

**GRAND JUNCTION CITY COUNCIL  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
AGENDA**

**MONDAY, JUNE 16, 2003, 7:30 P.M.**

**\*\*\* PLEASE NOTE DAY OF MEETING \*\*\***

**CALL TO ORDER**

Pledge of Allegiance  
Invocation - Pastor Galen Daly, Extended Arms Four Square  
Church

**SCHEDULED CITIZEN COMMENTS**

**\* \* \* CONSENT CALENDAR \* \* \***

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

*Action: Approve the Summary of the June 2, 2003 Workshop and the Minutes of the June 4, 2003 Regular Meeting*

2. **Vacation of Utility Easement – Located between 1710 & 1720 Ptarmigan Ridge Circle** [File #VE-2003-054] [Attach 2](#)

The petitioners wish to vacate a 20' wide Utility Easement located between Lots 12 & 13, Block 2, Ptarmigan Ridge North (14.03' on Lot 12 & 5.97' on Lot 13). In order for the petitioners, Gary and Ann Cox, to sell the property (Lot 12, Block 2) and for the new owners to obtain a clear title, the existing utility easement located along the southwesterly property line needs to be vacated as the existing house is situated over this easement. The only utility within the existing easement was a sanitary sewer line. A new utility easement was dedicated by separate instrument and filed at the Mesa County Courthouse to show the new easement and rerouted sanitary sewer location which is now located to the northeast of the present home.

Resolution No. 51-03 - A Resolution Vacating a 20' Wide Utility Easement Lying within Lots 12 & 13, Block 2, Ptarmigan Ridge North Known as 1710 and 1720 Ptarmigan Ridge Circle

*Action: Adopt Resolution No. 51-03*

Staff presentation: Scott D. Peterson, Associate Planner

3. **Vacation of Easement – Cimarron Mesa Filing One Located at SW Corner of Linden Avenue and B ½ Road** [File #VE-2002-205] [Attach 3](#)

The applicant proposes to vacate a 20' water line easement, which was put in place for a 24" City of Grand Junction water line. The water line location is not in the easement. The Planning Commission recommended approval on June 10, 2003, making the Findings of Fact/Conclusion identified in the staff report.

Resolution No. 52-03 – A Resolution Vacating a Water Line Easement in Conjunction with Filing One of Cimarron Mesa Located at the SW Corner of Linden Avenue and B 1/2 Road

*Action: Adopt Resolution No. 52-03*

Staff presentation: Ronnie Edwards, Associate Planner

4. **Setting a Hearing – Zoning the O'Connor Annexation, Located at 511 31 Road** [File # ANX-2003-068] [Attach 4](#)

The O'Connor Annexation is comprised of one parcel of land on 1.3121 acres located at 511 31 Road. The petitioner is requesting a zone of Residential Single Family with a density not to exceed four units per acre (RSF-4), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its June 10, 2003 meeting.

Proposed Ordinance Zoning the O'Connor Annexation to Residential Single Family with a Density not to Exceed Four Units per Acre (RSF-4) Located at 511 31 Road

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

Staff presentation: Ronnie Edwards, Associate Planner

5. **Setting a Hearing – Rezoning 653 Young Street** [File # RZ-2003-070] [Attach 5](#)

Request to rezone 653 Young Street, comprised of 1.252 acres, from RSF-1 (Residential Single Family with a density not to exceed 1 du/ac) to RSF-2 (Residential Single Family with a density not to exceed 2 du/ac). Planning

Commission recommended approval of the rezoning at its June 10, 2003 meeting.

Proposed Ordinance Zoning a Parcel of Land Located at 653 Young Street

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

Staff presentation: Ronnie Edwards, Associate Planner

6. **Setting a Hearing – Zoning Rold Annexation Located at 524 30 Road** [File # ANX-2003-080] [Attach 6](#)

The Rold Annexation consists of one parcel of land on approximately .7998 acres. The requested zoning for the property is C-1 (Light Commercial). The physical address for the property is 524 30 Road. The Planning Commission reviewed the requested zoning on June 10, 2003 and recommended approval.

Proposed Ordinance Zoning the Rold Annexation to C-1 (Light Commercial) Located at 524 30 Road

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

Staff presentation: Senta Costello, Associate Planner

7. **Setting a Hearing – Carville Annexation Located at 2675 Highway 50** [File # ANX-2003-116] [Attach 7](#)

Resolution for Referral of Petition to Annex/First Reading of the Annexation ordinance/exercising land use jurisdiction immediately for the Carville Annexation located at 2675 Hwy 50. The 19.93 acre Carville Annexation is an annexation consisting of one parcel of land.

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

Resolution No. 53-03 – 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, Carville Annexation Located at 2675 Hwy 50

\*Action: Adopt Resolution No. 53-03

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Carville Annexation, Approximately 19.93 Acres Located at 2675 Hwy 50

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for August 6, 2003

Staff presentation: Senta Costello, Associate Planner

8. **Setting a Hearing – Westgate Free Will Baptist Church Annexation No. 1 and 2 Located at 2155 Broadway** [File # ANX-2003-114] [Attach 8](#)

Westgate Free Will Church Annexation, a serial annexation comprised of 4.5373 acres, located at 2155 Broadway, has presented a petition for annexation. This is the proposed future site of the Redlands Fire Station #5. The applicants request approval of the Resolution referring the annexation petition, first reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately and set a public hearing for August 6, 2003.

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

Resolution No. 54-03 – 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, Westgate Free Will Baptist Church Annexation Located at 2155 Broadway

\*Action: Adopt Resolution No. 54-03

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Westgate Free Will Baptist Church Annexation No. 1 Approximately 0.79078 Acres Located Within a Portion of Broadway (Highway 340) Right-of-way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Westgate Free Will Baptist Church Annexation No. 2 Approximately 3.7466 Acres Located at 2155 Broadway

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for August 6, 2003

Staff presentation: Lori V. Bowers, Senior Planner

9. **Setting a Hearing – Marchun Annexations No. 1 and No. 2 Located at 2925 F ½ Road** [File #ANX-2003-093] [Attach 9](#)

The 20.4584 acre Marchun Annexation #1 and #2 is a serial annexation located at 2925 F ½ Road. The applicant is requesting annexation into the City and a zone district of RMF-5, Residential Multi-family not to exceed 5 units per acre.

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

Resolution No. 55-03 – 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, Marchun Annexations No. 1 and No. 2 Located at 2925 F ½ Road and Including a Portion of the F ½ Road Right-of-way

\*Action: Adopt Resolution No. 55-03

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Marchun Annexation No. 1, Approximately 15.1496 Acres Located at 2925 F ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Marchun Annexation No. 2, Approximately 5.3088 Acres Located at 2925 F ½ Road and Including a Portion of the F ½ Road ROW

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for August 6, 2003

Staff presentation: Lisa Cox, Senior Planner

10. **Mesa State College Police Services Contract** [Attach 10](#)

This request is for Council to approve the annual contract with Mesa State College for police services that are provided by the Grand Junction Police

Department. The request is essentially a renewal process of the City's annual agreement with Mesa State College.

*Action: Authorize the City Manager to Sign the Contract with Mesa State College for Police Services for 2003-2004.*

Staff presentation: Greg Morrison, Chief of Police

11. **Memorandum of Understanding with CDOT for Video Equipment** [Attach 11](#)

Approval and signing of a Memorandum of Understanding between CDOT and the City of Grand Junction for provision of a Panasonic video switcher to the City as part of the State's traveler information system.

*Action: Authorize the Mayor to Sign the Memorandum of Understanding with CDOT*

Staff presentation: Tim Moore, Public Works Manager

12. **Asphaltic Road Material (Road Oil or Emulsions)** [Attach 12](#)

The purchase of asphaltic road material, (road oil or emulsions), required for the City chip seal projects for the year 2003. It is estimated that 568 tons of HFMS-2P, 4 tons of AE-P, and 199,374 tons of SS-1 50% dilute road oil or emulsion materials will be required.

*Action: Authorize the Purchase of Asphaltic Road Materials on an As Needed Basis Not to Exceed the Budgeted Amount of \$134,000.00 for the Year 2003 Utilizing the State of Colorado CDOT Contract.*

Staff presentation: Mark Relph, Public Works and Utilities Director

13. **Work Order/Infrastructure Management System** [Attach 13](#)

The Public Works and Utilities Department is in need of a work order and asset management system. RFPs were recently received and reviewed by the Public Works and Utilities Committee. The Committee's recommendation is to purchase the GBA Master Series, Inc. system for \$313,040.00.

*Action: Authorize 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*

Staff presentation: Mark Relph, Public Works and Utilities Director

14. **Amendment to the Ridges Taxing Areas** [Attach 14](#)

The request is to move the remaining seven parcels from the Ridges Metropolitan District Tax Area #2 to Tax Area #1.

Resolution No. 56-03 - A Resolution Amending the Property Description of the Ridges Metropolitan District Taxing Areas

*Action: Adopt Resolution No. 56-03*

Staff presentation: Ron Lappi, Administrative Services Director

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

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

15. **Bid Approval - 25 ½ Road Drainage Improvements Phase I** [Attach 15](#)

Bids were received and opened on June 3, 2003. BT Construction, Inc. submitted the low bid in the amount of \$437,500.00. The project will bore two crossings, each 280 feet in length, across I-70B for the installation of twin 60-inch diameter steel drain pipes. These pipes will connect the outlet at West Lake Pond to twin 66 inch diameter concrete drain pipes that cross Rimrock Market Place.

*Action: Authorize the City Manager to Execute a Construction Contract for the 25 ½ Road Drainage Improvements Phase I, to BT Construction in the Amount of \$437,500.00*

Staff presentation: Mark Relph, Public Works and Utilities Director

16. **Purchase Property for the Redlands Fire Station** [Attach 16](#)

The City has entered into a contract to purchase the property at 2155 Broadway from the Westgate Free Will Baptist Church. The property will be the location of the new Redlands Fire Station (City Fire Station No. 5).

Resolution No. 57-03 – A Resolution Authorizing the Purchase of Real Property Located at 2155 Broadway for use as a City Fire Station

*\*Action: Adopt Resolution No. 57-03*

Staff presentation: Mark Relph, Public Works and Utilities Director

17. **Public Hearing – CDBG 2003 Action Plan** [Attach 17](#)

City Council will consider final adoption of the 2003 Program Year Action Plan. This annual plan is required by the Department of Housing and Urban Development (HUD) for the use of CDBG funds. The Action Plan includes the CDBG projects for the 2003 Program Year City Council approved for funding on May 21, 2003.

Resolution No. 58-03 – A Resolution Adopting the 2003 Program Year Action Plan as a Part of the City of Grand Junction's 2001 Five-Year Consolidated Plan for the Grand Junction Community Development Block Grant (CDBG) Program

*\*Action: Adopt Resolution No. 58-03*

Staff presentation: David Thornton, Principal Planner

18. **Public Hearing – Smoking in Public Places** [Attach 18](#)

A proposal to prohibit smoking in public places is to be considered. Public input will be taken.

Ordinance No. 3535 – An Ordinance Prohibiting Smoking in Workplaces and Public Places in the City of Grand Junction

*\*Action: Adopt Ordinance No. 3535 on Second Reading*

Staff presentation: Dan Wilson, City Attorney

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



20. **OTHER BUSINESS**

21. **ADJOURNMENT**

Attach 1

Minutes of Previous Meetings, June 2, 2003 Workshop and July 4, 2003 Regular Meeting

**GRAND JUNCTION  
CITY COUNCIL WORKSHOP**

**June 2, 2003**

The City Council of the City of Grand Junction, Colorado met on Monday, June 2, 2003 at 7:03 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Jim Spehar.

**Summaries and action on the following topics:**

1. **STRATEGIC PLAN UPDATE:** City Manager Kelly Arnold referred the Council to the May section of their book. Regarding Sufficient Transportation, the bonding question will be discussed at the retreat. On Open and Beautiful Spaces, the committee has been taking public input and will soon have some sites identified. For the Responsible Young Citizens solution, Mr. Arnold sent the new school district superintendent the notes on this project and Assistant Manager Varley is coordinating with the School District to stay true to getting this done by the end of August. From the Housing Authority, page 15, is a list of the different services that are available. On Vital Neighborhoods, the meetings scheduled, and one item for discussion will be the police department roles with youth.

**Action summary:** The Council accepted the update on the Strategic Plan.

2. **VOLUNTEER BOARDS AND COMMISSIONS:** The City Council requested a change in the policy on appointments to volunteer boards and commissions. There are also several boards needing appointments.

City Clerk Stephanie Tuin asked for feedback from the Council on the proposed changes to the policy.

**Action summary:** The Council changed some of the wording (changed traits and trades to skills and expertise) and asked that "Staff contact" be deleted.

The Council then scheduled June 24<sup>th</sup> for interviews of the Airport Authority and Parks and Recreation and June 26<sup>th</sup> for the Downtown Development Authority.

3. **CITIZEN SURVEY:** Dr. Jerry Moorman, from Mesa State College, presented the results of this recently completed survey. Assistant City Manager David Varley introduced Dr. Moorman and explained how the survey was conducted.

Dr. Moorman explained the methodology, the degree of accuracy and the software used for the compilation of the results. He then went through each question and how each response was broken down by age, gender and zip code. The City was overwhelmingly above average in almost every category. He then reviewed the demographics of the respondents.

City Manager Arnold stated another perspective is that the questionnaire is real broad based versus the quality of life survey which was very specific.

Councilmember Palmer inquired where the comments received were compiled. Dr. Moorman said they have been provided to Staff but cautioned Council's use of the comments. Such comments only represent the thoughts of one person. Dr. Moorman commended the Council for asking the citizens for their opinions on the City and services.

Councilmember Enos-Martinez inquired about Council's direction to have a question about the City Council. Mr. Arnold said that it was decided that question would be included in a more policy focused questionnaire.

Mr. Arnold said he will use this survey in his deliberations on the various programs for the budget process. He noted particular areas that need attention and those that have improved. He lauded the employees and their customer service and noted that has been the focus of employee training tracks this last year.

**Action summary:** City Manager Arnold asked Council to review the survey and consider the results over the next few months as the City moves into budget season.

A recess was called at 9:05 p.m. The Council was back in session at 9:13 p.m.

4. **COMMUNITY DEVELOPMENT WORK PLAN:** Community Development Director Bob Blanchard presented the proposed work plan for this department. He went through a list of items slated for the years 2003, 2004 and 2005. The City Manager asked that the Pear Park plan be

moved up on the calendar. Councilmember Kirtland asked that the Patterson corridor be moved up, perhaps incorporating it with the studies of 1<sup>st</sup>, 7<sup>th</sup> and 12<sup>th</sup> Streets. Councilmember Kirtland asked that Planning Commissioners be included in the discussions on implementation of the infill /redevelopment policy.

**Action summary:** The following priorities were identified:

- Implementation of the Infill/redevelopment has been started with the consultant.
- The historic survey is in process. The grant has been applied for and the results of the survey will be used for the Code revisions on historic structures in 2003.
- Revisions to the Code regarding telecommunications and landscaping were identified as high priority by Councilmember Enos-Martinez.

Council President Spehar suggested that the sign code revision be given a low priority. Community Development Director Blanchard agreed to let that wait until the next Code update.

City Manager Arnold stated that if the list for 2003 is acceptable, Staff will start bringing items to Council for scheduling. Council agreed.

The meeting adjourned at 9:50 p.m.

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

**JUNE 4, 2003**

The City Council of the City of Grand Junction convened into regular session on the 4<sup>th</sup> day of June 2003, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, and President of the Council Jim Spehar. Councilmember Gregg Palmer 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 McCurry led in the pledge of allegiance. The audience remained standing for the invocation by Reverend Michael Torphy, Religious Science Church of Grand Junction.

**SCHEDULED CITIZEN COMMENTS**

There were none.

**COUNCILMEMBER COMMENTS – CITIZENS SURVEY OUTCOME AND CUSTOMER SERVICE**

Councilmember Bruce Hill referred to the recent survey that was conducted by the Bureau of Economic and Business Research at Mesa State College. He noted the high and increased results of the Citizen Survey and the increase in the rating on customer service questions. He said he wanted to take the opportunity to correlate the increase in customer service directly to the increase in the service ratings. He then thanked the City employees for a job well done and encouraged that those efforts continue.

**CONSENT CALENDAR**

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

**1. Minutes of Previous Meetings**

*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]

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, 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

Proposed 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

Proposed 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

Proposed 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

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

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

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*

**4. Sole Source Purchase of Asphalt Testing Equipment**

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*

**5. Homeland Security Overtime Grant**

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*

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

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

Mark Relph, Public Works & Utilities Director, reviewed the two requests for award of bids.

Council President Spehar asked if the City had used the trenchless technology before. Mr. Relph responded affirmatively.

Mr. Relph said the second contract is for the annual street overlay in various areas within the City's transportation system.

Councilmember Kirtland noted that there were no local bidders on the sewer rehab project. Mr. Relph stated that is true and two companies that submitted bids do this type of technology.



**a. 2003 Sewer Interceptor Rehabilitations**

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.

**b. 2003 Asphalt Overlays Project**

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.

Councilmember Kirtland moved to:

- a. Authorize the City Manager to execute a construction contract for the 2003 Sewer Interceptor Rehabilitations to Western Slope Utilities for \$528,858.00, and
- b. Authorize the City Manager to execute a construction contract for the 2003 Asphalt Overlay Project to Elam Construction, Inc. for \$1,054,700.40.

Councilmember McCurry seconded the motion. Motion carried.

**Riverside Parkway Access to Highway 50 – 1601 Process**

The proposed Riverside Parkway will connect to 5<sup>th</sup> 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 5<sup>th</sup> 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.

Mark Relph, Public Works & Utilities Director, reviewed this item. He explained the purpose of the letter and noted that the process does not commit the City to construct the project.

Councilmember Kirtland asked Mr. Relph for clarification and if other alternatives are still being considered.

Mr. Relph said yes, this is still part of the planning process.

Councilmember Hill added that other alternatives will be considered during the 1601 process, and that if another alternative would be designated by CDOT as the best alternative, the City would not be committed to build that alternative either. Mr. Relph concurred but also said the City will be involved in the process, and the Public Works Department believes the alternative recommended will be the best alternative at the end of the process.

Council President Spehar asked about the project's costs. Mr. Relph replied that the City would make an effort to refine the cost estimate of \$1.5 million and to incorporate, if possible, much of what has already been done. He said a consultant would be hired to help in that refinement.

Lastly, Mr. Relph advised Council that a request would be made to include the Federal Highway Commission in case federal funding is considered later, and the City then would not have to restart the process.

Councilmember Hill moved to authorize the Mayor to sign a letter to the Department of Transportation and the local Transportation Planning Region Office requesting the initiation of the PD 1601 Review for the 5<sup>th</sup> Street crossing of the Riverside Parkway, and include the Federal Highway Commission. Councilmember Enos-Martinez seconded the motion. Motion carried.

### **Setting a Hearing on Smoking in Public Places Ordinance**

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.

City Attorney Dan Wilson reviewed the current ordinance being considered by City Council. He explained 90 percent of the proposed ordinance was drafted after the model provided by the American Cancer Society and the Health Agencies. He said the difference is this ordinance allows smoking in a physically separated area in eating establishments and bingo halls. He said the new ordinance does require a separate smoke-free area in those establishments. He said freestanding bars could still allow smoking; in bowling alleys, a separated smoking area would be allowed.

Mr. Wilson explained that nobody under the age of 18 would be allowed in smoking areas. He pointed out that the requirement would affect mainly the bingo halls because a number of youth organizations do their fundraising at the bingo halls, and therefore would ban smoking in the bingo hall when kids are working there.

He said another variation in the ordinance would allow late night smoking in non-smoking establishments if opted by the owner.

Mr. Wilson informed Council that the current ordinance includes the following: "If there are three or more employees, and if one employee requests a smoke-free environment, the employer must provide it." He said the new proposed ordinance does not include that provision but that provision can be incorporated. He said another alternative is to prohibit smoking in all workplaces.

Councilmember Enos-Martinez asked who enforces the ordinance. Mr. Wilson replied either the Police or Code Enforcement. Councilmember Enos-Martinez inquired if Code Enforcement works at night. City Manager Arnold said not at present but Staff has been meeting to discuss that situation operationally.

Councilmember Hill inquired as to the cost of implementing the ordinance. Mr. Wilson said in the past, the City has had great compliance. He said with the current discussions taking place, the City has received only a few complaints. He said he doesn't anticipate a problem since the law is clear.

Mr. Arnold said there have been more complaints since the recent attention to this subject and Staff has spent some time on it. He said he anticipates a slight increase in complaints if the new ordinance is adopted and he felt it would level out shortly thereafter.

Councilmember Butler asked if there have been complaints about smoking in bingo halls. City Attorney Wilson did not know of specific complaints but had information from the students and their concerns about second-hand smoke while doing their fundraising at the bingo halls. Council President Spehar said he too has experienced the situation and heard the same complaint.

Councilmember Kirtland asked if a restaurant can designate a smoking area after a certain time rather than just open the whole facility to smoking. City Attorney Wilson said that could certainly be an added change to the proposal.

Mr. Wilson added that the late hours end at 2 a.m. to coincide with liquor licenses but extending the hours until 5 a.m. might be more appropriate when applied to Village Inn and places like that.

Councilmember Kirtland asked about a "no retaliation clause". Mr. Wilson said the current ordinance does not include such a provision but the new ordinance does. He discussed that those cases might be hard to prove and where it might get the City in the middle of an employee/employer relationship (dispute). He said this no retaliation provision could be included with wording that would keep the City out of the civil process.

