed control in the Land's End area.
- (p) "Mitigation" means: Methods to avoid an impact by redesigning an activity; minimizing an impact by substantially limiting the scope of an activity; rectifying impact(s) by repairing, rehabilitating or restoring an affected area, resource or facility; and/or compensating for an impact by replacing or providing substitute facilities, resources or techniques.
- (q) "Notification" or "Notice" means: To inform the City by mail, facsimile or email of the following: the name, mailing and physical address of the person(s) proposing to undertake the activity; a description of the proposed activity, its location and proposed duration; a description of the type, extent and duration of any foreseeable risk of pollution or risk of injury to the watershed or waterworks; a description of the best management practices that are proposed; and, such other information as the Utility Manager may require in order to perform his or her duties pursuant to this ordinance.
- (r) "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.

- (s) "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 in amounts or concentrations regulated by the State of Colorado's drinking water regulations and/or any of the following: 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. "Pollution" 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 to the extent that such element, compound or addition is of sufficient density, volume or concentration to be limited or regulated by the laws and regulations described in the preceding sentence.
- (t) "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. Notwithstanding the preceding sentence, "removing vegetation" does not include: removal of clearly diseased or dead trees for domestic uses; clearing of trees in order to construct a single family residence; cutting of Christmas trees for non-commercial purposes; yard or garden work incidental to domestic uses; treatment of noxious weeds; fire fuel reduction on a single family residential property; or, removing vegetation incidental to an existing lawful use described in section 6 of this ordinance.
- (u) "Sewage Disposal System" or "ISDS" means: A septic tank or other facility designed and constructed for the purpose of receiving and disposing of sewage for one parcel or domestic use.
- (v) "Substantial" means: Material, considerable in importance, value, degree, amount or extent, rather than to a trifling degree.
- (w) "Surfacing" means: Any action resulting in the hardening or covering of the pre-existing ground in an area greater than one thousand (1,000) 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.

- (x) “Timber Harvesting” means: The cutting or removal of trees for commercial or resale purposes.
- (y) “Utility Manager” means: The person assigned, hired or employed by the City to manage the City’s waterworks and watersheds.
- (z) "Utility" means: Any one or more of the following: Waterworks, diverter box((s), weir(s), gauge(s), sewer system(s), pipeline(s), gas line(s), electrical line(s), telephone or telegraph line(s), cable television and/or fiber optics systems, radio tower(s) and repeater(s), transportation system(s); and any person providing the same for public or private use.
- (aa) "Watershed" or "Watersheds" means: The territory occupied by the City's water facilities, waterworks, pumps, emergency water sources and the streams or other sources from which the water is diverted or controlled, and includes the City’s waters and water rights both conditional and absolute. “Watershed” includes all up-gradient lands, irrespective of property boundaries, that are within five miles above the points from which water is taken or diverted. “Watershed” 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 or from which the City obtains water.
- (bb) "Waterworks" means: Any waterworks, water courses, water collection and storage facilities connected physically or hydrologically to the City's water system(s) or from which the City obtains water; all transmission, diversion structures, emergency or stand-by pumps, storage and filtration works; and such 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 that are within five miles and up-gradient of any City diversion or intake.

6. EXISTING USES NOT REQUIRING ADVANCE NOTICE.

- (a) 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 substantial risk of pollution or injury to the City's watershed or waterworks.

- (b) Ordinary repairs and maintenance of any existing canal, ditch, domestic use, building, structure or land shall be allowed without notice to the City, but the same shall not be allowed to expand and/or the use thereof change without a watershed 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.
- (c) Notwithstanding any provision of this ordinance to the contrary, including the preceding subsection, the City Council or the Utility Manager shall prohibit any activity that would have otherwise been allowed under this ordinance if a better best management practice than that proposed is reasonably available or if the otherwise lawful pre-existing use creates a substantial risk of pollution or injury to the City's waters or waterworks.
- (d) To exercise the power to prohibit an otherwise pre-existing use, the Utility Manager shall communicate his findings to the person that the activity or use shall immediately cease unless and until a Watershed permit has been issued by the City.