Council President Spehar asked the City Attorney to outline the law currently in effect in Grand Junction. Mr. Wilson said the City does have a no-smoking law and it says if an establishment has over thirty seats, the owner can designate a no-smoking area if the owner wants to allow smoking. He pointed out that another provision is the workplace rule mentioned earlier. Small restaurants (under 30 seats) are not regulated.

Councilmember Hill asked how the City's ordinance would be affected by a statewide smoking ban. Mr. Wilson answered that it depends on how the legislature passes the law – if it is of “statewide concern”. He said it could be found to be only of “local concern” by the Supreme Court. He said if the law was statewide, the City's law would be overridden by the State law. He said on the other hand, if the City's law is more restrictive than the State law, then the City's law is the rule unless the State law specifies otherwise.

Council President Spehar next listed Council's options: a) do nothing, b) accept and adopt any one of the options, or c) refer one of the options to the ballot. Mr. Wilson agreed and said another initiative could also come forward.

Councilmember Hill said doing nothing would also keep the current ordinance in place and would let Council consider adding to the existing ordinance.

Councilmember Enos-Martinez said she is okay with going forward and with scheduling a public hearing, but she wanted to point out that this does not mean she supports the current proposal.

Councilmember Butler suggested Council move forward with Ordinance Alternative No. 1, the more restrictive version.

Councilmember Kirtland supported moving forward with Ordinance Alternative No. 2, but removing the provision regarding no retaliation.

Councilmember Hill said he wanted to remind everyone not to lose sight of the fact that the City already has a smoking ordinance in place. He said he received letters from the American Cancer Society and the American Lung Association and they strongly urge Council to postpone the First Reading of the ordinance.

Councilmember Hill made a motion not to move forward. The motion died for lack of a second.

Council President Spehar said the letters also support Ordinance Alternative No.1; and if Council is going forward with Ordinance Alternative No. 2, to keep the workplace provision, which is included in the current (ordinance) law. He said he is uncomfortable with the proposed time restrictions, and he was persuaded by many health

organizations to provide the opportunity to hear public comments. He suggested Council either make changes tonight or wait for public comment.

Councilmember Kirtland suggested that Council wait, and said he agrees with Councilmember Enos-Martinez that this might not be what it comes out to be, but to start with Ordinance Alternative No. 2 or No. 2b.

Councilmember Hill agreed for the need of a starting point and suggested using the existing ordinance.

Council President Spehar inquired about the difference between Ordinance Alternative No. 2a and 2b.

Mr. Wilson explained Ordinance Alternative 2b includes the late night provision, excludes minors from smoking areas, and allows patio smoking. He said he needed to know if Council wanted the workplace provision included and then he can add it to Ordinance Alternative 2b, or take the workplace provision from Ordinance Alternative No. 1. Mr. Wilson said the model ordinance (#1) has good definitions and he would like to import those into the current ordinance.

Council President Spehar polled Council.

Councilmember McCurry suggested keeping the existing ordinance.

Councilmember Butler said he prefers Ordinance Alternative No. 2b.

Councilmember Enos Martinez said she agrees with Councilmember Butler and to use Ordinance Alternative No. 2b as a starting point.

Councilmember Kirtland also favored Ordinance Alternative No. 2b.

Council President Spehar said he liked the employee protection provision.

Councilmember Enos Martinez said she agrees with Council President Spehar and to keep the employee protection provision.

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

Councilmember Hill moved to start with the existing ordinance for discussion. Motion failed due to lack of a second.

Councilmember Kirtland moved to adopt Proposed Ordinance Alternative No. 2b including the employee protection provision on First Reading and set a Hearing for June 16, 2003. Councilmember McCurry seconded the motion. Councilmember Enos-Martinez said that she is supporting the public comment hearing, but not necessarily the ordinance itself. Motion carried with Councilmember Hill voting NO.

City Manager Arnold asked Council about the process to be used for the public hearing and if it would be part of the regular meeting. He wanted to know if Council wanted to establish parameters such as sign in sheets, time limitations, start time, and coordinate testimony. He also suggested that Council request speakers limit all testimony to three minutes and ask them not to repeat previous testimony.

**Setting a Hearing on 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.

City Attorney Wilson gave an activity overview since the last meeting and of the comments received. He said there were some very good suggestions since the solicitation of comments. He said ranchers are asking what the problem is, and asking for expansion of domestic uses to include the current situation. He said government agencies want to piggyback on the current process and that outfitters are included in the new ordinance. He said if a permit is supplied, then the City would follow along with the permit process. If the City sees a problem, it would then send a letter to the applicant. He said in 90 to 95 percent of the time, the existing terms will work. Ranchers thought the provisions were confusing in the layout so he has rearranged the provisions to make the ordinance more user-friendly.

He then went through various scenarios where the City could intervene and the instances where a situation would be brought before Council. He said for the most part, the City would rely on the systems already in place.

Next Mr. Wilson described the incorporation of more objective criteria into the ordinance as follows:

Page 14, 8(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.

Page 16, 9(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.

Mr. Wilson said anyone can ask for a waiver and it would be at the discretion of City Staff. The applicant then has the option to bring it before City Council for its review if he is not satisfied with the staff determination.

Page 17, 11(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.

Mr. Wilson said the paragraph mandates major impacts must come before Council.

Page 20, 15(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 fifty percent (150%) 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 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.

Mr. Wilson explained that the performance guarantee has been changed to 120 percent rather than 150 percent because the City's Zoning Code requires that 120 percent of the costs of the public infrastructure be posted, to ensure completion.

Page 24, 20(a), (b): 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 insured. 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.

Mr. Wilson reiterated the insurance requirements. Next he explained the appeals process as outlined in the proposed ordinance as follows on:

Page 25, 23 (a), (b): 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).

Councilmember Kirtland asked what enforcement there is and if Council can't say no.

Mr. Wilson said the City can't prohibit it the activity, that would be land use, but the City can regulate how the process is done, following best management practices. He said



there are remedies, three tools available: 1) criminal complaint in municipal court, 2) injunction hearing in municipal court, and 3) file action in district court.

Council President Spehar asked if that was the standard enforcement of an ordinance.

Mr. Wilson replied yes.

Councilmember Enos-Martinez asked what would happen if the City's regulation were ignored. Mr. Wilson said a ticket would be issued or there would be an injunction hearing at district court, and/or a cease and desist order would be issued.

Councilmember Hill referred to a Forest Service letter that stated the City couldn't acquire jurisdiction. Mr. Wilson conceded that point, and said the City does not attempt to do so. He said the City assumes the Federal Government will follow the federal rules and that will protect the City, but the City does have jurisdiction over private individuals.

Council President Spehar said it is not when the federal permit is being violated, as it stands today, the City is an outside participant in someone else's process; the ordinance allows the City to weigh in on how the activities affect the City's water quality. He said the City's comments and concerns with this ordinance would now be taken more seriously.

Council President Spehar used the Transcolorado pipeline situation to demonstrate how the Town of Palisade was able to affect the location of that pipeline because they had such an ordinance in place.

Councilmember Kirtland said in the past the City has been accused of being discretionary and not knowing what issues it wants to address, but this ordinance clarifies that.

Councilmember Enos Martinez asked if there have been serious issues brought up in regards to this issue, or did the City finally decide the protection was needed.

City Attorney Wilson said a bit of both applied. He said the activity in the watershed area has increased since this issue was first discussed, that there are more people, and that there are more oil and gas activities. He said these are all reasons that it's time for such an ordinance.

Councilmember Enos-Martinez questioned if there were any specific issues.

Mr. Wilson referred to the executive session discussion, and that there were disagreements.

Councilmember Hill referred to Zone 2 and said the zone includes the County Landfill, which is State regulated and the State is doing a good job. He asked if the landfill facility would be excluded.

City Attorney Wilson replied the City would just watch as long as the County was regulating the facility.

Councilmember Hill asked what would happen if there was any drilling.

Mr. Wilson said a new permit would be required for drilling. He said the safety for the City is that the City gets a copy of the permit, and if the City determines the State is not watching the activities, the City will send a letter to the driller.

Councilmember Hill wanted to know when the process would not work.

Mr. Wilson replied that with the State system in place, only in a case when not enough employees were available to do the inspections or the employee was not doing his job.

Councilmember Hill asked about Zone 3 and if Clifton water was connected to the City's water system. Mr. Wilson replied yes, Ute water is also connected to the City's water system.

Councilmember Hill asked about the ownership in Clifton. Mr. Wilson said the City helped build it and owns water rights.

Councilmember Hill asked if the City had water rights in Ute water. Mr. Wilson replied no. Councilmember Hill questioned why his water was not protected by this ordinance.

Council President Spehar said it was by statutory authority. Councilmember Hill asked how the City could get the protection and if it could be accomplished by buying shares. Mr. Wilson said if necessary, then yes.

Councilmember Kirtland said the spirit of the ordinance is to do this in a cooperative way, but some elements run counter to that.

City Attorney Wilson explained that a number of the ordinances say the Utility Manager would require necessary information, and just to give people an idea, he said in the last review, the City's consultant gave hydrological comments to the BLM and they were not considered. He said a remedy (casing) was suggested by the driller and the issue was resolved.

Councilmember Kirtland suggested that maybe the City should be conducting the hydrology report. Mr. Wilson said this was a philosophical question for Council, as is the burden on the party who is doing the activity.

Council President Spehar asked if Council is ready for the next step.

Councilmember Kirtland said many of the letters received have asked for time and for time to consider, not trying to run roughshod, and that he wanted plenty of time.

Council President Spehar said the first draft was released five weeks ago, and there are six more weeks before the public hearing, and that should give everyone adequate time.

Councilmember McCurry agreed and said it would give the public a chance to comment.

Councilmember Kirtland said Council always could make itself available for another discussion session.

Councilmember Butler said Council could have another conversation to be sure the connection was made before the first reading and maybe have an outside meeting.

Council President Spehar felt there already had been a fair amount of time spent without allowing input from the public.

Councilmember Enos-Martinez said all members of Council needed to be at any additional meetings.

Councilmember Hill agreed with Councilmember Butler to allow for more time outside the process, and said he is not in favor of moving forward with the first reading. He said Council made significant headway, and if the Federal Government is not taking care of the City's water, Council needed to fix that.

Council President Spehar said he is uncomfortable with not receiving comments from the general public, and it would be negligent to ignore this tool to protect the City's watershed. He said he agreed with strengthening other relationships, and that he was bothered that earlier comments may have been ignored. He felt that there might be many more alterations before the ordinance's adoption, but to use the process envisioned in the City's Charter to have a more open process.

Councilmember Enos-Martinez said she would like to hear from the landowners. Council President Spehar said this could be accomplished by private meetings, via letters, through Staff, or by inviting people to the public hearing.

Councilmember Hill said he would encourage that at first reading.

Councilmember Kirtland said something has to be proposed so the public can react and voice their comments.

Council President Spehar said there have been substantial changes made to the ordinance and it is time to advertise the public hearing.

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

Councilmember Enos-Martinez moved to adopt the proposed Ordinance on First Reading and set a hearing for July 16, 2003. Councilmember Kirtland seconded the motion. Motion carried with Councilmember Butler abstaining and Councilmember Hill voting NO.

After the meeting adjourned, Councilmember Butler amended his vote to NO.

### **NON-SCHEDULED CITIZENS & VISITORS**

There were none.

### **OTHER BUSINESS**

There was none.

### **ADJOURNMENT**

President of the Council Spehar called the meeting adjourned at 10:05 p.m.

Stephanie Tuin, MMC  
City Clerk

Attach 2

Vacation of Utility Easement – Located between 1710 and 1720 Ptarmigan Ridge Circle

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>							
<b>Subject</b>	Vacation of a 20' Utility Easement – Located between Lots 12 & 13, Block 2, Ptarmigan Ridge North, 1710 & 1720 Ptarmigan Ridge Circle						
<b>Meeting Date</b>	June 16, 2003						
<b>Date Prepared</b>	June 11, 2003				File #VE-2003-054		
<b>Author</b>	Scott D. Peterson		Associate Planner				
<b>Presenter Name</b>	Scott D. Peterson		Associate Planner				
<b>Report results back to Council</b>	X	No		Yes	When		
<b>Citizen Presentation</b>		Yes	X	No	Name		
	Workshop	X	<b>Formal Agenda</b>		X	Consent	<b>Individual Consideration</b>

**Summary:** The petitioners wish to vacate a 20' wide Utility Easement located between Lots 12 & 13, Block 2, Ptarmigan Ridge North (14.03' on Lot 12 & 5.97' on Lot 13). In order for the petitioners, Gary and Ann Cox, to sell the property (Lot 12, Block 2) and for the new owners to obtain a clear title, the existing utility easement located along the southwesterly property line needs to be vacated as the existing house is situated over this easement. The only utility within the existing easement was a sanitary sewer line. A new utility easement was dedicated by separate instrument and filed at the Mesa County Courthouse to show the new easement and rerouted sanitary sewer location which is now located to the northeast of the present home.

The original application submitted by the owners of Lot 12, Block 2, did not include the request to vacate the remaining 5.97' of the 20' Utility Easement that is located on Lot 13, Block 2. City staff felt that since the City would be recommending approval of the vacation of the 14.03' located on Lot 12, Block 2, we should also include that part of the utility easement located on the adjacent lot as part of the original application request rather than leaving a remnant piece. After working with Xcel Energy and the property owners, it was determined that

there were no utilities within that 5.97' located on the adjacent property and that it could also be vacated. The original application request and legal description was then amended to include this revised legal description so that the entire 20' of the utility easement could be vacated. The Planning Commission recommended approval at its June 10, 2003 meeting.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution vacating a 20' wide utility easement located between Lots 12 & 13, Block 2, Ptarmigan Ridge North, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

**Attachments:**

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

<b>BACKGROUND INFORMATION</b>			
<b>Location:</b>		<b>1710 &amp; 1720 Ptarmigan Ridge Circle</b>	
<b>Applicants:</b>		<b>Gary &amp; Ann Cox, Owners James &amp; Carole Smith, Owners</b>	
<b>Existing Land Use:</b>		<b>Single Family Home</b>	
<b>Proposed Land Use:</b>		<b>N/A</b>	
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Single Family Home</b>	
	<b>South</b>	<b>Single Family Home</b>	
	<b>East</b>	<b>Single Family Home</b>	
	<b>West</b>	<b>Single Family Home</b>	
<b>Existing Zoning:</b>		<b>PD</b>	
<b>Proposed Zoning:</b>		<b>N/A</b>	
<b>Surrounding Zoning:</b>	<b>North</b>	<b>PD</b>	
	<b>South</b>	<b>PD</b>	
	<b>East</b>	<b>PD</b>	
	<b>West</b>	<b>PD</b>	
<b>Growth Plan Designation:</b>		<b>Residential Medium/Low (2-4 DU/Acre)</b>	
<b>Zoning within density range?</b>	N/A	Yes	No

**Staff Analysis:** The petitioners, Gary & Ann Cox, wish to sell their property located at 1710 Ptarmigan Ridge Circle. When they went to sell the property last year, they discovered through a title search that the existing home is currently situated over a portion of the 20' Utility Easement located along the southwest property line of Lot 12, Block 2, which they were unaware of until this time and that the new potential owners could not obtain a clear title. The only utility in this

existing easement was a sanitary sewer line. The petitioners did contract with a private contractor and rerouted a new sanitary sewer line to the northeast of the home and thus abandoning the prior sewer line within the easement. A new utility easement dedication was filed at the Mesa County Courthouse showing the new easement dedication to the northeast of the current home.

The home was approved for construction in 1994 and received a Planning Clearance from the City at the time which showed the house at its current location on the lot. However the building contractor and City staff did not notice that there was a 14.03' Utility Easement located along the southwest property line of Lot 12, directly where a portion of the house was going to be constructed.

**Consistency with the Growth Plan:**

The site is currently zoned PD, Planned Development with the Growth Plan Future Land Use Map showing this area as Residential Medium Low (2 - 4 DU/Acre).

**Section 2.11 C. of the Zoning and Development Code:**

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

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

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

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

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

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

Access will not be restricted.



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

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

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

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Zoning & Development Code as the existing sewer line has been rerouted on the property and a new easement has been dedicated with this request. No adverse comments were received from the utility review agencies.

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

Maintenance requirements to the City will not change as a result of the proposed vacation, as a new sewer line has been rerouted on the property and a new easement dedicated.

#### **FINDINGS OF FACT/CONCLUSIONS:**

After reviewing the Cox/Smith application, VE-2003-054 for the vacation of a 20' utility easement, the Planning Commission at their June 10, 2003 meeting made the following findings of fact and conclusions:

1. The requested 20' utility easement vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

**Action Requested/Recommendation:** Approval of the Resolution vacating the 20' Utility Easement located between Lots 12 & 13, Block 2, Ptarmigan Ridge North, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning and Development Code.

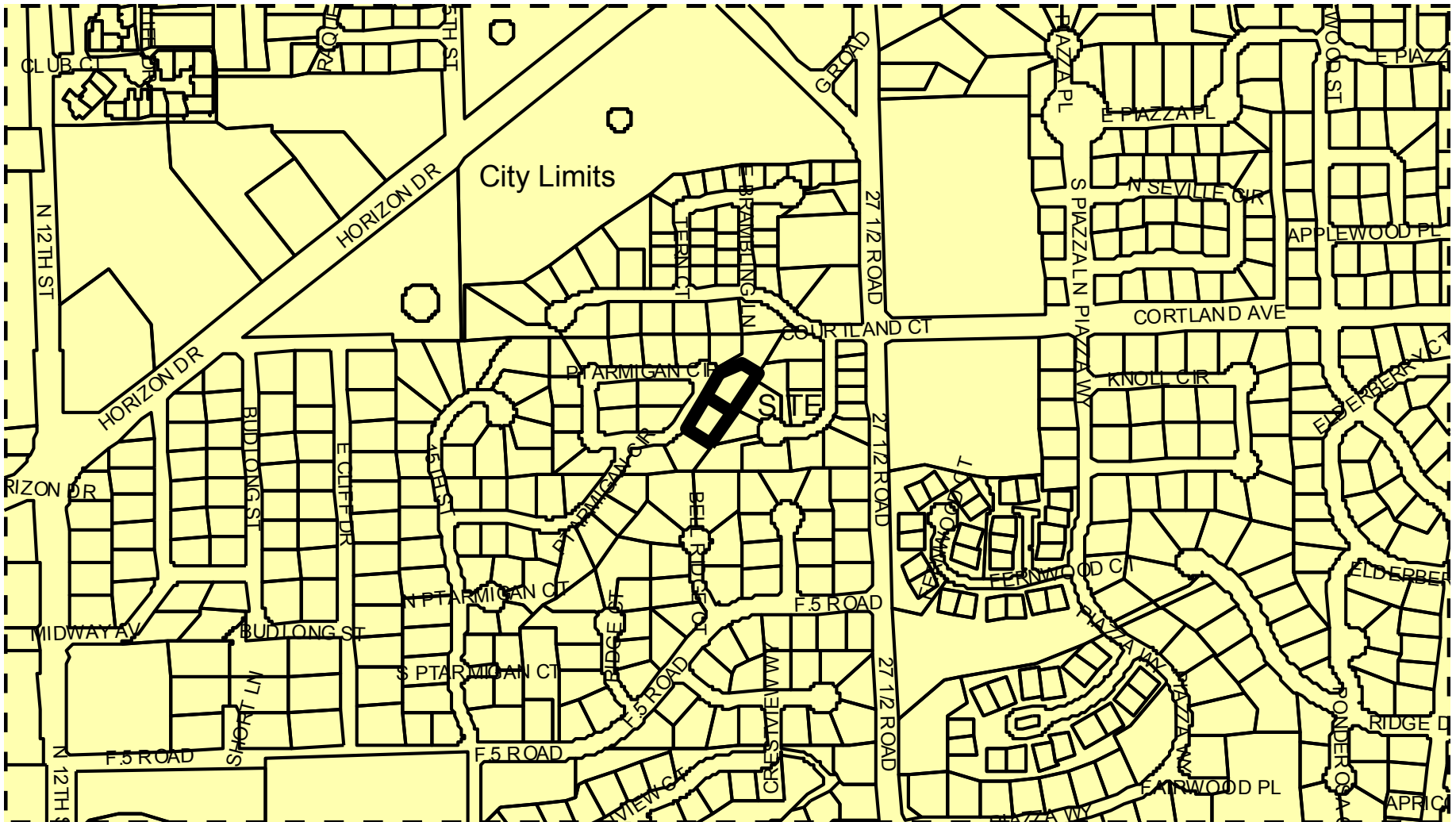
#### **Attachments:**

1. Site Location Map

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

# Site Location Map – Easement Vacation

Figure 1



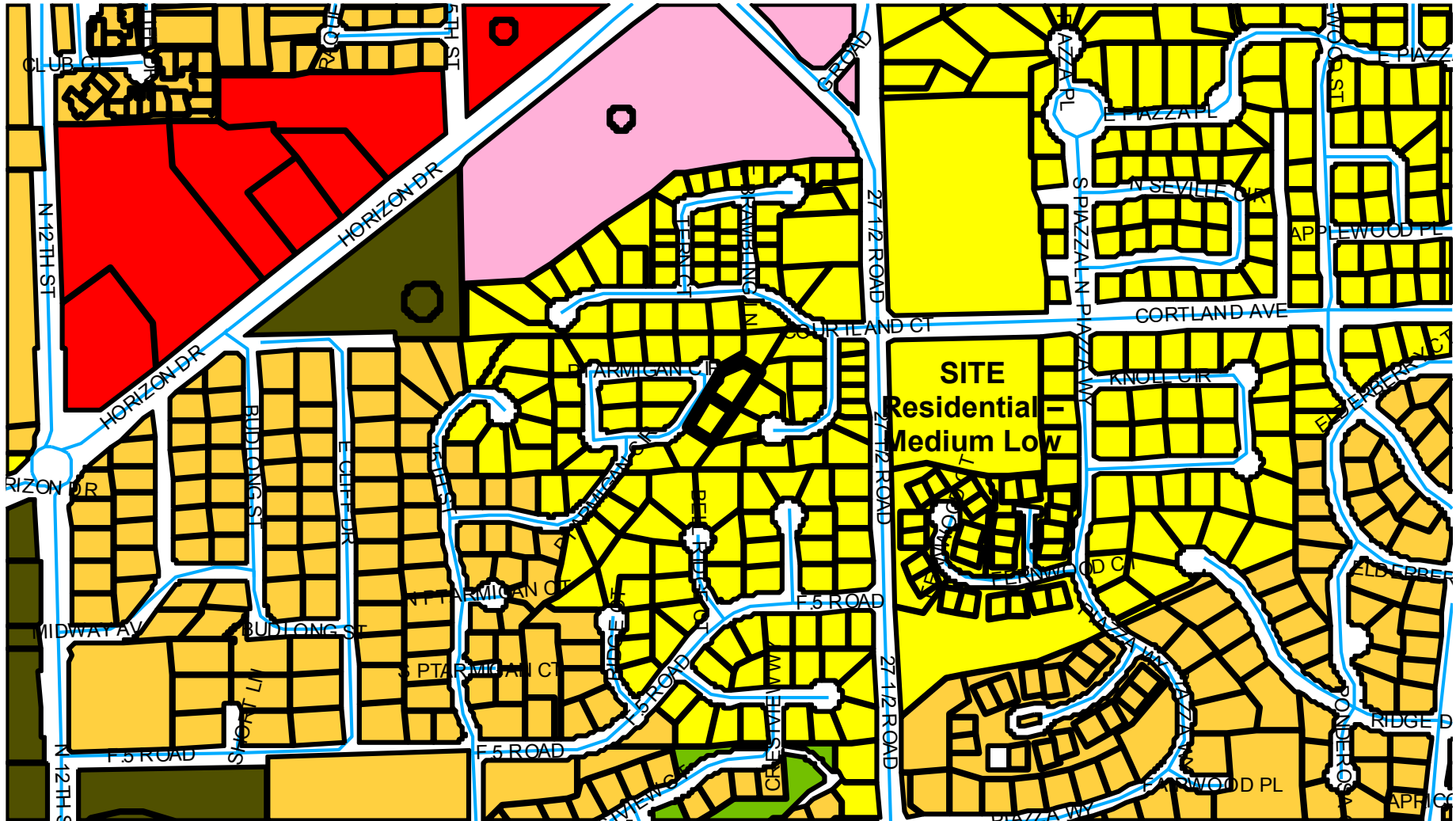
# Aerial Photo Map – Easement Vacation

Figure 2



# Future Land Use Map – Easement Vacation

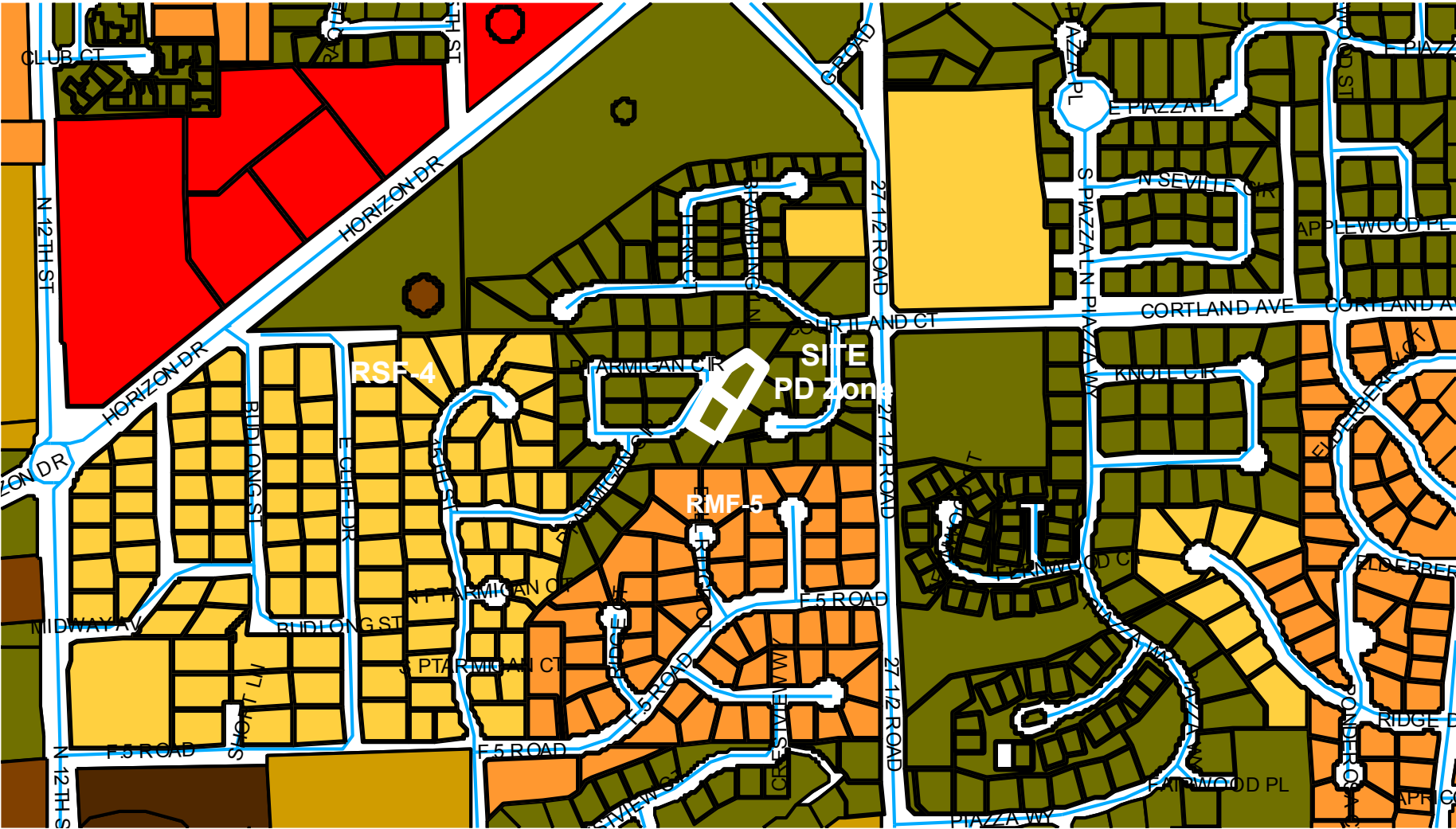
Figure 3





# Existing City Zoning – Easement Vacation

Figure 4



**CITY OF GRAND JUNCTION**

**Resolution No. \_\_\_\_\_**

A RESOLUTION VACATING A 20' WIDE UTILITY EASEMENT LYING WITHIN LOTS  
12 & 13, BLOCK 2, PTARMIGAN RIDGE NORTH  
KNOWN AS: 1710 AND 1720 PTARMIGAN RIDGE CIRCLE

RECITALS:

The applicants propose to vacate a 20' wide Utility Easement located between Lots 12 & 13, Block 2, that is no longer needed due to the relocation of a sanitary sewer line and the filing of a new 20' Utility Easement within Lot 12, Block 2, Ptarmigan Ridge North.

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

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

1. The following described utility easement is hereby vacated:

A certain 20.00 foot wide Utility Easement lying in the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section 1, Township 1 South, Range 1 West of the Ute Meridian, State of Colorado, County of Mesa, City of Grand Junction, being more particularly described as follows:

That certain 20.00 foot Utility Easement lying within Lots 12 and 13, Block 2, Plat of Ptarmigan Ridge North, as same is recorded in Plat Book 14, Pages 231 and 232, Public Records of Mesa County, Colorado, lying Westerly of the 15 foot Easement adjacent to the South line of said Lots 12 and 13, Easterly of the 14 foot Multi-Purpose Easement adjacent to the West line of said Lots 12 and 13, lying 14.03 feet within said Lot 12 and 5.97 feet within said Lot 13.

See attached Exhibit A.



PASSED and ADOPTED this 16<sup>th</sup> day of June, 2003.

ATTEST:

\_\_\_\_\_  
City Clerk

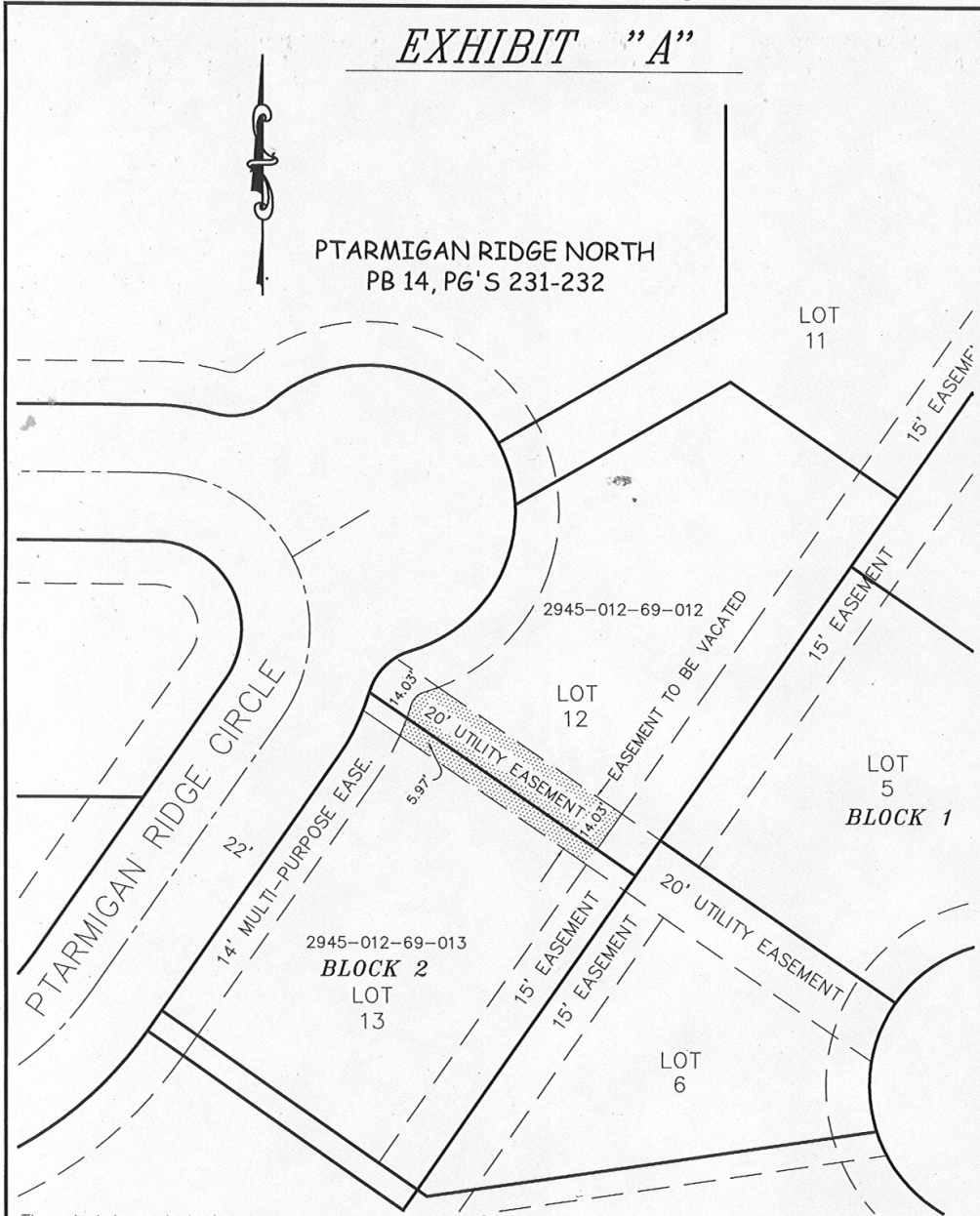
\_\_\_\_\_  
President of City Council



# EXHIBIT "A"



PTARMIGAN RIDGE NORTH  
PB 14, PG'S 231-232



The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: P.I.K.  
DATE: 05-22-2003  
SCALE: 1" = 40'  
APPR. BY: JW  
FILE NO: PTAR.DWG

1710 AND 1720 PTARMIGAN RIDGE CIRCLE

2945-012-69-012  
AND  
2945-012-69-013

**DEPARTMENT OF PUBLIC WORKS**  
REAL ESTATE DIVISION  
**CITY OF GRAND JUNCTION**



Attach 3

Vacation of Easement Cimarron Mesa Filing One Located at the SW Corner of Linden Avenue and B ½ Road

**CITY COUNCIL AGENDA  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Vacation of Utility Easement – Cimarron Mesa Filing One							
<b>Meeting Date</b>		June 16, 2003							
<b>Date Prepared</b>		May 13, 2003					<b>File #VE-2002-205</b>		
<b>Author</b>		Ronnie Edwards			Associate Planner				
<b>Presenter Name</b>		Ronnie Edwards			Associate Planner				
<b>Report results back to Council</b>		X	No		Yes	When			
<b>Citizen Presentation</b>			Yes	X	No	Name			
	Workshop	X	<b>Formal Agenda</b>			X	Consent	<b>Individual Consideration</b>	

**Summary:** The applicant proposes to vacate a 20' water line easement, which was put in place for a 24" City of Grand Junction water line. The water line location is not in the easement. The Planning Commission recommended approval on June 10, 2003, making the Findings of Fact/Conclusion identified in the staff report.

**Budget:** N/A

**Action Requested/Recommendation:** Approve the resolution vacating the water line easement.

**Attachments:**

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map

4. Existing City and County Zoning Map
5. Resolution with exhibit map

**Background Information:** See attached

<b>BACKGROUND INFORMATION</b>					
<b>Location:</b>		<b><i>SW corner of Linden Avenue and B 1/2 Rd</i></b>			
<b>Applicants:</b>		Darren Davidson			
<b>Existing Land Use:</b>		<b><i>Vacant</i></b>			
<b>Proposed Land Use:</b>		<b><i>54 single family residential lots</i></b>			
Surrounding Land Use:	North	<b><i>Vacant &amp; Dos Rios Elementary School</i></b>			
	South	<b><i>Low density residential</i></b>			
	East	Medium & Low density residential			
	West	<b><i>Vacant</i></b>			
<b>Existing Zoning:</b>		RSF-4			
<b>Proposed Zoning:</b>		<b><i>RSF-4</i></b>			
Surrounding Zoning:	North	<b><i>City &amp; County RSF-4</i></b>			
	South	City RSF-2			
	East	City RMF-16 & County RSF-4			
	West	City CSR & County RSF-4			
<b>Growth Plan Designation:</b>		Residential Medium Low (2 – 4 du/ac)			
<b>Zoning within density range?</b>		<b>X</b>	Yes		No

PROJECT DESCRIPTION: Applicant is requesting approval to vacate a 20' water line easement which was put in place for a 24" City of Grand Junction water line.

ANALYSIS:

1. Background:

The Zone of Annexation and Preliminary Plan for Cimarron Mesa Subdivision was approved by Planning Commission on February 19, 2002. The subdivision consists of 32 acres and is proposed to be developed in two phases. Within the first phase is an existing easement, which was created for a City of Grand Junction water line. The easement is in error as it is not located on the actual water line. A new 30' wide easement will be created in the proper location with the recording of the proposed Filing One.

2. Consistency with the Growth Plan:

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

The petitioner is working with service providers and Staff by developing a new easement, which will be formed with the recordation of the subdivision phase and correcting the location of a water line easement.

3. Section 2.11.c of the Zoning and Development Code:

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

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

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

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

No parcel becomes landlocked with this vacation.

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

Access to any parcel is not restricted.

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

There are no adverse impacts to the general community. The quality of public facilities and services provided is not reduced due to this vacation.

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

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

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

**Proposal provides a benefit to the City by correcting the location of the easement to coincide with the actual water line placement.**

#### FINDINGS OF FACT/CONCLUSIONS:

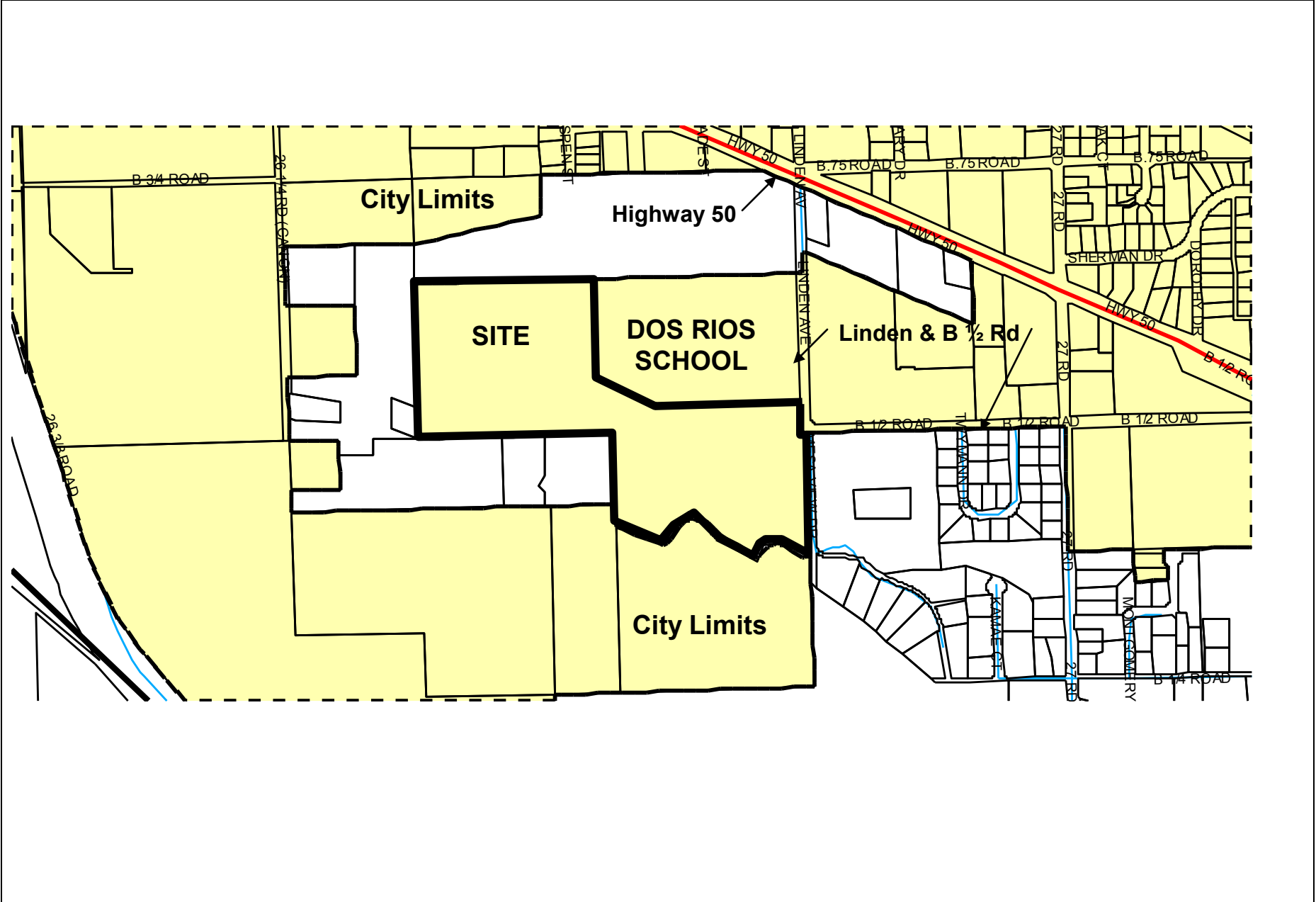
After reviewing the easement vacation application, VE-2002-205, City Council makes the following findings of fact and conclusions:

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



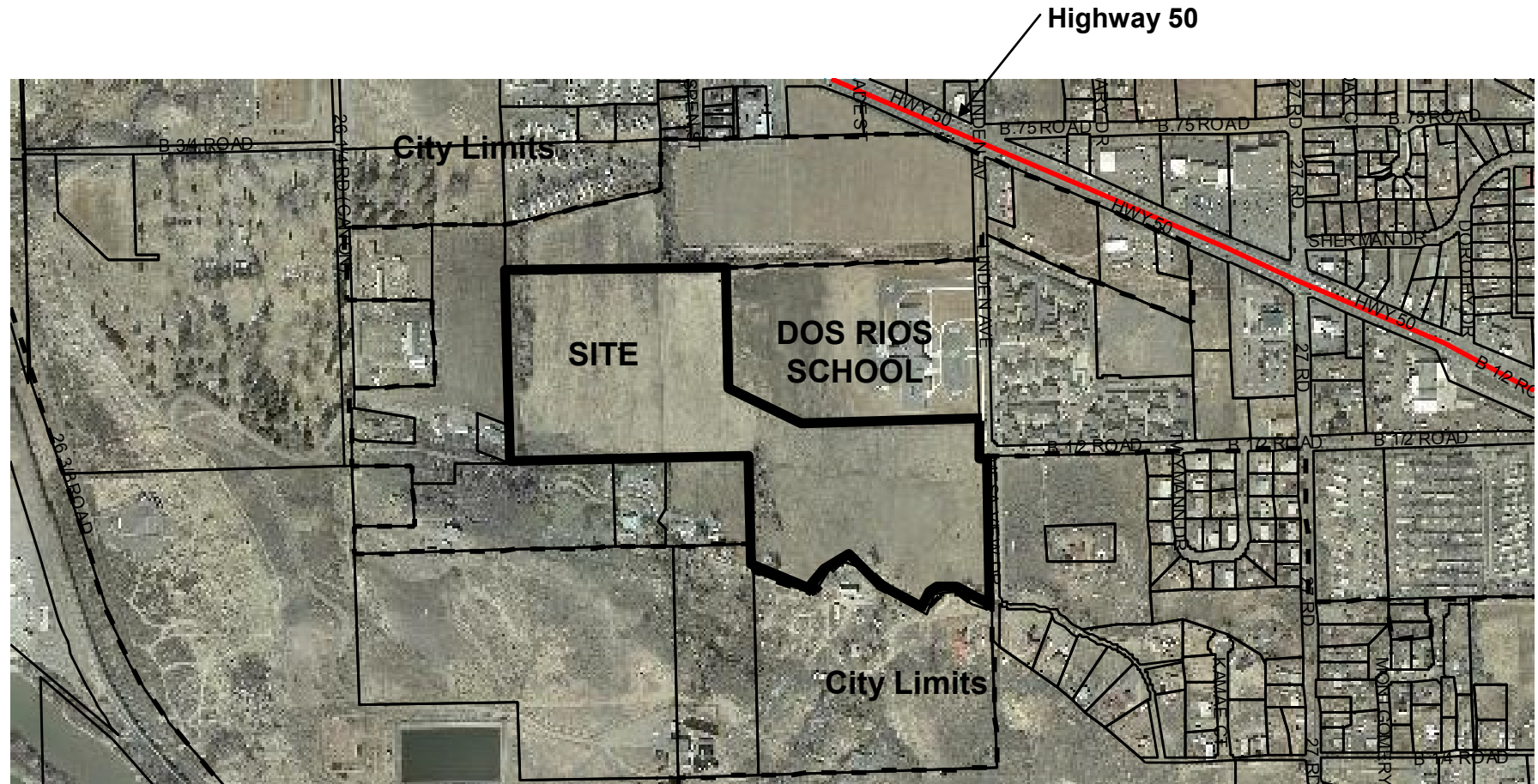
# Site Location Map

Figure 1



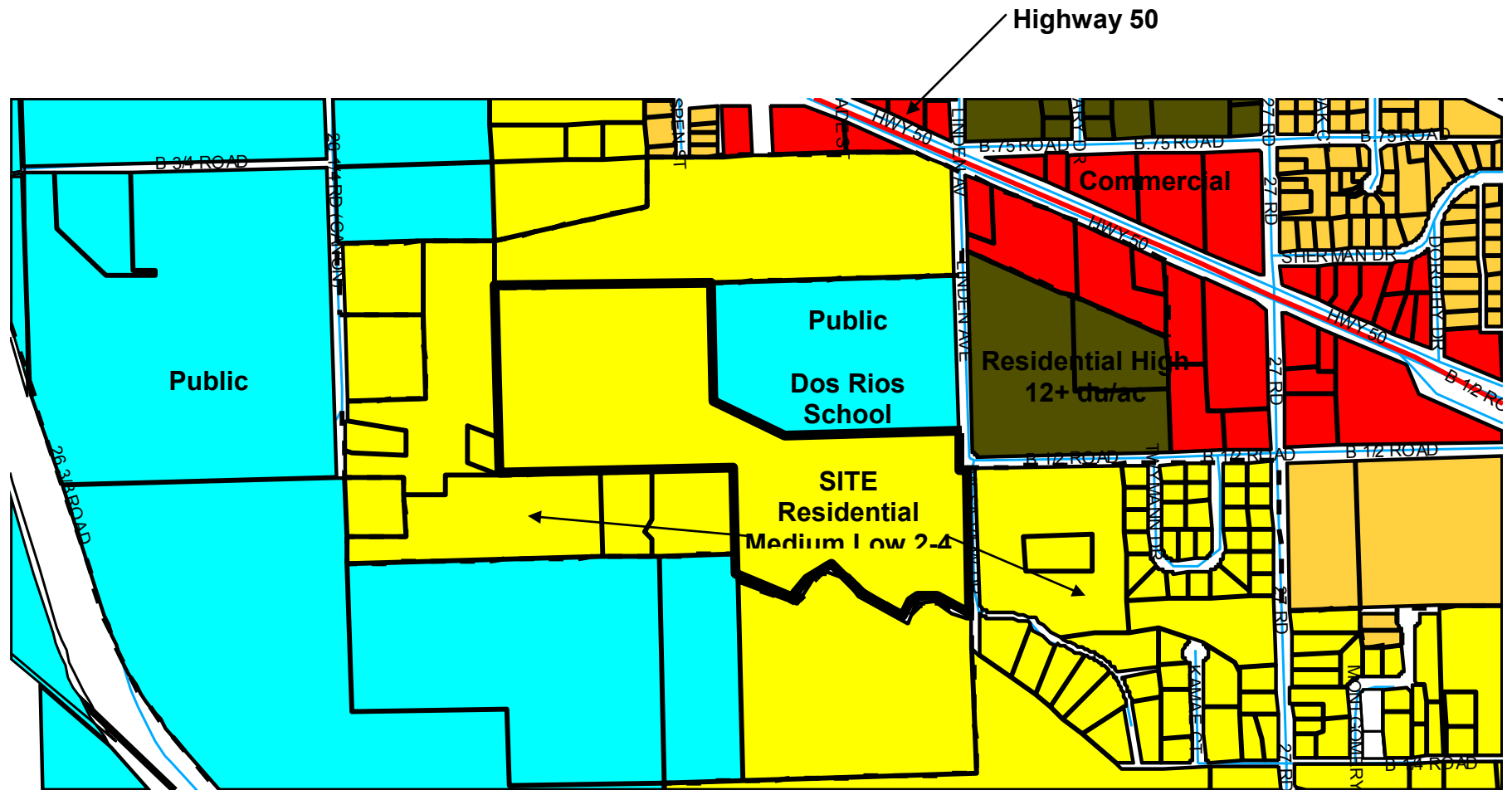
# Aerial Photo Map

Figure 2



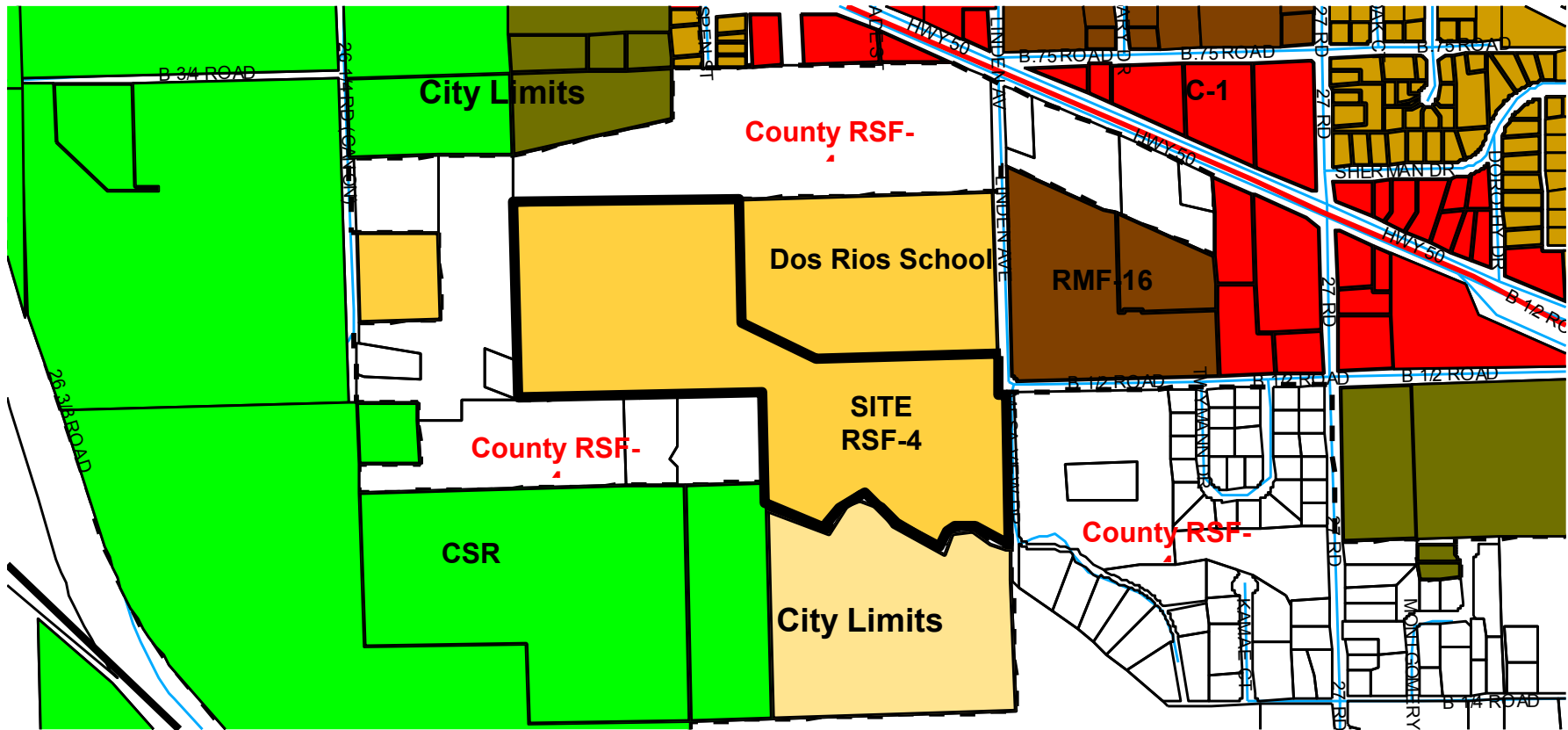
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



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





**CITY OF GRAND JUNCTION**

**Resolution No. \_\_\_\_\_**

**A RESOLUTION VACATING A WATER LINE EASEMENT IN  
CONJUNCTION WITH FILING ONE OF CIMARRON MESA  
LOCATED AT THE SW CORNER OF LINDEN AVENUE AND B 1/2 ROAD**

RECITALS:

In conjunction with a request to develop Cimarron Mesa Filing One, the applicant proposes to vacate a 20' water line easement described in Book 931 Page 102. The 20' easement crosses proposed Lot 6 and Sheene Road of the future subdivision.

At its May 27, 2003 hearing the Planning Commission found that the request to vacate the easement conforms to the review criteria as set forth in Section 2.11.C of the Code and recommended approval.

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

City Council finds that the vacation meets the criteria set forth in Section 2.11.C of the Grand Junction Zoning and Development Code and in accordance therewith the following described water line easement is hereby vacated:

An easement described in Book 931 Page 102 of the Mesa County records crossing the proposed Lot 6 and Sheene Road of Cimarron Mesa Filing #1, as shown on the attached exhibit; said easement being more particularly described as follows:

Commencing at the C-E 1/16 corner of Section 26, T1S, R1W of the UM (being a Mesa County Survey Monument No. 1093) and when aligned with the C ¼ corner of said Section 26 (being a No. 6 Rebar and Cap PLS 16835) is recorded as bearing N89°36'24"W per the Miles Craig Subdivision plat as recorded in Plat Book 16 Page 38 of the Mesa County records and all bearings contained herein to be relative thereto; thence S00°06'59"E 378.07 feet; thence N89°38'59"W 30.00 feet to the point of beginning; thence N89°38'59"W 270.65 feet; thence S46°18'01"W 214.02 feet; thence S59°10'50"E 20.72 feet; thence N46°18'01"E 200.37 feet; thence S89°38'59"E 262.76 feet; thence N00°06'59"W 20.00 feet to the point of beginning, Mesa County, Colorado, said easement contains 0.22 acres more or less.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

ATTEST:

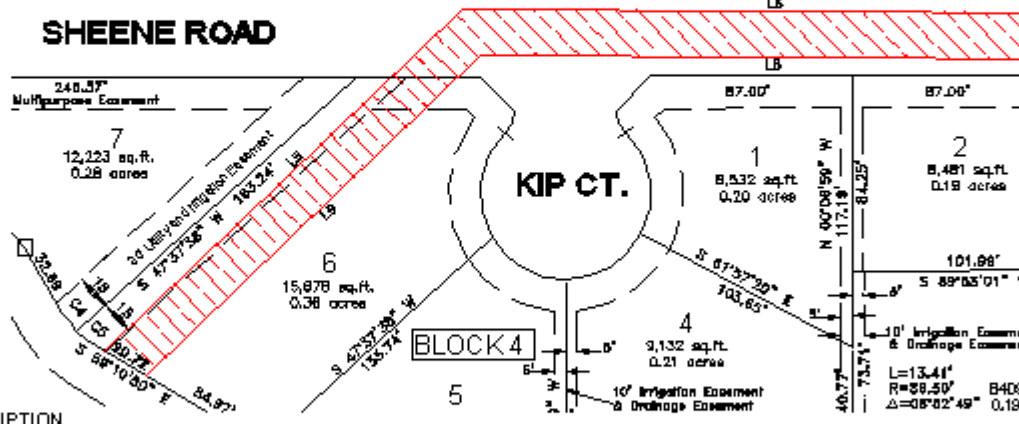
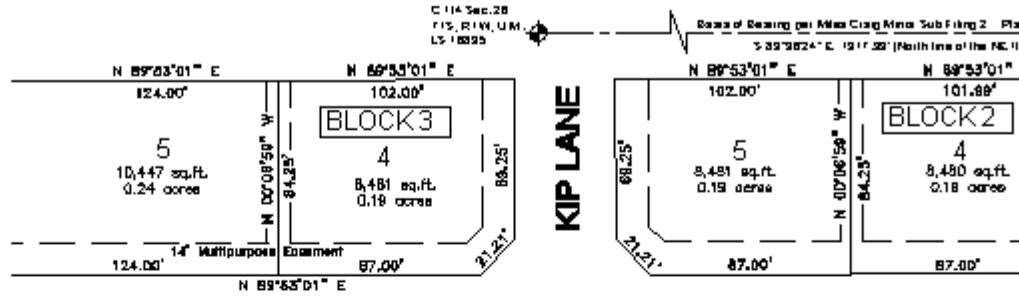
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of City Council

# EASEMENT VACATION EXHIBIT

LINE TABLE CITY WATER LINE EASEMENT

LINE	BEARING	DISTANCE
L5	S 46°18'01" W	214.02'
L6	N 89°38'59" W	270.65'
L7	N 00°06'59" W	19.94'
L8	S 89°38'59" E	262.76'
L9	N 46°18'01" E	200.37'



## EASEMENT VACATION DESCRIPTION

All that part of the City of Grand Junction Water Line Easement as described in Book 931 at Page 102 in the Mesa County Clerk and Recorder's Office to be vacated as follows:

Commencing at the C-E 1/16 corner of Section 26, T1S, R1W of the Ute Meridian (being a Mesa County Survey Monument No. 1093) and when aligned with the C 1/4 corner of said Section 26 ( being a No. 6 Rebar and Cap PLS 16835) is recorded as bearing N89°38'24"W per the Miles Craig Subdivision plat as recorded in Plat book No. 16 at Page 38 in the Mesa County Clerk and Recorder's Office and all bearings contained herein to be relative thereto; thence S00°06'59"E 378.07 feet; thence N89°38'59"W 30.00 feet to the point of beginning; thence N89°38'59"W 270.65 feet; thence S46°18'01"W 214.02 feet; thence S59°10'50"E 20.72 feet; thence N46°18'01"E 200.37 feet; thence S89°38'59" E 262.76 feet; thence N00°06'59"W 20.00 feet to the point of beginning, Mesa County, Colorado. Said easement contains 0.22 acres more or less.



**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>							
<b>Subject</b>		Zoning the O’Connor Annexation located at 511 31 Road					
<b>Meeting Date</b>		June 16, 2003					
<b>Date Prepared</b>		June 2, 2003			File #ANX-2003-068		
<b>Author</b>		Ronnie Edwards		Associate Planner			
<b>Presenter Name</b>		Ronnie Edwards		Associate Planner			
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
<b>Citizen Presentation</b>		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	Consent	<b>Individual Consideration</b>

**Summary:** The O’Connor Annexation is comprised of one parcel of land on 1.3121 acres located at 511 31 Road. The petitioner is requesting a zone of Residential Single Family with a density not to exceed four units per acre (RSF-4), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its June 10, 2003 meeting.

**Budget:** N/A

**Action Requested/Recommendation:** Approve on first reading the ordinance zoning the O’Connor Annexation and set a hearing for July 2, 2003.

**Attachments:**

- 7. Vicinity Map
- 8. Aerial Map
- 9. Growth Plan Map
- 10. Zoning Map
- 11. Annexation Map
- 12. Zoning Ordinance



<b>BACKGROUND INFORMATION</b>			
<b>Location:</b>		<b>511 31 Road</b>	
<b>Applicants:</b>		<b>Travis &amp; Nicole O'Connor</b>	
<b>Existing Land Use:</b>		<b>Residential Single Family</b>	
<b>Proposed Land Use:</b>		<b>Future Residential Single Family</b>	
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Residential Single Family</b>	
	<b>South</b>	<b>Residential Single Family</b>	
	<b>East</b>	<b>Pear Park Baptist Church</b>	
	<b>West</b>	<b>Residential Single Family</b>	
<b>Existing Zoning:</b>		<b>County RSF-4</b>	
<b>Proposed Zoning:</b>		<b>City RSF-4</b>	
<b>Surrounding Zoning:</b>	<b>North</b>	<b>County RSF-2</b>	
	<b>South</b>	<b>County RSF-4</b>	
	<b>East</b>	<b>County RSF-R</b>	
	<b>West</b>	<b>County RSF-4</b>	
<b>Growth Plan Designation:</b>		<b>Residential Medium (4 – 8 du/acre)</b>	
<b>Zoning within density range?</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ZONE OF ANNEXATION:**

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City’s Growth Plan Future Land Use Map. The proposed zoning of RSF-4 is equivalent to Mesa County zoning and conforms to the Future Land Use Map.

**RSF-4 ZONE DISTRICT**

- The RSF-4 does conform to the recommended future land use on the Growth Plan Future Land Use Map, which is currently designated as Residential Medium (4 – 8 du/ac) and is equivalent to existing County zoning.

- Zoning this annexation with the RSF-4 zone district meets the criteria found in Sections 2.14.F and 2.6 of the Grand Junction Zoning and Development Code.
- The subject property is surrounded by existing residential single family zoning and uses on parcels ranging from two to nine acres.

**ZONING AND DEVELOPMENT CODE CRITERIA:**

**Section 2.14.F:** “Land annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with the existing County zoning.”

**Section 2.6.A. Approval Criteria.** In order to maintain internal consistency between this Code and the Zoning Maps, map amendments and rezones must demonstrate conformance with all of the following criteria:

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

This change of zoning is the result of an annexation. Therefore, this criteria does not apply.

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

This change of zoning is the result of an annexation. Therefore, this criteria does not apply.

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

The proposed rezone to RSF-4 is at the lower end of the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criteria e, which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the RSF-4 zone district, therefore this criterion is met.

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

The proposed RSF-4 zone conforms with the Growth Plan and is equivalent to existing County zoning.

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

Adequate public facilities are currently available and can address the impacts of development consistent with the RSF-4 zone district. Right-of-way improvements will be required for any future proposed development.

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

This change of zoning is the result of annexation. Therefore, this criteria does not apply.

- g. The community or neighborhood will benefit from the proposed zone.

This change of zoning is the result of annexation. Therefore, this criteria does not apply.