7. ALLOWED USES. ADVANCE NOTICE REQUIRED.

- (a) The activities listed below that are within a Zone 1 watershed are allowed unless done in a location or manner that creates a substantial or foreseeable risk of pollution or injury to the City's waterworks or watersheds.
- (b) The following activities require notice to the Utility Manager prior to a person undertaking such activity. Further, even if listed as an allowed use, if the Utility Manager or the City Council determines that a substantial risk of pollution or injury to the City's watershed or waterworks exists, the Utility Manager shall communicate this finding and the person shall immediately cease any further activity described in the communication unless and until a Watershed Permit has been issued.
 - 1. Stock grazing. Notice to the City may be given by delivering to the Utility Manager a copy of a federal permit or application for stock grazing on federal lands.

2. Road maintenance and construction by governmental entities.
 3. Burning of the prior years' vegetative growth on canals, ditches and fields.
 4. Domestic uses.
 5. Drilling of water wells for domestic use. Notice to the City may be given by delivering to the Utility Manager a copy of the application filed with the State Engineer for a well permit.
 6. Weed control and spraying if done in accordance with the best management practices approved by LEWMA. If the Utility Manager determines that LEWMA's recommendations or approved best management practices nevertheless create a substantial risk of pollution to the Watershed, the Utility Manager may require that the applicant cease the use of pesticides and herbicides unless and until a City permit is issued.
 7. Outfitting. Notice may be provided to the City of proposed outfitting in the Watershed by delivery of a copy of the State's outfitter's license and a copy of any federal permit or license authorizing the outfitter to do business on federal lands.
8. **REGULATED ACTIVITIES. NOTICE and PERMIT REQUIRED**
- (a) **Zone 1.** Certain activities in a Zone 1 Watershed pose a substantial risk of pollution or injury to the City's waterworks or watersheds. Therefore, it shall be unlawful for any person to engage in any of the following activities within a Zone 1 Watershed unless and until such person has first obtained a Watershed Permit issued by the City:
 1. Construction of a sewage disposal system, including a County permitted individual sewage disposal system (ISDS). The applicant may provide notice to the City of a proposed ISDS by delivering a copy to the Utility Manager of the applicant's County Health Department application.
 2. Excavating, grading, filling or surfacing;

3. Removing vegetation;
4. Timber harvesting. A person who must obtain a federal permit to harvest timber on federal lands may provide notice to the City of proposed timber harvesting by delivering a copy of the federal application to the Utility Manager;
5. Drilling;
6. Surface or subsurface mining operations, including the extraction of gas and/or oil, and the preparation of sites in anticipating of drilling, mining or quarrying;
7. Spraying or using fertilizers, herbicides, pesticides or rodenticides unless allowed by sections 6 or 7, above; or allowed pursuant to an intergovernmental agreement or equivalent written plan signed by the City;
8. ~~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;~~
9. Using, handling, storing or transmitting flammable or explosive materials; except for domestic uses and except that above-ground fuel tanks containing 350 or fewer gallons, and storage tanks that are an integral part of a vehicle, are allowed for each farm or ranch.

(b) Zone 2.

(i) Mesa County and other governments, including the state of Colorado and federal agencies, regulate land use and/or are subject to various other regulatory requirements regarding land uses and activities that might otherwise create a substantial risk of pollution or injury to the City's waters and facilities in Zone 2.

(ii) Because of these existing regulatory protections, until and unless the City Council, Director or Utility Manager declares otherwise, notice of land uses and activities in Zone 2 is not required to be given to the City except as follows: feed lots, mining, drilling and/or industrial activities or uses; because such activities and uses can create a substantial risk of pollution or injury to the City's waterworks and watersheds.

(iii) Until and unless declared otherwise by the City Council, Director or Utility Manager, in Zone 2 no person(s) shall conduct

any activity listed in the preceding subsection within the watershed until such person(s) has given Notice to the Utility Manager and ten (10) City business days have elapsed. If within said ten day period the Utility Manager has communicated to such person(s) that a complete application and watershed permit is required, said person shall cease any such activity unless and until the City issues a watershed permit.

- (c) Zone 3. Unless and until declared otherwise by the City Council, Director or Utility Manager, in Zone 3 the City will rely on the Clifton Water District, a title 32 special district, to review, comment on, and act to avoid substantial risk of pollution or injury to the City's watersheds or waterworks located in Zone 3.
- (d) All Zones. In the event that any activity in a City watershed is being conducted in such a manner that the City Council or Utility Manager finds that a foreseeable or substantial risk of pollution or injury exists to any City watershed or waterworks, the Utility Manager shall communicate to the person responsible for such activity of such finding. Upon the giving of the communication, such person shall immediately cease any such activity unless and until the City issues a watershed permit.

9. APPLICATION FOR PERMIT.

- (a) A separate written application for any activity or use required by any provision of the ordinance 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) calendar days prior to the date for which the proposed activity is planned to commence; except that in cases where the applicant shows that substantial injury or loss to the applicant will likely occur if the application is not quickly reviewed and the Utility Manager determines that there is not a substantial risk of pollution or injury in the City's watersheds or to City waterworks, 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 pursuant to this ordinance has been submitted to the Utility Manager.
- (b) Every application 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.

- (c) The application shall include the following information which the Utility Manager will use to evaluate risks to the City's waterworks 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 waterworks on or adjacent to the subject property, including the County Assessor's parcel number and showing the boundary lines of the property.
 4. Location of buildings and 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.
 8. Nature and location of existing vegetation and how the proposed activity will affect such vegetation.
 9. Delineation of any wetlands, in accordance with current Army Corps of Engineering standards.
 10. For permits for other than domestic uses, barns, other accessory structures or other agricultural structures including driveways on a parcel of 35 acres or more: A hydrological analysis by a Colorado registered professional engineer of surface water relationships and groundwater supplies.

11. 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 the applicant to reduce the risks of pollution and the impacts on the watershed and waterworks.
 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, including frequency of inspections and additional re-vegetation and reclamation work as necessary.
 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 how the geology and the proposed activity may result in risk or injury to the watershed or waterworks.
 15. An operational and maintenance analysis of the proposed activity.
 16. Water use and rights 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.
- (d) Upon request of a rancher, farmer, resident of a single family dwelling or other person subject to the requirements of this ordinance, the Utility Manager may waive one or more of the above requirements if the Utility Manager determines that such information is not required in the particular circumstances to

adequately evaluate risks of pollution or injury to the watershed or waterworks.

10. PERMIT, INSPECTION AND TESTING FEES.

- (a) Each Applicant shall submit to the City a non-refundable Watershed 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(s).
- (b) Inspection and Testing Fees: Until changed by resolution of the City Council, the applicant shall pay a fee of forty-five dollars (\$45.00) per hour (to the nearest quarter hour) for inspection and testing.

11. CITY REVIEW and ANALYSIS.

- (a) Within thirty (30) City business days after the applicant has provided a complete application to the Utility Manager containing all relevant data and information, the Utility Manager shall review the same and prepare an analysis of the proposed activity, including a written report which identifies any action, use, activity, method or factor(s) that may present or create a foreseeable or substantial risk of pollution to the waterworks or watersheds. The Utility Manager's 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 City Council meeting.
- (b) No Impact. The Utility Manager may classify a proposed activity as "no impact" if the proposed activity, in light of other permits, other governmental reviews, and/or plans of future activity, is not foreseeably likely to have any adverse impact on the City's waterworks or watersheds. The Utility Manager shall issue a Watershed Permit for a no impact activity or use within ten (10) City business days of such classification.
- (c) Minor Impact. 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, other governmental reviews and/or plans of future activity, identifies some foreseeable risks of pollution or injury to the watershed or waterworks of the City, but with mitigation or best management

practices such risks can be minimized or likely reduced to non-substantial levels. Within thirty (30) City business days after any such minor impact classification, the Utility Manager shall either: Issue a permit; or write or email within said thirty days to the City Clerk to schedule the matter for the next regular meeting of the City Council. The failure of the Utility Manager to either issue a permit or ask the City Clerk to schedule the matter for the next regular City Council meeting within said thirty days shall be deemed to be approval of the action or activity that is specifically described in the completed application.