<b>O'CONNOR ANNEXATION SUMMARY</b>		
<b>File Number:</b>	<b>ANX-2003-068</b>	
<b>Location:</b>	<b>511 31 Road</b>	
<b>Tax ID Number:</b>	<b>2943-094-00-094</b>	
<b>Parcels:</b>	<b>1</b>	
<b>Estimated Population:</b>	<b>2</b>	
<b># of Parcels (owner occupied):</b>	<b>1</b>	
<b># of Dwelling Units:</b>	<b>1</b>	
<b>Acres land annexed:</b>	<b>1.3121 acres for annexation area</b>	
<b>Developable Acres Remaining:</b>	<b>1.3121 acres</b>	
<b>Right-of-way in Annexation:</b>	<b>(See Map) E Road 2' strip for 500; 31 Road 2' strip for 700'</b>	
<b>Previous County Zoning:</b>	<b>RSF-4</b>	
<b>Proposed City Zoning:</b>	<b>RSF-4</b>	
<b>Current Land Use:</b>	<b>Single Family Residential</b>	
<b>Future Land Use:</b>	<b>Single Family Residential</b>	
<b>Values:</b>	<b>Assessed:</b>	<b>= \$ 7,510</b>



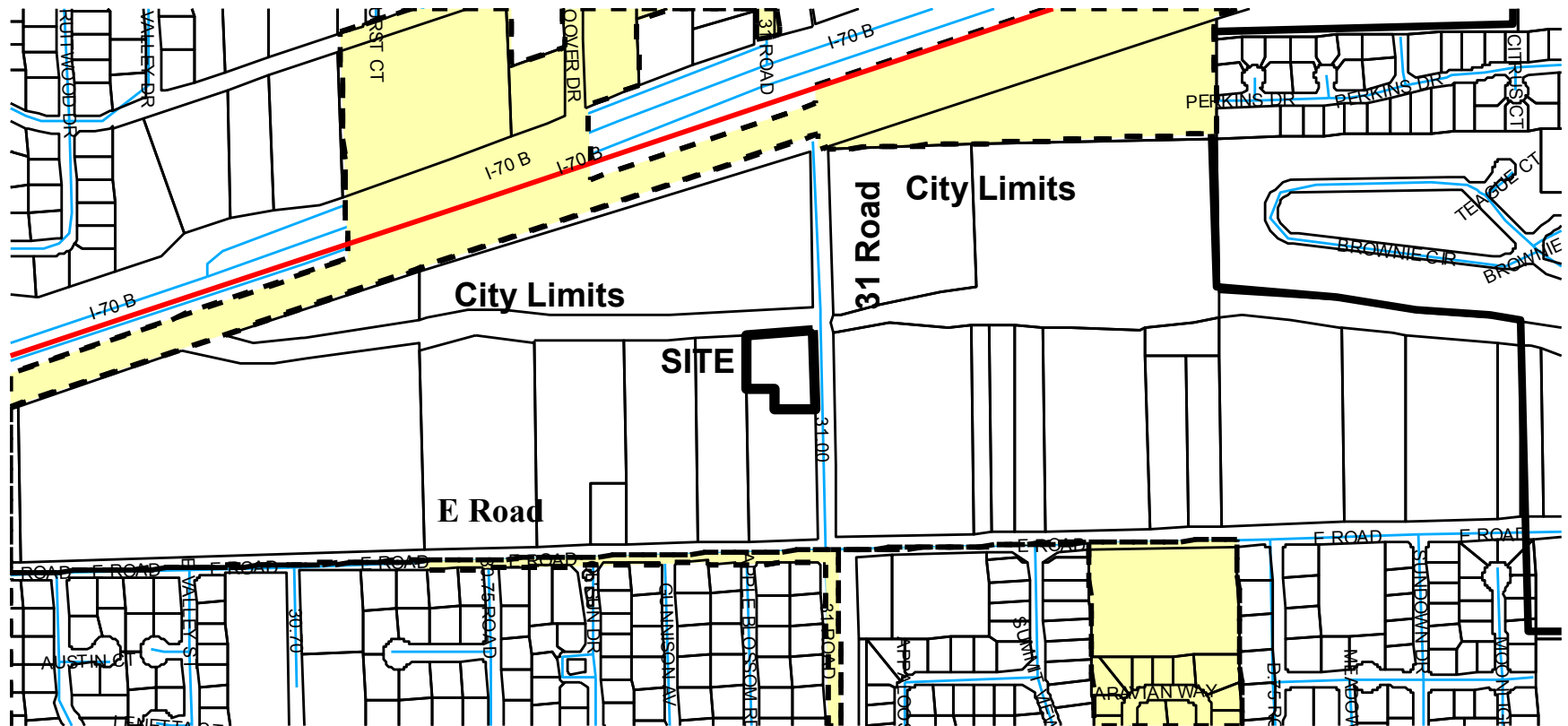
	<b>Actual:</b>	<b>= \$ 82,060</b>
<b>Address Ranges:</b>		<b>511 to 515 31 Road</b>
<b>Special Districts:</b>	<b>Water:</b>	<b>Clifton Water District</b>
	<b>Sewer:</b>	<b>Central Grand Valley Sanitation</b>
	<b>Fire:</b>	<b>Clifton Fire District</b>
	<b>Drainage:</b>	<b>Grand Junction Drainage District</b>
	<b>School:</b>	<b>District 51</b>
	<b>Pest:</b>	<b>Upper Pest Control District</b>

The following annexation and zoning schedule is being proposed.

<b><i>ANNEXATION SCHEDULE</i></b>	
<b>May 21, 2003</b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>June 10, 2003</b>	Planning Commission considers Zone of Annexation
<b>June 16, 2003</b>	First Reading on Zoning by City Council
<b>July 2, 2003</b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>August 3, 2003</b>	Effective date of Annexation and Zoning

# Site Location Map

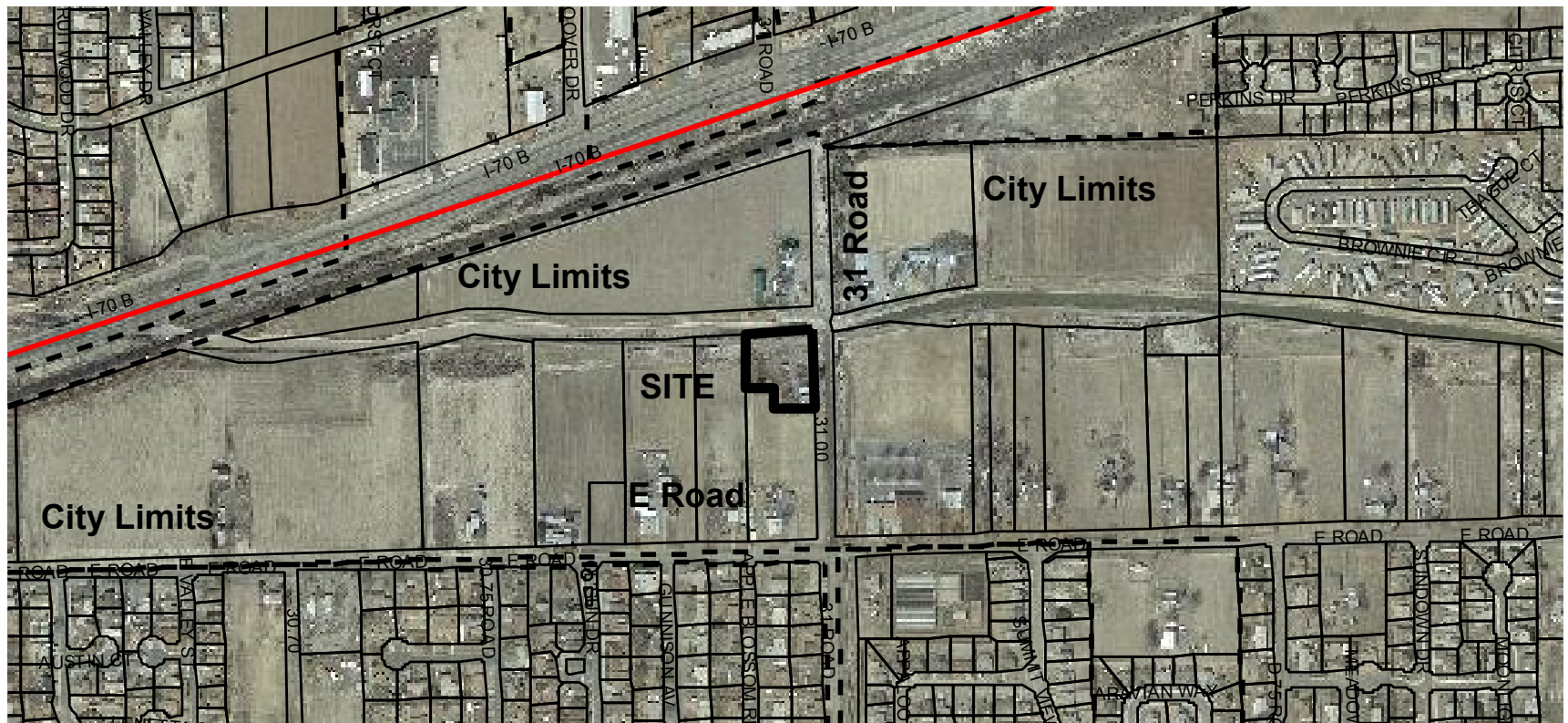
Figure 1





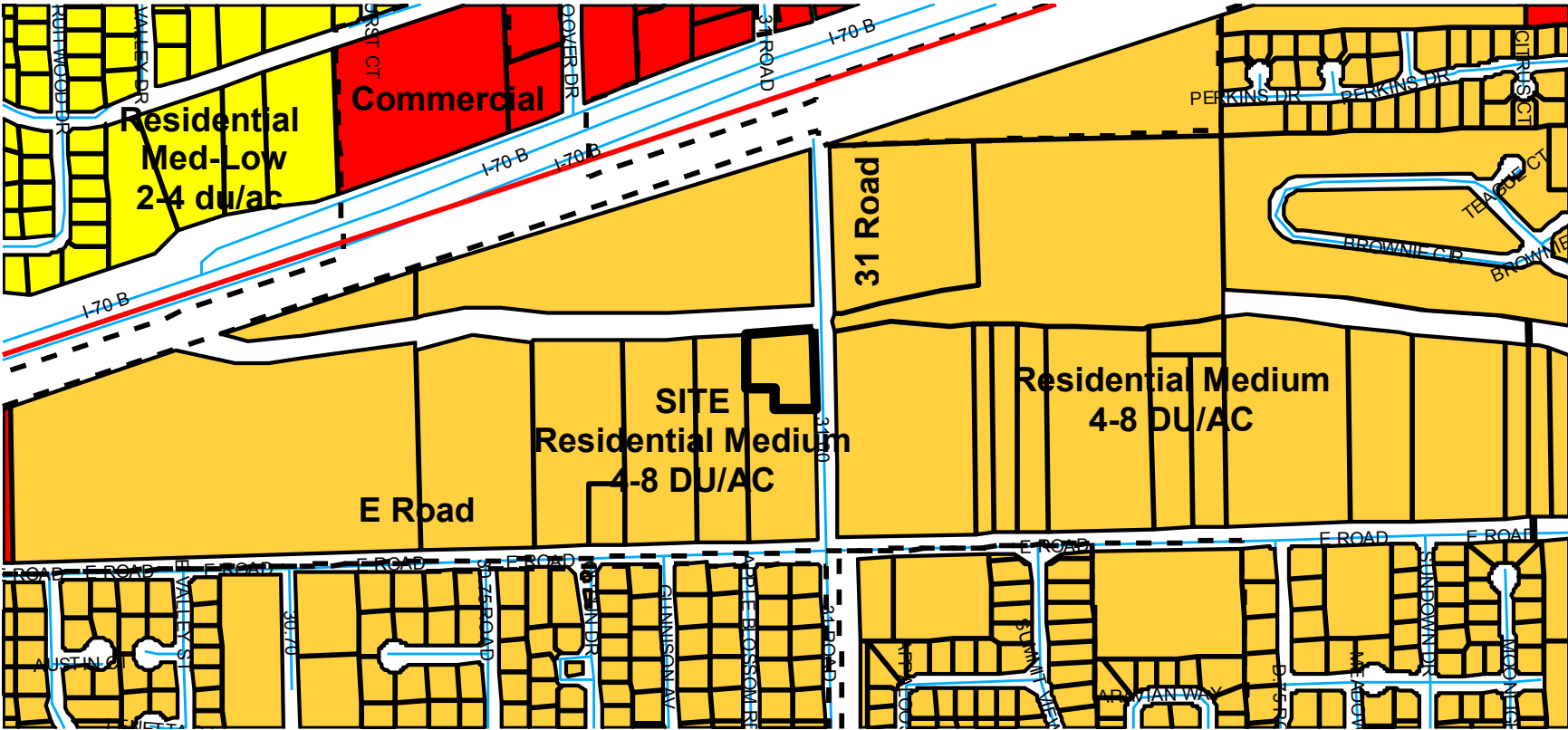
# Aerial Photo Map

Figure 2



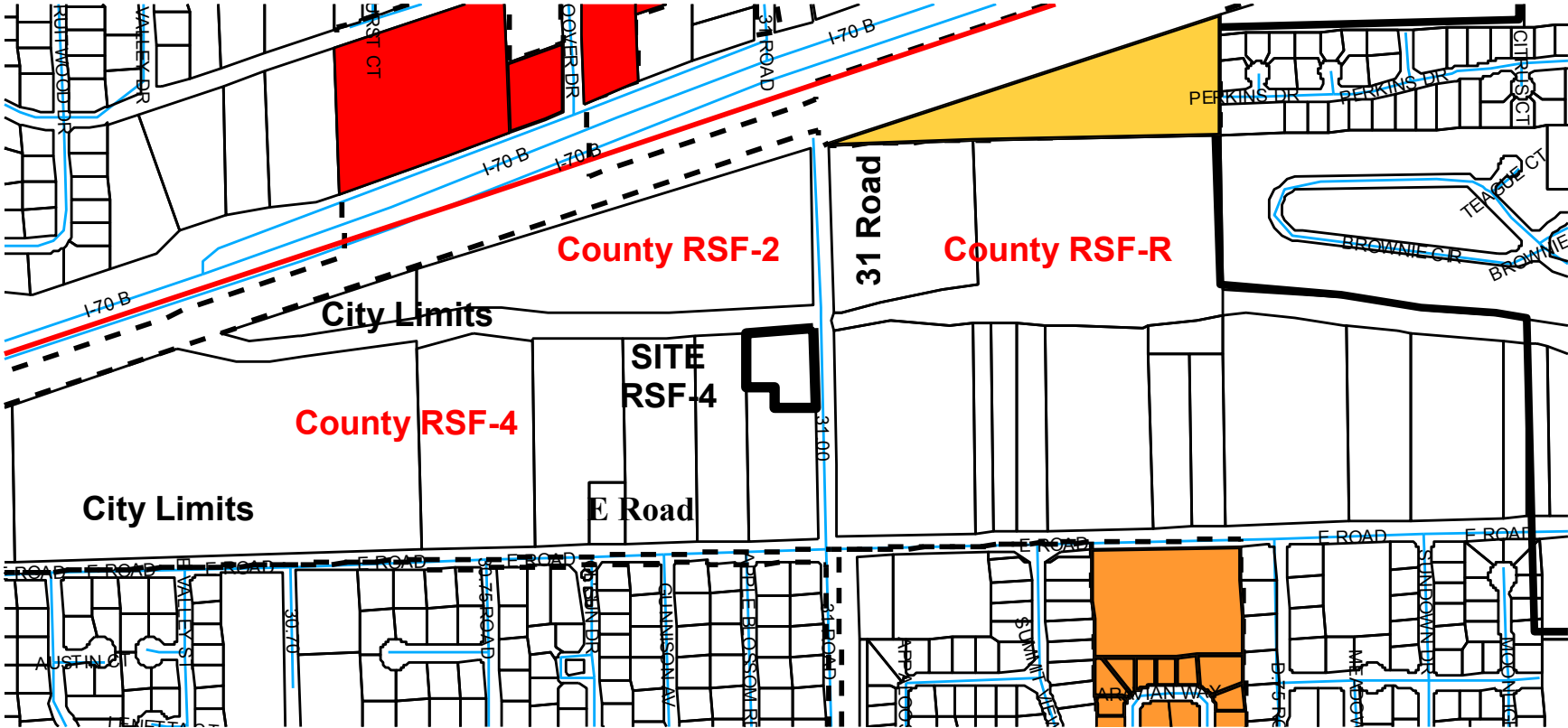
# Future Land Use Map

Figure 3



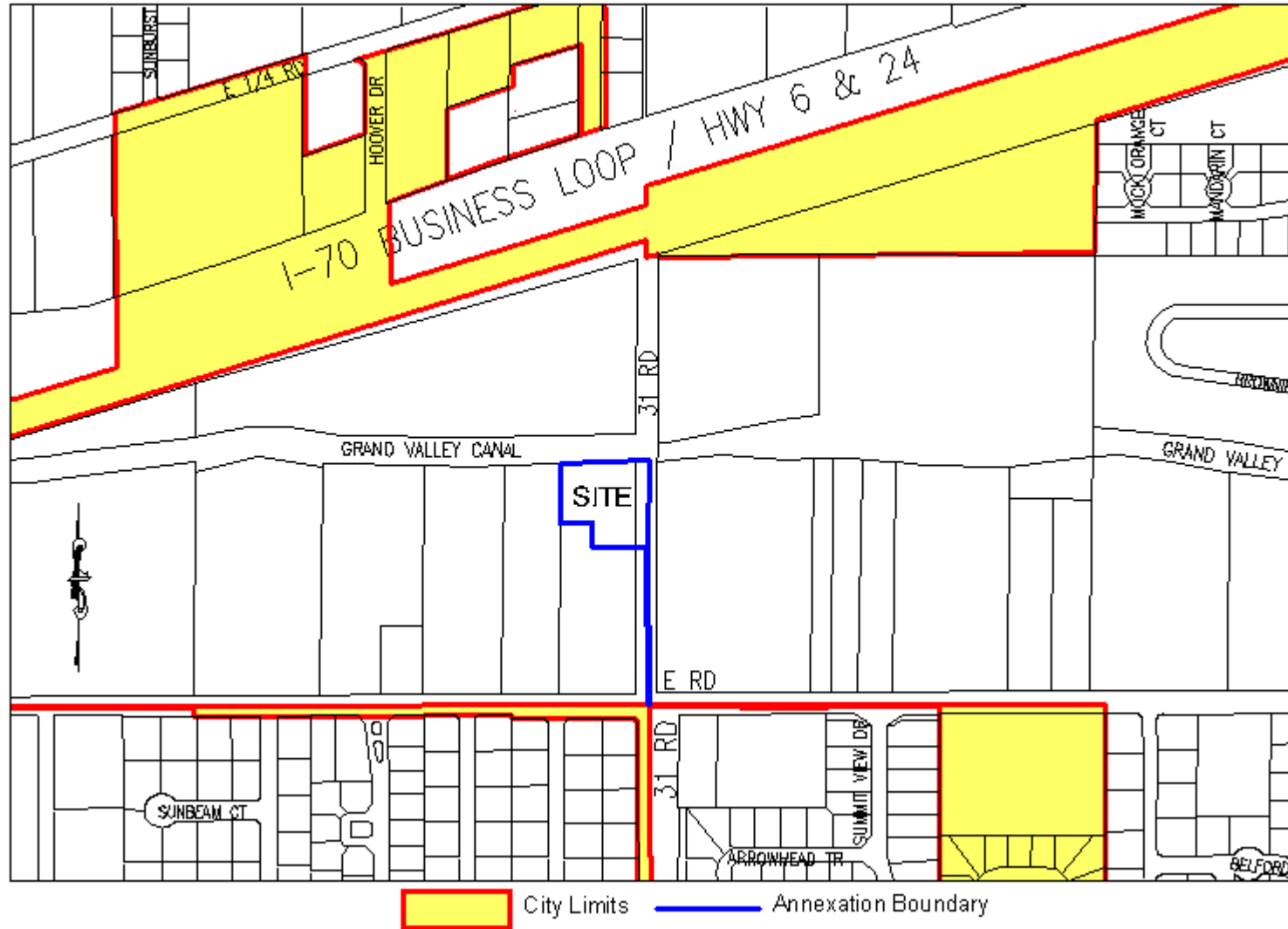
# Existing City and County Zoning

Figure 4



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

O'Connor Annexation  
Figure 5



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

*AN ORDINANCE ZONING THE O'CONNOR ANNEXATION TO RESIDENTIAL  
SINGLE*

*FAMILY WITH A DENSITY NOT TO EXCEED FOUR UNITS PER ACRE (RSF-4)*

**LOCATED AT 511 31 ROAD**

Recitals.

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

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

- This zone district meets the criteria of Section 2.14.F of the Zoning and Development Code by being identical to or nearly identical to the former Mesa County zoning for each parcel and conforms to the adopted Growth Plan Future Land Use Map.
- This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

**The following property shall be zoned Residential Single Family with a density not to exceed one unit per acre (RSF-4) zone district**

Includes the following tax parcel: 2943-094-00-094

**PERIMETER BOUNDARY LEGAL DESCRIPTION  
O'CONNOR ANNEXATION**

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9 and the Southwest Quarter (SW 1/4) of Section 10, 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 Southeast corner of Section 9, Township 1 South, Range 1 East of the Ute Meridian, and considering the East line of the SE



1/4 of said Section 9 to bear N 00°18'17" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°18'17" W along the East line of the SE 1/4 of said Section 9 a distance of 2.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°18'17" W along the East line of the SE 1/4 of said Section 9, a distance of 463.00 feet; thence S 89°44'43" W a distance of 160.00 feet; thence N 00°15'17" W a distance of 70.00 feet; thence S 89°44'43" W a distance of 97.00 feet; thence N 00°18'17" W a distance of 169.50 feet to a point being the Northwest corner of that certain property described in Book 2729, Page 689, Public Records of Mesa County, Colorado; thence N 89°44'43" E along the North line of said property, a distance of 258.94 feet to a point on a line 2.00 feet East of and parallel to, the East line of the SE 1/4 of said Section 9; thence S 00°18'17" E along said parallel line, a distance of 700.51 feet to a point on a line 4.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10; thence N 90°00'00" E along said parallel line, a distance of 500.00 feet; thence S 00°00'00" E a distance of 2.00 feet; thence S 90°00'00" W along a line 2.00 feet North of and parallel to, the South line of the SW 1/4 of said Section 10, a distance of 501.99 feet, more or less, to the Point of Beginning.

CONTAINING 1.3121 Acres (57,153.95 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 16<sup>th</sup> day June, 2003.

PASSES and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of the Council

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Young Street Rezone located at 653 Young Street					
<b>Meeting Date</b>		June 16, 2003					
<b>Date Prepared</b>		June 2, 2003			File #RZ-2003-070		
<b>Author</b>		Ronnie Edwards		<b>Associate Planner</b>			
<b>Presenter Name</b>		Ronnie Edwards		<b>Associate Planner</b>			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>		X	Yes		No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request to rezone 653 Young Street, comprised of 1.252 acres, from RSF-1 (Residential Single Family with a density not to exceed 1 du/ac) to RSF-2 (Residential Single Family with a density not to exceed 2 du/ac). Planning Commission recommended approval of the rezoning at its June 10, 2003 meeting.

**Budget:** N/A

**Action Requested/Recommendation:** First reading of the ordinance and schedule a second reading of the ordinance on July 2, 2003.

**Attachments:**

- 13. Site Location Map
- 14. Aerial Photo Map
- 15. Future Land Use Map
- 16. Existing City and County Zoning Map
- 17. Zoning Ordinance
- 18. Draft Planning Commission Minutes

**Background Information:** See attached Staff Report

<b>BACKGROUND INFORMATION</b>					
<b>Location:</b>		<b>653 Young Street</b>			
<b>Applicants:</b>		<b>Judith Marie</b>			
<b>Existing Land Use:</b>		<b>Residential Single Family</b>			
<b>Proposed Land Use:</b>		<b>Future Residential Single Family</b>			
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Residential Single Family</b>			
	<b>South</b>	<b>Vacant/Residential Single Family</b>			
	<b>East</b>	<b>Residential Single Family</b>			
	<b>West</b>	<b>Residential Single Family</b>			
<b>Existing Zoning:</b>		<b>RSF-1</b>			
<b>Proposed Zoning:</b>		<b>RSF-2</b>			
<b>Surrounding Zoning:</b>	<b>North</b>	<b>RSF-1</b>			
	<b>South</b>	<b>RSF-1</b>			
	<b>East</b>	<b>RSF-1</b>			
	<b>West</b>	<b>RSF-R/PD (residential density of 2.9 to 3.7)</b>			
<b>Growth Plan Designation:</b>		<b>Residential Low (1/2 – 2 ac/du)</b>			
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>		<b>No</b>

**BACKGROUND:**

The subject property is the southern part of the original Lot 7 of Linda Subdivision as recorded on October 17, 1955 and was zoned R1A, (Residential District with a density of one single family unit per acre), under Mesa County regulations. With the adoption of the Mesa County Zoning and Development Code in April of 2000, the R1A designation became RSF-1, which allowed residential development at one unit per acre. Annexation occurred with the G Road South Enclave on August 6, 2000. The Linda Subdivision along with adjacent parcels to the north, south and east were given the equivalent zoning of RSF-1, (Residential Single Family with a density not to exceed one unit per acre). The lot sizes within Linda Subdivision range in size from .87 acre to 1.25 acres.

The area to the west was developed from 1995 through 1997 prior and during the adoption of the Growth Plan as Planned Residential Subdivisions with densities ranging from 2.8 to 3.86 dwelling units per acre. The breakdown of zoning and lot sizes are listed from North to South as follows:

Valley Meadows East	PR 2.93	8,172 s.f. to 14,557 s.f.
Kay Subdivision	PR 3.86	6,751 s.f. to 9,266 s.f.
Cimarron North	PR 3.7	5,173 s.f. to 11,089 s.f.
Fall Valley	PR 2.9	6,688 s.f. to 11,402 s.f. (average)

Note: There are 7 lots on the west side of Fall Valley Filing 3, which are not consistent with the average, and range up in size of 22,222 due to the layout of a cul-de-sac. See Figure 4, Existing City & County Zoning, at the end of the staff report.

The Future Land Use Map appears to use the east boundary of the above mentioned subdivisions as the separation line between Residential Medium Low (2-4 du/ac) and Residential Low (1/2-2 ac/du). Public hearings were held during the zone of annexation process and residents requested that they retain the same zoning as they had in the County, which was RSF-1.

On Tuesday, June 10, 2003, the Planning Commission disagreed with the staff recommendation of denial and voted 4 to 3 to forward a recommendation of approval. The following staff analysis of Growth Plan and Zoning and Development Code consistency is followed by a summary of the Planning Commission action. A draft copy of the Planning Commission minutes is attached to this staff report.

1. STAFF PROJECT ANALYSIS:

A. Consistency with the Growth Plan:

Policy 1.3 states the City decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies.

The request for RSF-2 zoning is the highest range of density supported by the Future Land Use Map.

Policy 5.2 states the City will encourage development that uses existing facilities and is compatible with existing development.

The minimum lot size in RSF-2 zoning is 17,000 square feet, which is .39 acres. As previously stated, lot sizes within Linda Subdivision range from .87 to 1.25 acres. Adoption of an RSF-2 zoning could result in the future creation of lots that are incompatible with adjacent properties to the north, south and east.

B. Section 2.6.A of the Zoning and Development Code:

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

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

The existing zoning of RSF-1 was not in error at the time of adoption and was compatible with surrounding zoning and uses.

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

The properties located to the north, south and east developed prior to the adoption of the Growth Plan in 1996. Remaining properties to the west developed after 1996 and was consistent with the Plan. All public utilities are located on the property.

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

The proposed rezone to RSF-2 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure will be addressed when the impacts of any development occurs that is consistent with the RSF-2 zone district, therefore this criterion is met.

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

The proposal is within the density range governed by the Growth Plan. While the RSF-2 zone can be considered compatible with properties to the west, it does not meet the Plan's compatibility requirements for the properties to the north, south and east.

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

Adequate public facilities are currently available and can address the impacts of development consistent with the RSF-2 zone district. Future development impact would have to address building envelope and access issues as there is a large irrigation canal and a Grand Junction Drainage District easement running through the southern part of the parcel. The City may limit site development to a lower intensity than shown on the Future Land Use Map due to site specific conditions.

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

Adequate land is available in the surrounding area for development at densities higher than one unit per acre. These vacant lands are located to the west and northwest where the Future Land Use Map designation is Residential Medium (4-8 du/ac).

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

The proposed zone would not benefit the neighborhood as this subdivision was established with RSF-1 equivalent zoning in 1955.

#### STAFF FINDINGS OF FACT/CONCLUSIONS:

3. The requested rezone is not consistent with adjacent property development, which is stated in Policy 5.2 of the Growth Plan.
4. The review criteria in Section 2.6.A of the Zoning and Development Code have not been met.
  - a. Zoning was not in error at time of adoption of RSF-1 zone district;
  - b. Change of character in the neighborhood has occurred, but all new development has been consistent with the Growth Plan;
  - c. Requested rezone is within the allowable density range of the Growth Plan, but it is incompatible with remaining adjacent area;
  - d. There is an adequate supply of land for development to the requested zone density; and
  - e. Proposed zone would not benefit the neighborhood

#### STAFF RECOMMENDATION:

Staff recommendation at the June 10, 2003 Planning Commission hearing of the requested rezone was denial, based on the findings and conclusions listed above.

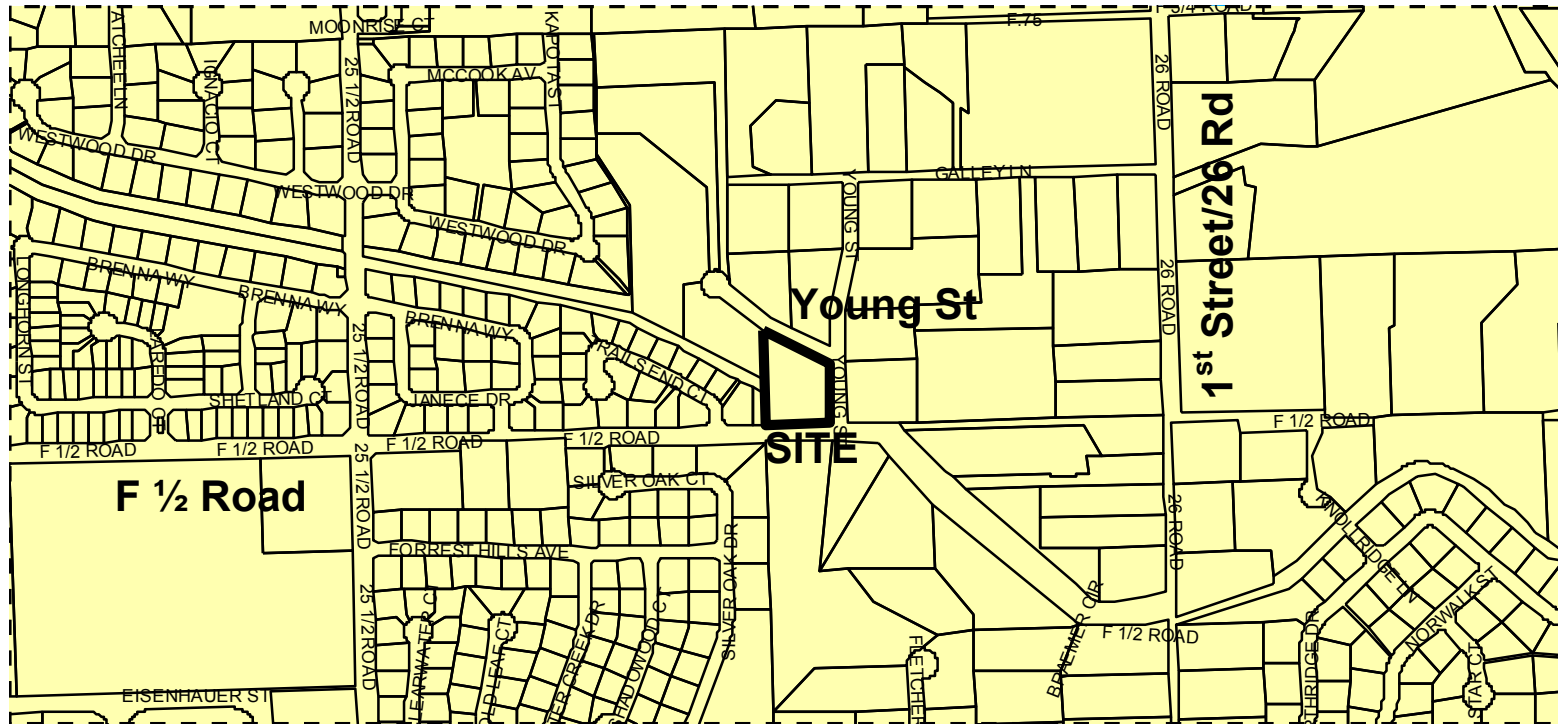
#### PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested rezone, RZ-2003-070, to the City Council by a vote of 4 to 3.

The Planning Commission found that the neighborhood would benefit from the proposed zone (review criteria number 7 above). It was their opinion that the rezone, accompanied by the expected development of the area south of the canal, would improve the appearance of the lot therefore benefiting the neighborhood.