- (d) Major Impact. If the Utility Manager classifies a proposed activity as a major impact because a substantial risk to the City's watershed or waterworks is foreseeable, or because the applicant has not clearly established that the proposed activity is properly classified as a "no impact" or "minor impact" activity, the Utility Manager shall refer the application to the City Council, along with his recommendations, if any, on how to avoid injury or pollution to the City's watershed or waterworks, including his evaluation of any proposed mitigation measures or similar efforts to reduce any risks to the City's watersheds or waterworks.
- (e) 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, surfacing 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.

(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.

12. HEARING.

(a) The City Council shall conduct a public hearing to review any application referred or appealed to it within thirty (30) City business 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 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) The Utility Manager or the City Council may review or issue any permit pursuant to a joint review process with any other government entity or agency with jurisdiction over the same activity or activities.

13. STANDARDS FOR ISSUANCE OF PERMIT.

A Watershed Permit shall be issued when the Utility Director or the City Council finds that the applicant has sustained its burden of proof that the proposed activity, including mitigation and best management practices if any are proposed or required, does not present or create a foreseeable and substantial risk of pollution or injury to the watershed or waterworks. A Watershed Permit shall be denied when the Utility

Manager or City Council, as applicable, finds that the applicant has not sustained such burden of proof.

14. PERMIT CONDITIONS.

In issuing any Watershed Permit, the Utility Manager or the City Council may prescribe any conditions deemed necessary to affect the intent of this ordinance and to protect the watershed and waterworks.

15. PERFORMANCE GUARANTEE FOR PERMITS.

- (a) 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 twenty percent (120%)² of the Utility Manager's estimate of the cost to ensure compliance with the Watershed 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 performance guarantee 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 Permit.
- (b) The Utility Manager or the City Council, as applicable, may waive the requirement of the guarantee with respect to the construction of a single family residence, domestic use or existing ranching or farming operation. The City Council may waive all or a part of other guarantees upon written application of any person and upon finding that alternative methods are in place to pay for damage to the City's watersheds or waterworks.
- (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

² The City's Zoning Code requires that 120% of the costs of public infrastructure be posted, to ensure completion.
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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 and the then existing performance guarantee is reasonably deemed inadequate, the permittee shall be required to post additional performance guarantee(s) meeting the requirements of this 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.

16. 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. Vegetation reclamation did not occur as required or planned.

7. 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.

17. 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) Zone 1 major and minor impact permits. 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 performance 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 may be accomplished by the City as required by the specifications and/or permit.

18. 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 Permit issued hereunder, the Director or Utility Manager may order the work stopped by communicating the violation or improper activity to the applicant or other person in charge of the applicant's 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 communicating 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 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 creates a substantial risk to the watershed or waterworks of the City.
- (d) 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 communication thereof 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.
- (e) A suspension or revocation order may be appealed by the permittee to the municipal court by filing a written appeal within ten (10) calendar days of the suspension or revocation. The municipal court shall hear the matter as a priority matter.
- (f) 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) or for appeals to the City Council as provided herein.

19. TIME OF COMPLETION.

All permitted work shall be completed by the date stated on the permit application, or if no date is stated within one hundred eighty (180) days of the issuance date. Permits shall be void if work has not commenced by 180 days after issuance.

20. INSURANCE.

(a) As a precondition to the issuance of a major or minor Watershed Permit in Zone 1, the applicant shall submit to the Utility Manager a certificate of insurance in the amount of one million dollars for a comprehensive general liability policy. By administrative regulation or resolution of the City Council the amounts and coverage may be modified from time-to-time. 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.

(b) No certificate of insurance shall be required with respect to a single family residence or domestic use or existing ranching or farming operation.

21. 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 substantial and foreseeable 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 City business day after such work has commenced.

22. REGULATIONS. The City Council or the Director may issue regulations to interpret, clarify, construe and otherwise carry out the purposes of this ordinance.

23. APPEALS PROCEDURE.

- (a) Any decision rendered pursuant to this Ordinance by the Utility Manager or Director may be appealed to the City Council by filing a written notice thereof with the City Clerk within ten (10) calendar days of the decision and specifying therein the grounds and specifics being appealed.
 - (b) Any person desiring to appeal any final decision or determination by the City Council hereunder must do so in accordance with Colorado Rule of Civil Procedure 106(a)(4).
24. 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.
25. 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 the City's municipal court or district court for Mesa County for appropriate civil, 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.
26. REMEDIES. The remedies herein provided shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

INTRODUCED for FIRST READING and PUBLICATION this 4th day of June, 2003.

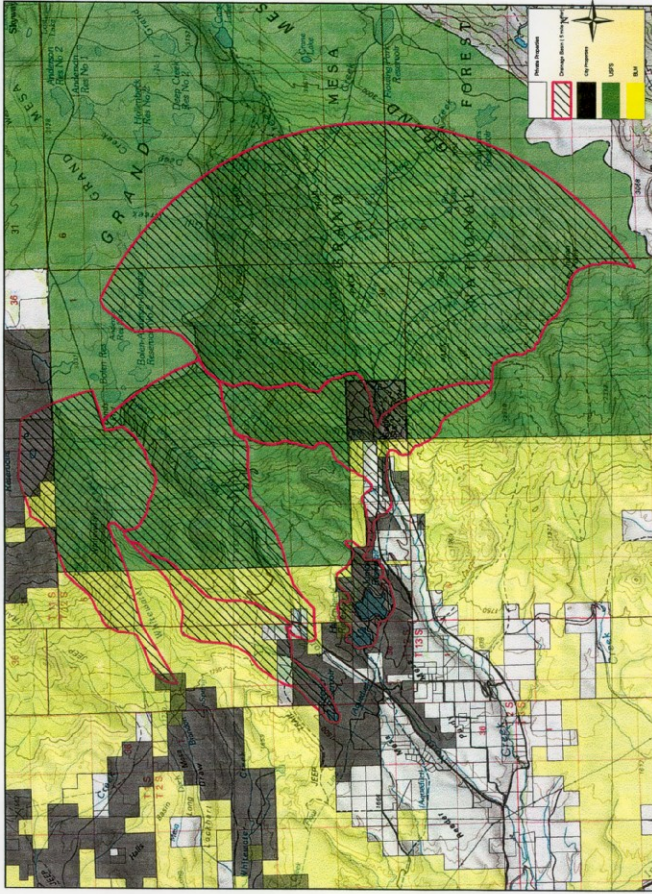
PASSED on SECOND READING this _____ day of _____, 2003.

ATTEST:

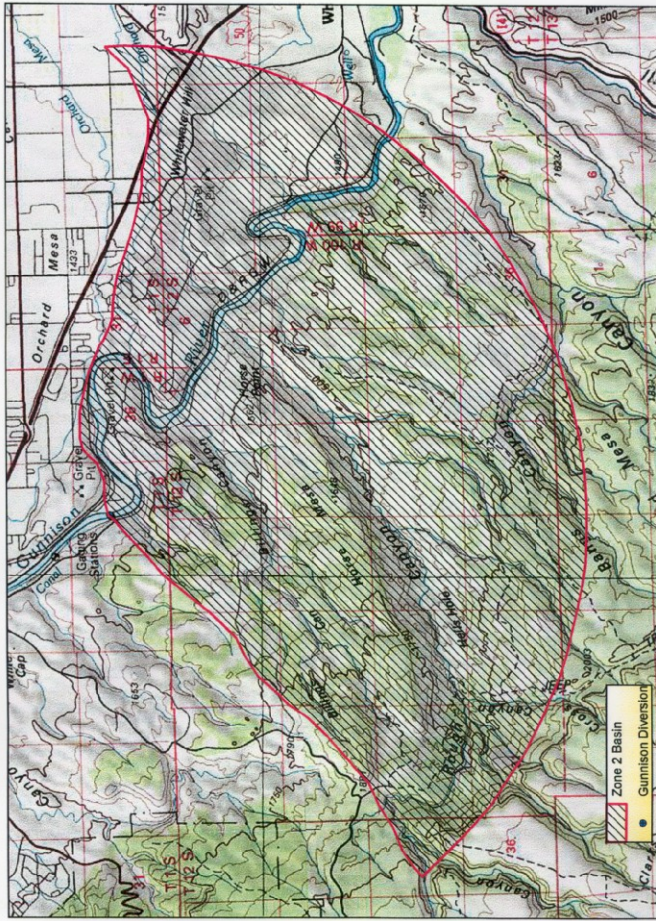
City Clerk

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