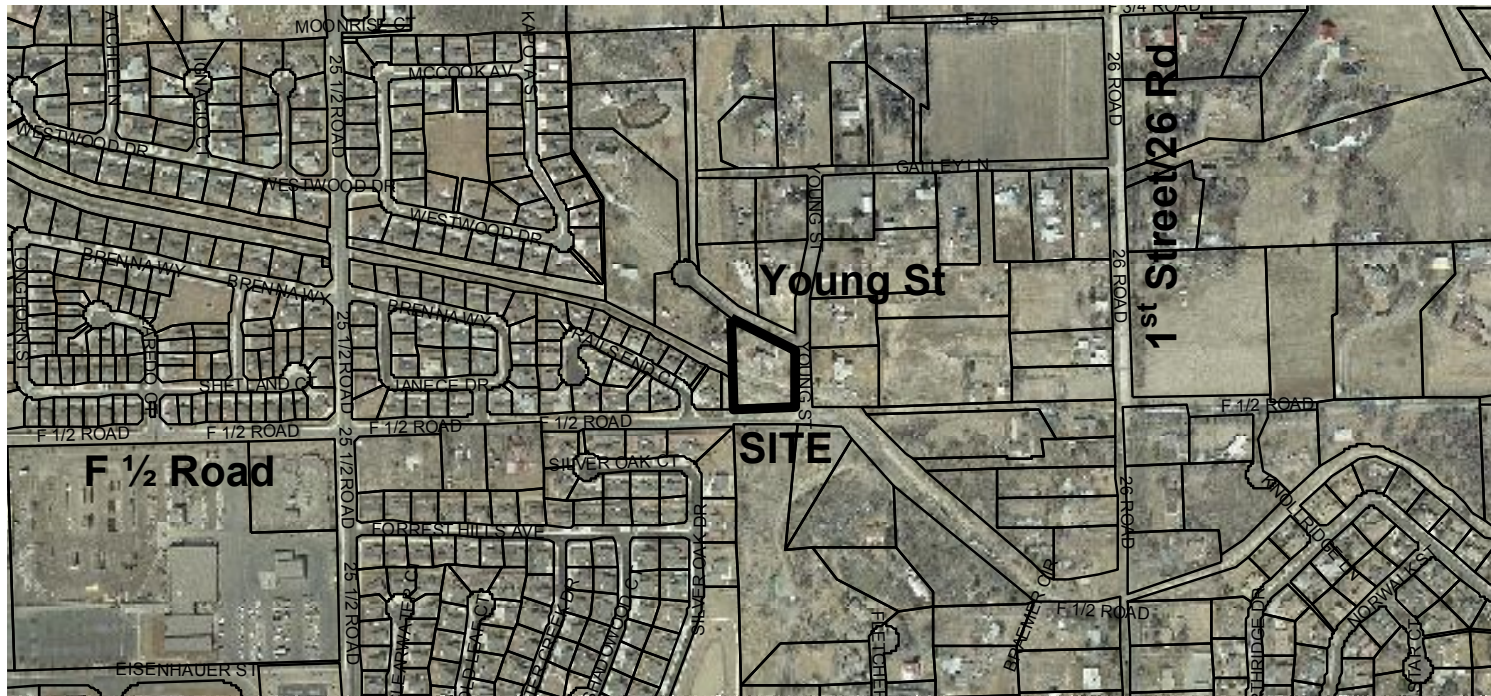
# Site Location Map

Figure 1



# Aerial Photo Map

Figure 2



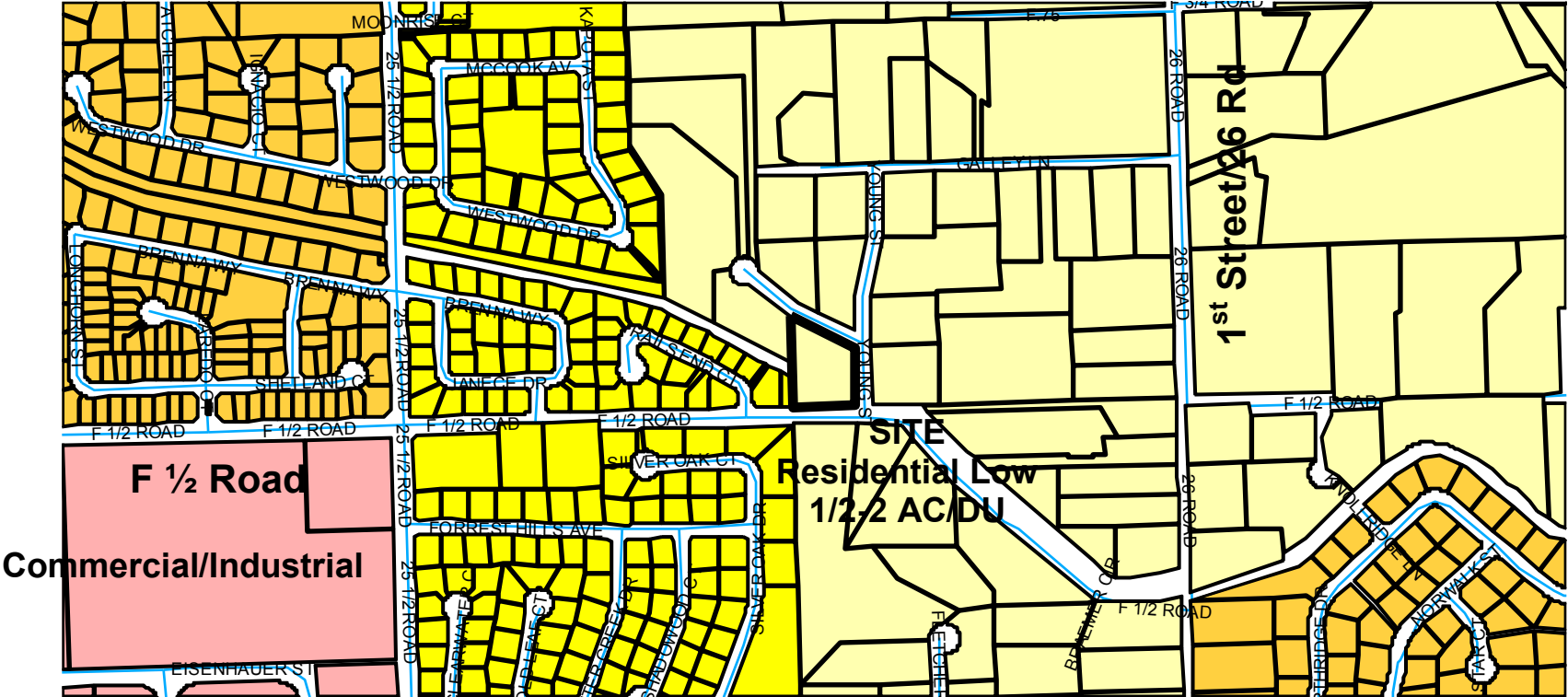


# Future Land Use Map

Figure 3

**Residential  
Medium 4-8 du/ac**

**Residential Medium  
Low  
2-4 du/ac**

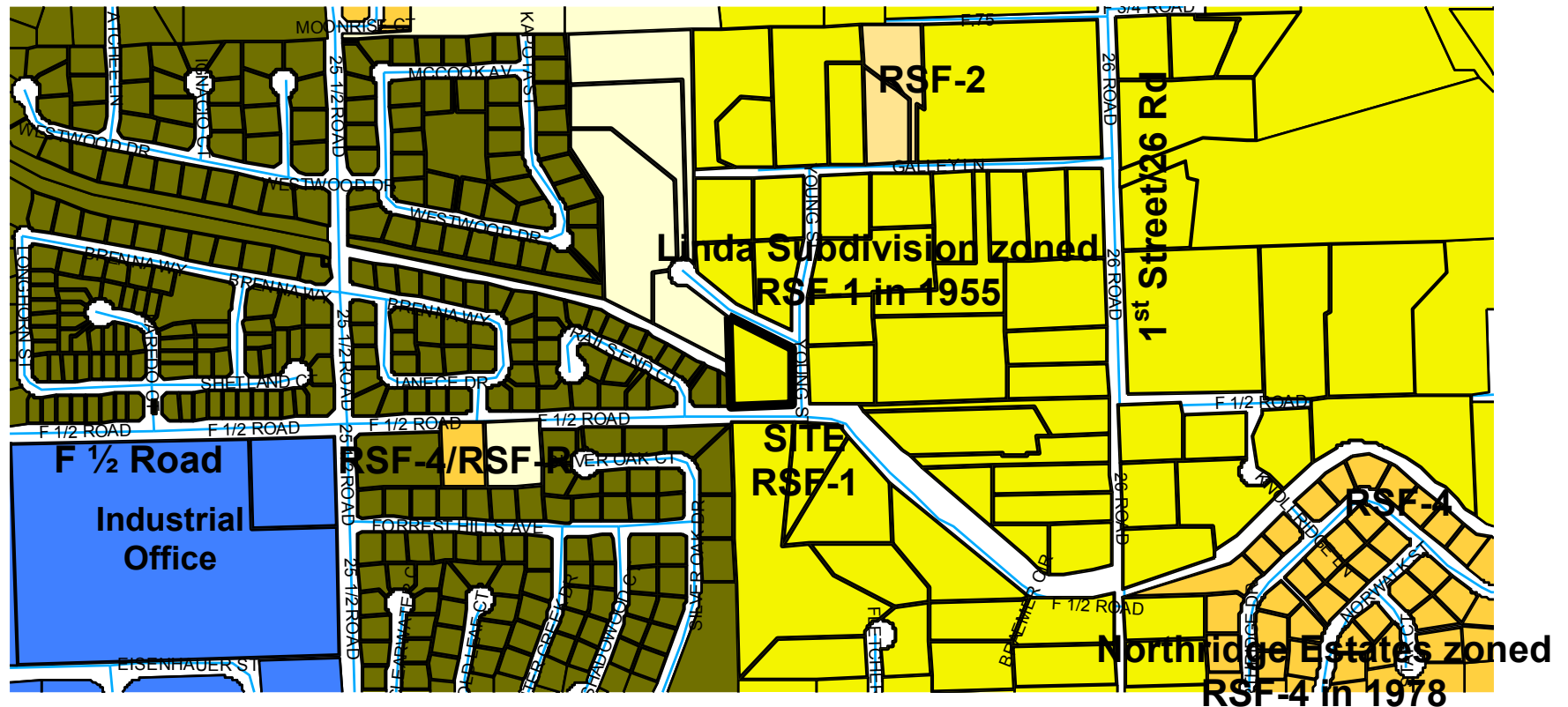


# Existing City and County Zoning

Figure 4

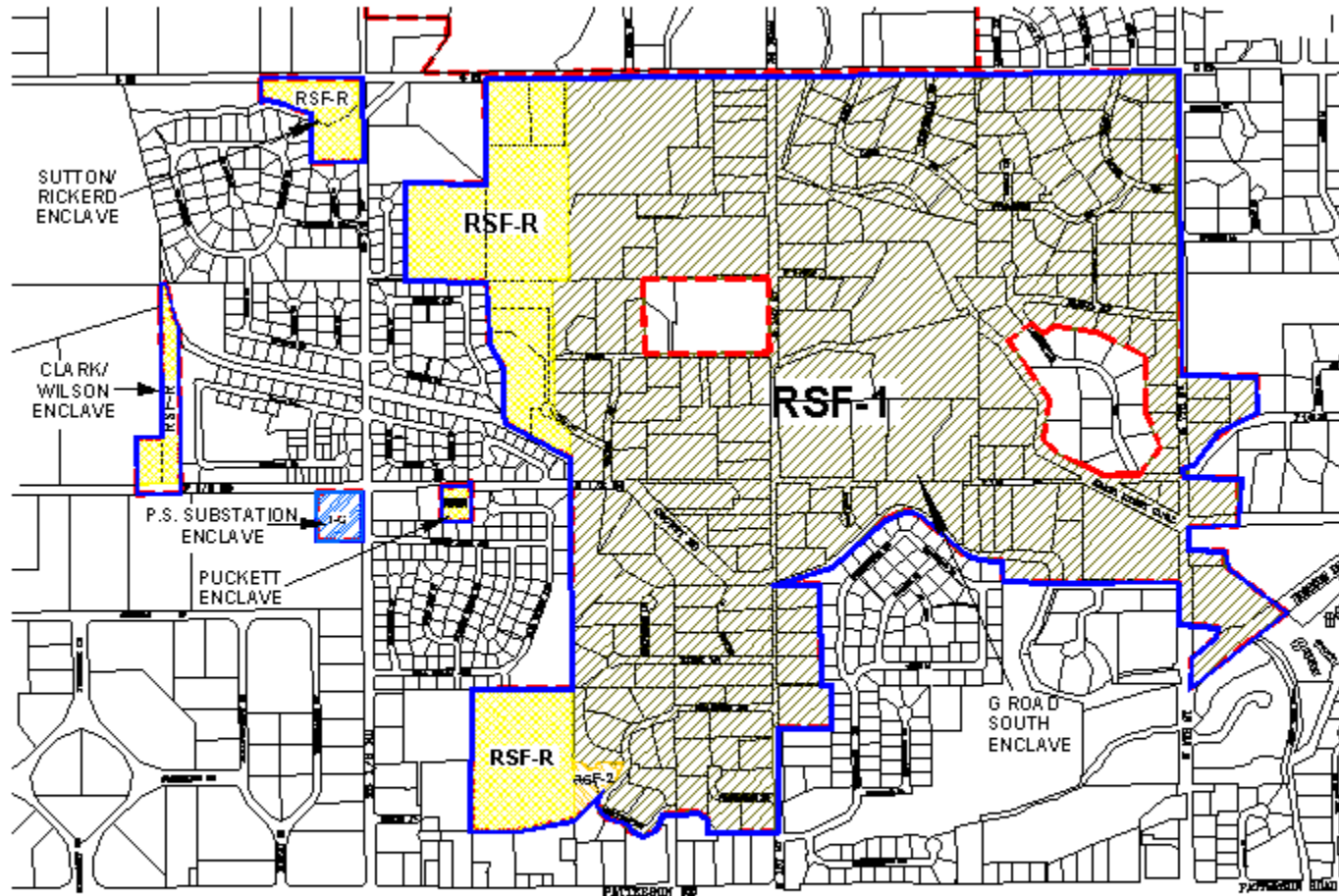
PD with density ranges of  
2.8 to 3.86 du/ac

Galley Minor Subdivision  
zoned RSF-2 in 1995



Valley Meadows East at PR 2.93, Kay Subdivision at PR 3.86, Cimarron North at PR 3.7 & Fall Valley at PR 2.9 du/ac all zoned in 1995 thru 1997.

# POMONA PARK ENCLAVES / G ROAD SOUTH AREA



## Legend

## PROPOSED ZONING

- CITY LIMITS
- ENCLAVE BOUNDARY
- RSF-1 Residential Single Family-1 unit/acre
- RSF-2 Residential Single Family-2 units/acre
- RSF-R Residential Single Family-Rural 1 unit/5 acres
- IO Industrial Office Park

CITY OF GRAND JUNCTION, COLORADO

PUBLISHED: May 11, 2000  
BY: [illegible]



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING A PARCEL OF LAND  
LOCATED AT 653 YOUNG STREET**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the rezone request from the RSF-1 zone district to RSF-2 zone district by a vote of 4 to 3.

A rezone from RSF-1 (Residential Single Family with a density not to exceed one unit/acre) to RSF-2 (Residential Single Family with a density not to exceed two units/acre) has been requested for the property located at 653 Young Street. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (Residential Low 1/2 to 2 ac/du). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

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

**The following property shall be zoned Residential Single Family with a density not to exceed 2 units per acre (RSF-2) zone district**

Includes the following tax parcel: 2945-031-01-008

That part of Lot 7 in Linda Subdivision being more particularly described as follows: BEG North 00°12'W 25.00 ft. from the SW COR of the SE1/4 NE1/4 of SEC 3, T1S, R1W of the UM, thence North 00°12'W 289 ft.; thence South 65°48'E to the West right-of-way line of Young Street; thence South 191.27 ft. to the SE COR of said Lot 7; thence S89°51'W 215.2 ft. more or less to the SW COR of said Lot 7 and the point of beginning, Mesa County, Colorado.

Introduced on first reading on the 16th day June, 2003.

PASSES and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

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President of the Council

Attest:

---

City Clerk

**GRAND JUNCTION PLANNING COMMISSION  
JUNE 10, 2003 MINUTES  
7 p.m. to 8:30 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Roland Cole, John Evans, John Redner, John Paulson, Bill Pitts and Richard Blosser.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Pat Cecil (Development Services Supervisor), Senia Costello (Assoc. Planner), Scott Peterson (Assoc. Planner), Lon Bowers (Sr. Planner) and Ronnie Edwards (Assoc. Planner).

Also present were John Shaver (Asst. City Attorney) and Rick Dorris and Eric Hahn (Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 17 interested citizens present during the course of the hearing.

\*\*\*\*\*  
\*\*\*\*

***I. APPROVAL OF MINUTES***

Available for consideration were the minutes from the April 22 and May 13, 2003 Planning Commission public hearings.

**MOTION: (Commissioner Cole) "Mr. Chairman, I move approval [of the April 22, 2003 minutes as submitted]."**

Commissioner Blosser seconded the motion.

A vote was called and the motion passed by a vote of 6-0, with Commissioner Paulson abstaining.

**MOTION: (Commissioner Cole) "Mr. Chairman, I move approval [of the May 13, 2003 minutes as submitted]."**

Commissioner Pitts seconded the motion.

A vote was called and the motion passed by a vote of 5-0, with Chairman Dibble and Commissioner Paulson abstaining.

## **II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

## **III. CONSENT AGENDA**

Offered for placement on the Consent Agenda were items VE-2003-054 (Vacation of Easement--Cox Easement Vacation); ANX-2003-080 (Zone of Annexation--Rold Annexation); ANX-2003-022 (Zone of Annexation--UnawEEP Heights Subdivision); ANX-2003-090 (Zone of Annexation--Sonrise Acres Subdivision); VE-2002-205 (Vacation of Easement--Cimarron Mesa Filing #1); and ANX-2003-068 (Zone of Annexation--O'Connor Subdivision). At citizen request, item ANX-2003-022 was pulled and placed on the Full Hearing Agenda.

**MOTION: (Commissioner Blosser) "Mr. Chairman, I move that we approve the Consent Agenda as modified."**

Commissioner Evans seconded the motion.

A vote was called and the motion passed unanimously by a vote of 7-0.

## **IV. FULL HEARING**

### **ANX-2003-022 ZONE OF ANNEXATION--UNAWEEP HEIGHTS SUBDIVISION**

**A request for approval to zone the UnawEEP Heights Subdivision, consisting of 30.33 acres, to RSF-4 (Residential Single-Family with a density not to exceed 4 units/acre).**



**Petitioner: UnawEEP Heights, LLC**  
**Location: 2857 UnawEEP Avenue**

**PETITIONER'S PRESENTATION**

Doug Theis, representing the petitioner, briefly overviewed the request. He said that since the property was currently zoned County RSF-4, the City's RSF-4 zoning would be compatible. The requested zone was consistent with Growth Plan recommendations and Code requirements. Soon to be considered by the Planning Commission would be a Preliminary Plan consisting of 108 lots; however, the only item under current consideration was the Zone of Annexation.

**STAFF'S PRESENTATION**

Lori Bowers overviewed the request as outlined in her June 10, 2003 staff report. Referencing an overhead map of the site, she noted that UnawEEP Avenue was undergoing realignment. The petitioner had sought to delay his request for annexation until the realignment was underway. Staff determined that the request met Growth Plan requirements and Code criteria, and the RSF-4 land use designation would be consistent with the one previously applied by the County. Ms. Bowers also presented for reference an aerial photo of the site, the City/County Zoning Map, and the Future Land Use Map.

**QUESTIONS**

Chairman Dibble asked if the zoning on all sides of the subject parcel was RSF-4, to which Ms. Bowers responded affirmatively. She noted that the subject parcel was the only one in the immediate area that, once annexation was completed, would be situated within city limits.

Commissioner Cole asked how contiguity would be preserved. Ms. Bowers pointed out an adjacent parcel and said that contiguity would be ensured from that parcel to B 3/4 Road.

Commissioner Blosser asked about the zoning to the north of the subject property; Ms. Bowers replied that the area to the north was zoned AFT.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Carlo Godel (2873 C Road, Grand Junction) said that actual densities of the surrounding area were closer to 1-2 units/acre. An increase in density to 4 units/acre

would be incompatible; however, a zoning designation allowing 2-3 units/acre would be more acceptable. Mr. Godel indicated the location of his property on an available aerial photo. Chairman Dibble reminded citizens that the only issue being considered was the Zone of Annexation. The Planning Commission had not seen any plan submitted for the property, so it was unclear at this point what the actual density of the proposed subdivision would be. The RSF-4, he continued, allowed for densities anywhere between 2 and 4 units/acre.

John Denison (2858 C Road, Grand Junction) noted a small portion of land located at the juncture of the "realigned" Unawep Avenue and C Road. He wondered what would become of that piece of ground. He suggested that it be used for development of an irrigation system. In addition, he hoped that parks fees would be used to develop open space and parks in conjunction with the proposed subdivision and not be retained for development of parks in other areas of town. Chairman Dibble again stated that such concerns related to a plan not under current consideration by the Planning Commission.

Dr. K.D. Ashbrook-Nabity (2874 C Road, Grand Junction) agreed with previous comments regarding density. Parcels in the area were generally between 1 and 2 acres in size. The subject parcel was only entitled to a certain number of water shares, and she felt there wouldn't be a sufficient amount of irrigation water for the number of lots proposed. She wanted to see more open space in conjunction with the subdivision, and she expressed concern for the loss in quality of life if the higher density zone designation was approved. Dr. Ashbrook-Nabity added that C Road would continue as C Road east of the Unawep Avenue realignment juncture.

Mike Melgares (no address given) interjected that he and several others had missed their opportunity to have item ANX-2003-068 pulled from Consent and placed on the Full Hearing agenda. While out of order, he asked that this request be reconsidered. After a brief discussion among planning commissioners and legal counsel, it was decided that any reconsideration discussion should ensue following completion of the Full Hearing agenda.

Cindy Denison (2858 C Road, Grand Junction) expressed concern over the stability of soils near the Grand Junction Ditch Company's ditchbank and hoped that the developer would plant trees or incorporate xeriscaping near the ditchbank. She'd heard that parks fees were going to be allocated to a nearby school for improvements to its property. When she'd approached the school's administrative staff to confirm this, they'd not heard anything about it and were opposed to the development of its playground for more public use. She supported development of parks and open space within the proposed subdivision and urged the City to utilize parks fees to this end.

## **QUESTIONS**

Chairman Dibble asked staff to clarify the process of collecting and distributing parks and open space fees. Bob Blanchard said that monies were not generally given to schools for improvements on their properties. Comments regarding parks and open space had not yet been received from the City's park planner. Ms. Bowers recalled conversations with parks planner Sean Cooper; however, she didn't believe that any firm recommendation had been made other than to require the developer to pay a fee in lieu of land dedication. She added that green space was proposed all along the Unawep Avenue alignment. She thought that the small portion of land referenced by Mr. Denison would be left as open space. Mr. Blanchard added that the petitioner's submittal had only gone through a single round of review. He would make sure that interested residents received notice of Preliminary Plan review.

Robert Lawrence (2895 Alta Vista, Grand Junction) asked for clarification on the area that would be affected by the current land use designation request, which was given.

Joc Meyers (2893 Alta Vista, Grand Junction) also supported a lower density classification. Higher densities afforded less space for people to park RVs and other vehicles, which would likely result in a lot of undesirable on-street parking.

### **PETITIONER'S REBUTTAL**

Mr. Theis said that citizen concerns would be addressed during the Preliminary Plan review stage, and he expressed appreciation for comments made.

### **QUESTIONS**

Chairman Dibble asked for clarification on the zoning of the property to the southwest. Ms. Bowers said that its zoning was also RSF-4. She reminded those in attendance that just because a property had a given zone density, it did not mean that a property owner would be permitted to develop at the highest end of that density range.

Commissioner Paulson wondered if staff knew the actual development densities of surrounding parcels. Pat Cecil said that surrounding properties were all under County jurisdiction. The City did not have possession of the County's development files. He agreed that even though the surrounding zoning designations were generally RSF-4, properties may actually have been developed at the lower end of that density range.

Mr. Blanchard said that the City considered properties situated within its jurisdiction and whether they were developing according to Growth Plan recommendations.

### **DISCUSSION**

Commissioner Cole felt that since the subject parcel was County-zoned RSF-4 and not AFT, it must have gone through a review process for it to have received that

designation. He'd heard no compelling reason why the City should not apply its most compatible zone, which was also RSF-4. Even if the property were not being annexed and the County zone were still applicable, the property owner would still be able to develop within the 2-4 units/acre density range. He expressed support for the request.

Commissioner Pitts said that it appeared that residents were hoping for a lower density development. He hoped that the developer would give their comments due consideration.

Commissioner Blosser said that the City's application of a land use designation was in conjunction with the requirements of the Persigo Agreement. Interested citizens would have a chance to review and comment on the actual plan during the Preliminary Plan review stage, and he encouraged their participation.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item #ANX-2003-022, I move that the Planning Commission recommend to the City Council the zoning designation of RSF-4 (Residential Single-Family not to exceed 4 units per acre) for the Zone of Annexation of the UnawEEP Heights Annexation, located at 2857 UnawEEP Avenue, finding that the project is consistent with the Growth Plan, the Persigo Agreement, and Section 2.6 of the Zoning and Development Code."**

Commissioner Evans seconded the motion.

A vote was called and the motion passed unanimously by a vote of 7-0.

#### **RZ-2003-070 REZONE--YOUNG STREET REZONE**

**A request for approval to rezone a 1.252 acre parcel from RSF-1 (Residential Single-Family with a density not to exceed 1 unit/acre) to RSF-2 (Residential Single-Family with a density not to exceed 2 units/acre).**

**Petitioner: Judith Marie**  
**Location: 653 Young Street**

#### **PETITIONER'S PRESENTATION**

Karl Clemmons, representing the petitioner, presented an overhead map of the subject area. The Grand Valley Canal bisected a portion of the petitioner's property, rendering the southern portion of it unusable and inaccessible. Weeds and trash were collecting on the property. The petitioner's home was situated on the portion of property north of the canal, which would remain whether or not approval was given to the rezone request.

Approval of the rezone would, however, allow the petitioner to subdivide and construct a home on the portion of her property south of the canal. The canal, he added, made for a natural dividing line. The southern portion of property looked as though it should be a part of the Cimarron Subdivision located to the west. The current RSF-1 zone designation, overlaying the entire area, would not allow development of the southern property; thus, it was effectively landlocked. Mr. Clemmons also noted the existence of a drain easement bisecting the southern portion of property. After having talked with Grand Junction Drainage Ditch representatives, it was determined that the easement could be moved, with the addition of two manhole covers. Even without the easement's relocation, there was still sufficient area to build a 1,800 square foot home. He asked that the uniqueness of the property and the situation be considered and approval of the rezone request be granted.

### **STAFF'S PRESENTATION**

Ronnie Edwards offered a Powerpoint presentation which contained the following slides: 1) site location map; 2) aerial photo of the site; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) zoning area map; and 6) aerial photo depicting the Grand Junction Drainage Ditch easement. She provided a brief historical background of the property and its zoning. The original R1A zone, assigned in 1955, had become an RSF-1 zone in the year 2000, with the adoption of the Mesa County Zoning and Development Code. Staff determined upon review that the request failed to meet the rezone criteria outlined in section 2.6.A of the Grand Junction Zoning and Development Code, finding that: 1) the existing RSF-1 zone had not been applied in error; 2) while there had been a change in character of the neighborhood, new development was consistent with Growth Plan recommendations; 3) the higher RSF-2 zone designation would not be compatible with the surrounding area; 4) the request failed to meet Growth Plan recommendations which called for the retention of the RSF-1 land use designation; 5) there was a sufficient supply of land for development to the requested zone density; and 6) the proposed rezone would not benefit the neighborhood. Denial of the request was recommended.

### **QUESTIONS**

Commissioner Cole asked for confirmation from staff that there was sufficient area on the southern portion of property to build a home that would comply with development standards. Ms. Edwards said that there was sufficient area available; however, the petitioner would be required to work with the City's engineering department on the provision of access to the property.

Commissioner Blosser remarked that if the rezone were not approved, the petitioner could not do anything with the land. It would remain vacant, unused, and unmaintained. Ms. Edwards responded that these observations were not part of the review criteria to which she had to adhere.

Chairman Dibble asked how staff concluded that there would be no benefit to the neighborhood. Ms. Edwards said that she based her conclusion on the history of the property and the area.

Mr. Blanchard remarked that the RSF-1 zone designation had also been perpetuated on the property following its annexation into the City in August of 2000. Ms. Edwards noted that there had been no subdivision plan submitted; thus, the property could technically be subdivided in a way other than what Mr. Clemmons was suggesting.

### **PUBLIC COMMENTS**

#### **FOR:**

There were no comments for the request.

#### **AGAINST:**

Robert Hunt (2572 Young Court, Grand Junction) did not feel the higher zone designation would be compatible with the surrounding neighborhood. He also felt that access provision to the southern portion of the petitioner's property would pose a problem. Mr. Hunt was also concerned that approval of the request would set a precedent for future rezone requests.

### **PETITIONER'S REBUTTAL**

Mr. Clemmons said that a neighborhood meeting had been held, with only four people showing up. The two primary concerns expressed at that time had been over possible impacts resulting from the potential widening of F 1/2 Road and the type of house that would be constructed upon the newly created lot. He said that the property owner would agree to sign a document assuring residents that no mobile home would be placed on the property. The intention was to construct a nice home on the property, compatible with other homes in the area. The neighborhood would benefit by having something nice constructed on the property. The property would be cleaned up and a homeowner would then be present to maintain it.

### **DISCUSSION**

Commissioner Pitts said that he'd driven by the property and agreed that construction of a home on the property was preferable to allowing the property to remain unusable and retained as a weed patch. Someone, he said, needed to be responsible for the upkeep of the property. He expressed support for the rezone request.

Commissioner Blosser asked Rick Dorris if the building envelope on the southern portion of the property would be impacted if F 1/2 Road were widened. Mr. Dorris said

that the question was hypothetical, and he was unsure. In a worst-case scenario, the City might have to consider purchasing right-of-way from the future property owner of the southern lot and the current owner of the property adjacent to that lot. The City may even be required to purchase the properties outright. In a more likely scenario, the alignment of F 1/2 Road would be adjusted further south, given that there was more open land available. Commissioner Blosser said that he too had driven by the property and agreed with Commissioner Pitts' comments. Development of the property was preferable to having it lay unused and unmaintained.

Commissioner Evans disagreed. It was clear that the request failed to meet Code criteria and Growth Plan recommendations. "A line must be drawn," he said.

Chairman Dibble agreed with Commissioner Evans. If the Planning Commission based its decisions on Code regulations and Growth Plan recommendations, there was no justification for deviation.

Commissioner Cole felt that the Code criterion pertaining to neighborhood benefit had been satisfied, adding that staff's conclusion seemed to be subjective.

Commissioner Paulson asked for a legal opinion from counsel on whether or not approval of the request would establish a precedent. Mr. Shaver replied negatively. The uniqueness of the parcel and situation was enough to make it distinguishable from other rezone applications, even though the neighbors may view it differently. Commissioner Pitts said that the assumption was that the petitioner would subdivide the property in the manner presented by her representative. It didn't seem possible or practical to do it any other way.

Commissioner Cole agreed that the uniqueness of the property warranted more individual consideration. His support of the request was based on the method of subdivision outlined by Mr. Clemmons.

**MOTION: (Commissioner Blosser) "Mr. Chairman, on the Young Street Rezone, #RZ-2003-070, I move that the Planning Commission forward a recommendation of approval to City Council on the request to rezone from RSF-1 (Residential Single-Family with a density not to exceed one unit per acre) to RSF-2 (Residential Single-Family with a density not to exceed two units per acre) with the findings and conditions listed in the staff report."**

Commissioner Pitts seconded the motion.

A brief discussion ensued over whether "...with the findings and conditions listed in the staff report" should be retained in the motion. Mr. Shaver said that by including it,

Commissioner Blosser was effectively disagreeing with staff's conclusions and findings. The reference presumed his disagreement based on the preceding discussion.

A vote was called and the motion passed by a vote of 4-3, with Chairman Dibble and Commissioners Evans and Paulson opposing.

## **V. RECONSIDERATION REQUEST**

In response to a citizen request to reconsider removal of item ANX-2003-068 from the Consent Agenda and placed on the Full Hearing Agenda, Mr. Shaver said that the Planning Commission could let the previous action stand, with objectors making their objections known before City Council, or it could reconsider placing the item on the Full Hearing Agenda. To do the latter, planning commissioners must first vote to reconsider the item placed on Consent then vote again to hear the item. The item could also be continued to another date certain once placed on the Full Hearing Agenda. Following a brief discussion of options, and reiteration by Chairman Dibble to the requestor that there had been ample opportunity given to pull the item from Consent, planning commissioners chose to let the original action stand, given that there was no motion offered to the contrary.

With no further business to discuss, the public hearing was adjourned at 8:30 p.m.



Attach 6  
 Setting a Hearing – Zoning Rold Annexation, 524 30 Road

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>							
<b>Subject</b>		Rold Annexation at 524 30 Road					
<b>Meeting Date</b>		June 16, 2003					
<b>Date Prepared</b>		June 16, 2003			File #ANX-2003-080		
<b>Author</b>		Senta Costello		<b>Associate Planner</b>			
<b>Presenter Name</b>		Senta Costello		<b>Associate Planner</b>			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	Workshop	X	<b>Formal Agenda</b>		X	Consent	<b>Individual Consideration</b>

**Summary:** The Rold Annexation consists of one parcel of land on approximately .7998 acres. The requested zoning for the property is C-1 (Light Commercial). The physical address for the property is 524 30 Road.

The Planning Commission reviewed the requested zoning on June 10, 2003 and recommended approval.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the first reading of the Zoning Ordinance for the Rold Annexation and set a hearing for August 6, 2003.

**Attachments:**

1. Staff Report
2. Site Location Map
3. Aerial Photo Map
4. Future Land Use Map
5. Existing Zoning Map

6. Annexation Map
7. Zone of Annexation Ordinance

**Background Information:** See attached report.

<b>BACKGROUND INFORMATION</b>					
<b>Location:</b>		<b>524 30 Road</b>			
<b>Applicants:</b>		Rita L. Rold			
<b>Existing Land Use:</b>		<b>Commercial</b>			
<b>Proposed Land Use:</b>		<b>Commercial</b>			
<b>Surrounding Land Use:</b>	<b>North</b>	<b>Single Family Residential</b>			
	<b>South</b>	Vacant Commercial land			
	<b>East</b>	Vacant Commercial land			
	<b>West</b>	Single Family Residential			
<b>Existing Zoning:</b>		County B-1/PC			
<b>Proposed Zoning:</b>		City C-1			
<b>Surrounding Zoning:</b>	<b>North</b>	<b>County B-1</b>			
	<b>South</b>	City C-1			
	<b>East</b>	City C-1			
	<b>West</b>	County B-1			
<b>Growth Plan Designation:</b>		Commercial			
<b>Zoning within density range?</b>		X	Yes		No

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of annexing .7998 acres of land. Owners of the property have signed a petition for annexation pursuant to the 1998 Persigo agreement with Mesa County.

**ZONE OF ANNEXATION:**

Under the 1998 Persigo Agreement with Mesa County, the City is allowed to zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City's Growth Plan's Future Land Use Map. This proposed zoning of C-1 conforms to the City's Growth Plan's Future Land Use Map.

**C-1 ZONE DISTRICT**

- The C-1 (Light Commercial) is consistent with the Growth Plans Future Land Use Map designation of Commercial.

- Zoning this annexation with the C-1 Zone district meets the criteria found in Sections 2.14.F and 2.6 of the Grand Junction Zoning and Development Code.
- The property is bordered by other commercially zoned property on the south and the west

## **ZONING AND DEVELOPMENT CODE CRITERIA:**

**Section 2.14.F:** “Land annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with the existing County zoning.”

**Section 2.6.A. Approval Criteria.** In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must only occur if:

- 1. The existing zoning was in error at the time of adoption;**  
The application of the C-1 zoning district is in connection with an annexation therefore this criterion is not applicable.
- 2. There as been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;**  
The application of the C-1 zoning district is in connection with an annexation therefore this criterion is not applicable.
- 3. *The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances;***  
The requested rezone to C-1 is consistent with the Growth Plan. This specific criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the proposed zone district, therefore this criterion is met.
- 4. *The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code, and other City regulations and guidelines.***  
The proposal conforms to the Growth Plan as it supports commercial uses in this particular area.
- 5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;**  
Public facilities and services are available for the current residential uses.

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

The application of the C-1 zoning district is in connection with an annexation therefore this criterion is not applicable.

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

The application of the C-1 zoning district is in connection with an annexation therefore this criterion is not applicable.

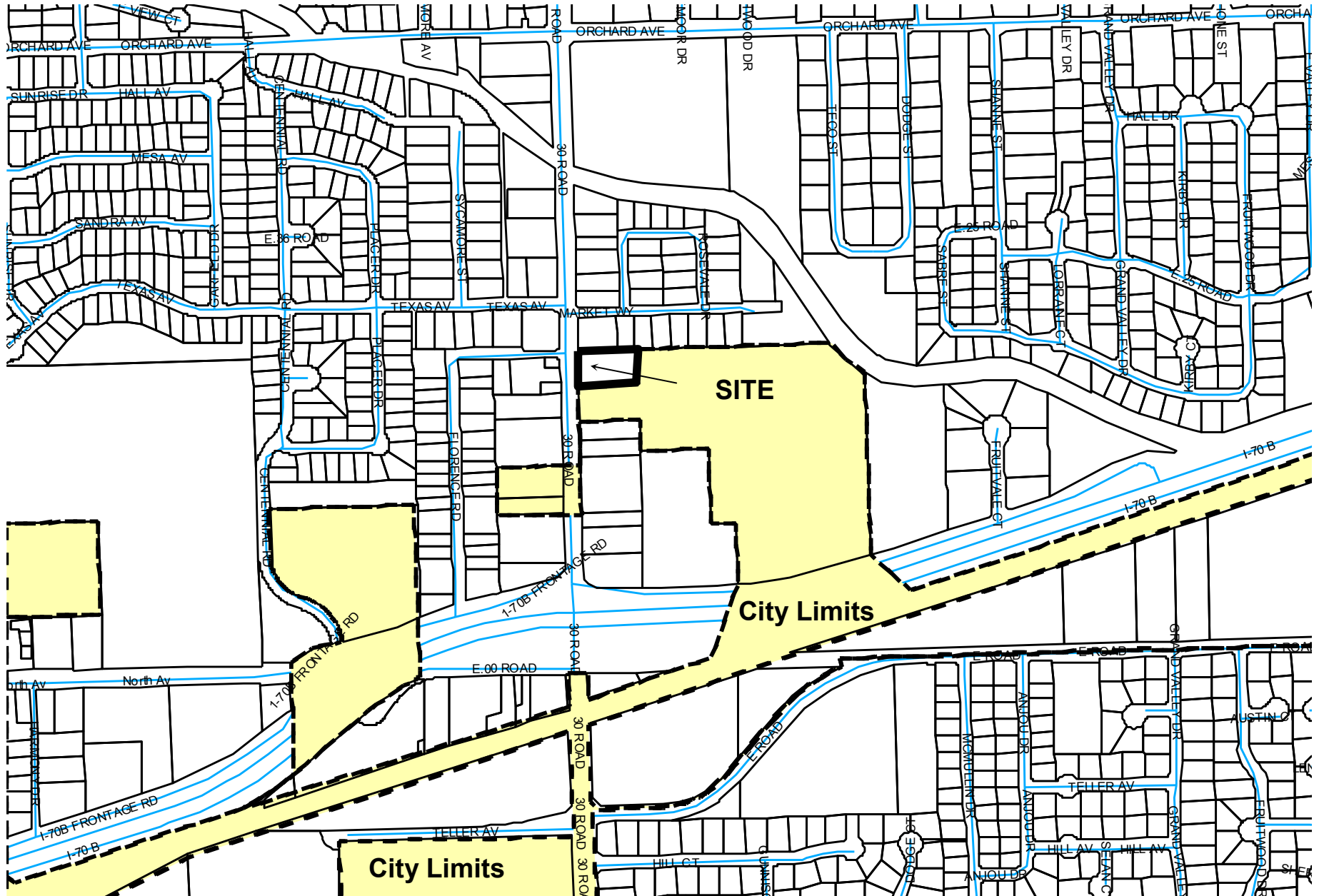
**FINDINGS AND CONCLUSIONS:**

1. The requested zoning of C-1 is consistent with the Future Land Use Growth Plan
2. The requested zoning of C-1 is consistent with Sections 2.6 and 2.14 of the Zoning and Development Code

**Recommendation:** The Planning Commission recommends that City Council find the proposed zoning for the Rold Annexation to be consistent with the Growth Plan and Sections 2.14 and 2.6 of the Zoning and Development Code.

# Site Location Map

Figure 1



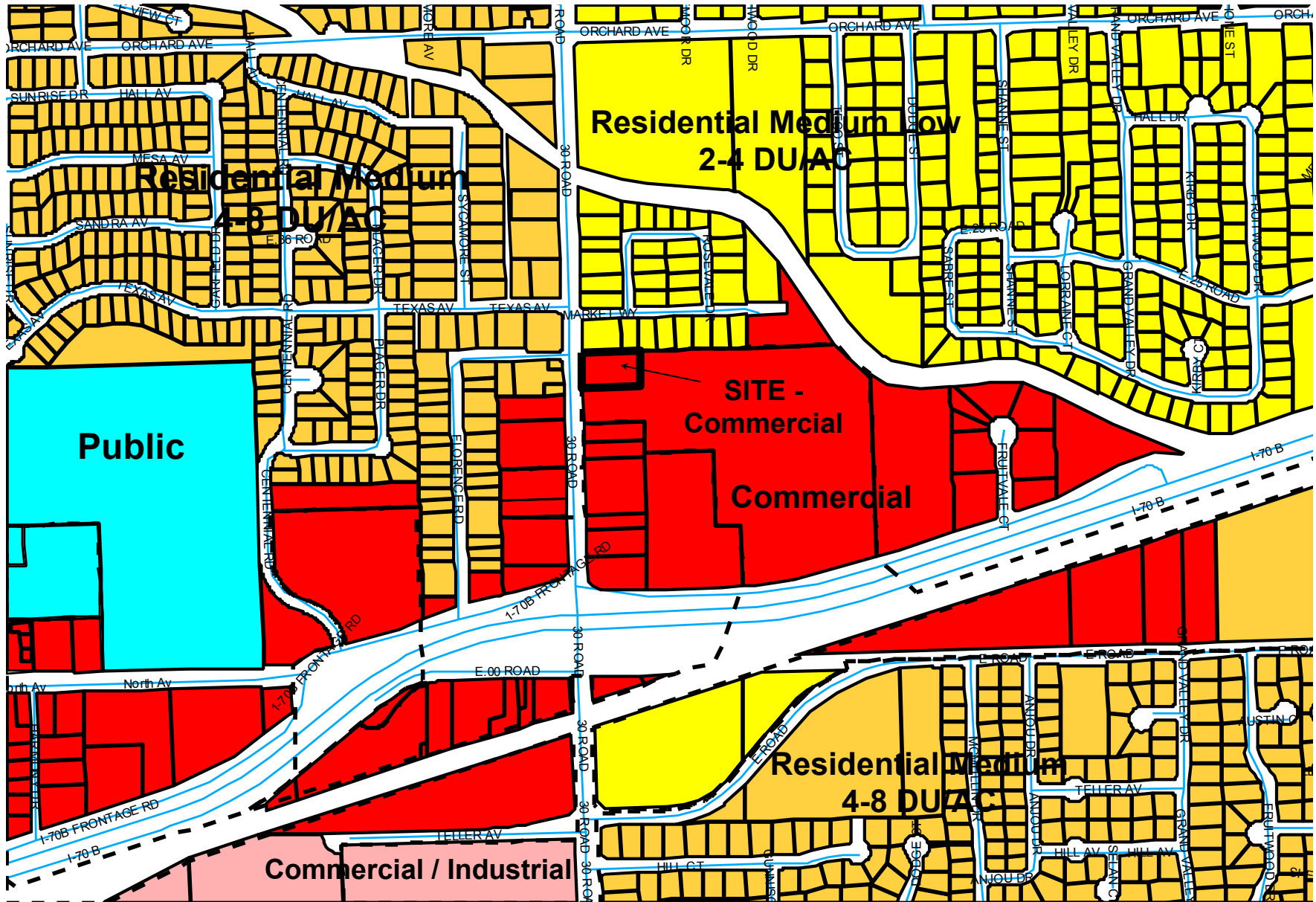
# Aerial Photo Map

Figure 2



# Future Land Use Map

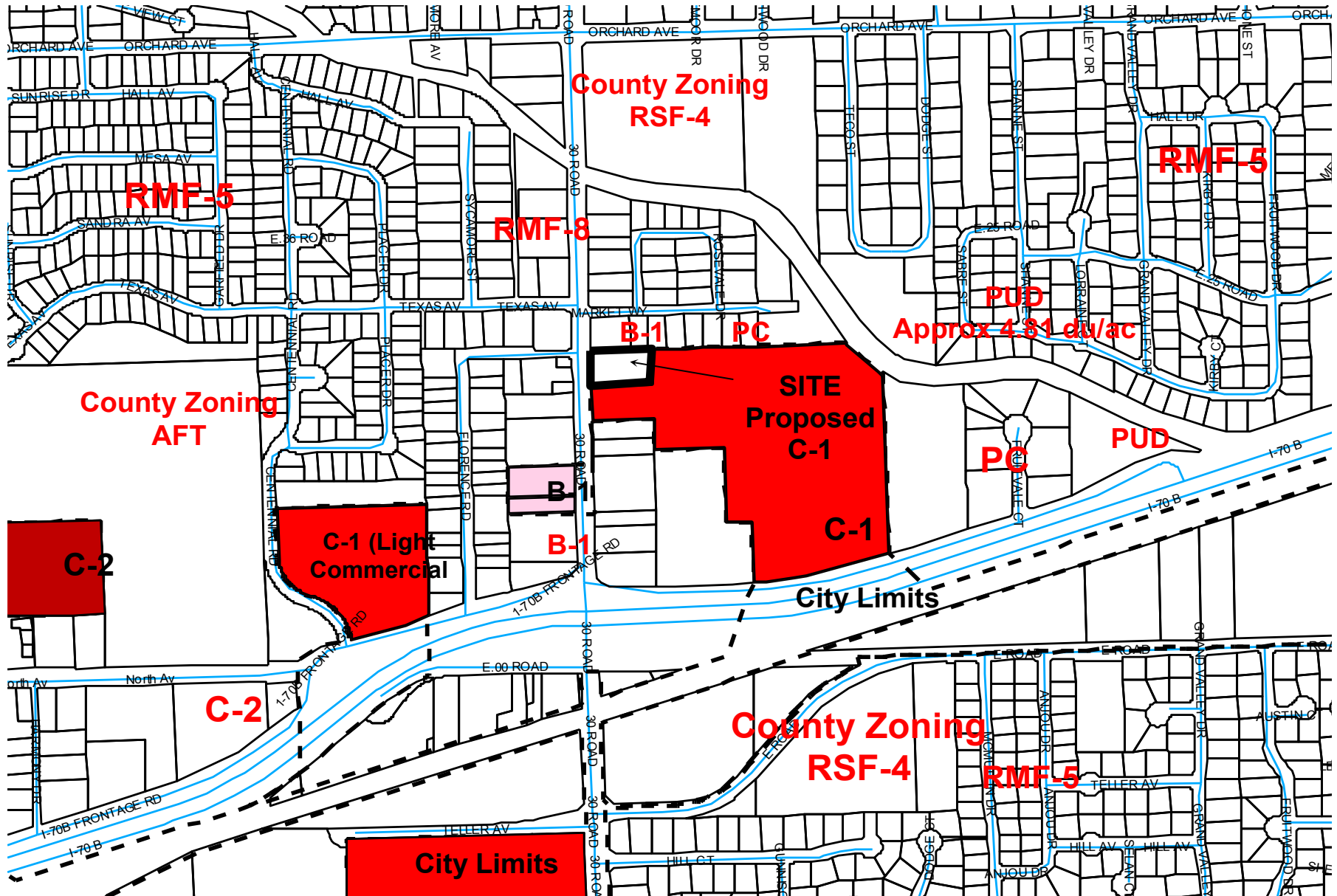
Figure 3





# Existing City and County Zoning

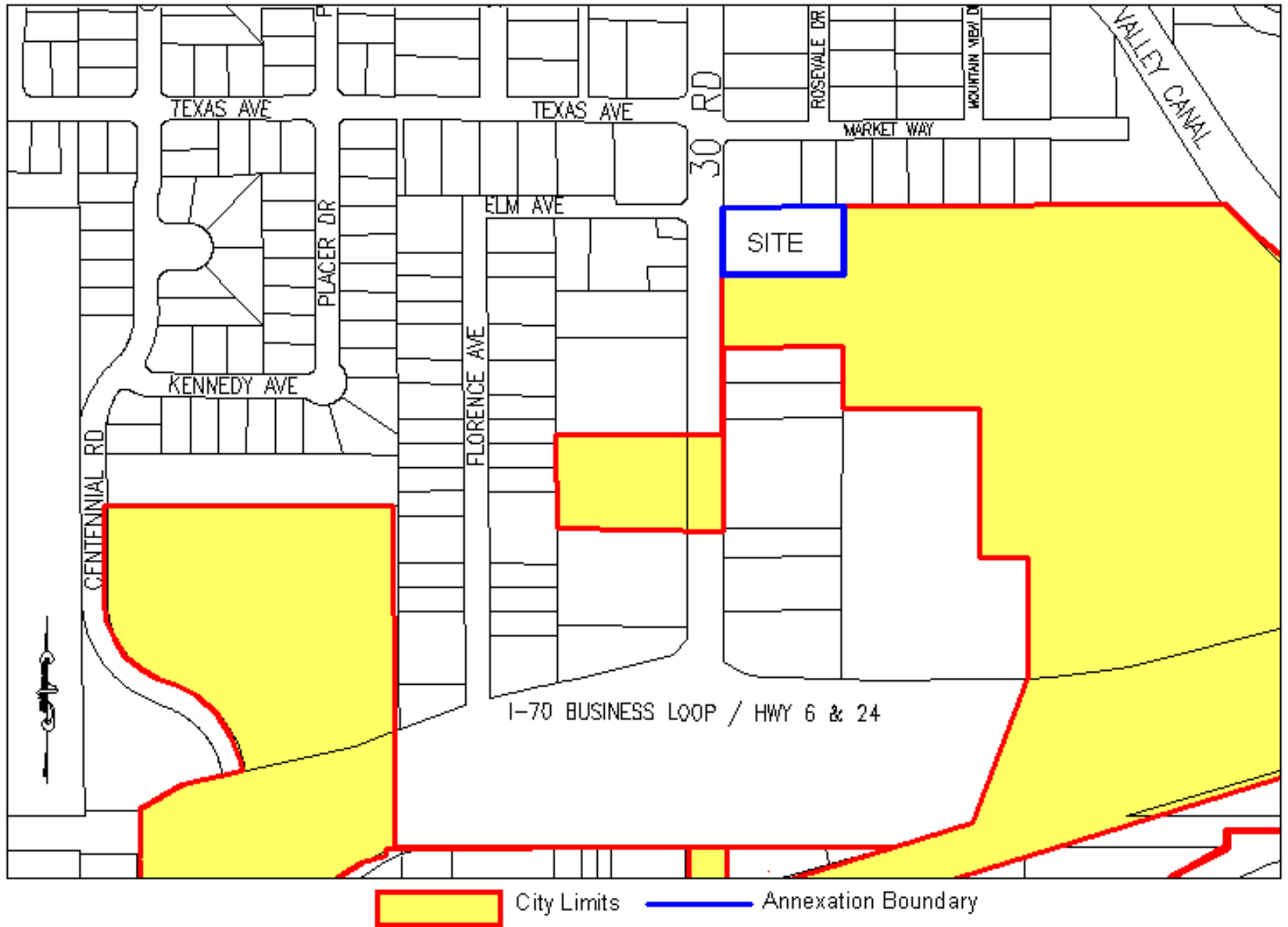
Figure 4



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

# Rold Annexation

Figure 5



**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. \_\_\_\_\_**

**ZONING THE ROLD ANNEXATION  
TO C-1 (Light Commercial)**

**LOCATED AT 524 30 ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying a C-1 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the C-1 zone district be established for the following reasons: This zone district meets the criteria of Section 2.14.F of the Zoning and Development Code by being identical to or nearly identical to the former Mesa County zoning for each parcel and conforms to the adopted Growth Plan Future Land Use Map. This zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

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

The following property shall be zoned the C-1 (Light Commercial) zone district

Includes the following tax parcel 2943-093-00-031

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

COMMENCING at the Northwest corner of the SW1/4SW1/4 of said Section 9 and assuming the West line of the SW 1/4 SW 1/4 of said Section 9 bears S00°07'39"E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S89°57'58"E along the North line of the SW1/4SW1/4 of said Section 9 a distance of 40.00' to the POINT OF BEGINNING; thence from said Point of Beginning, continue S89°57'58"E along the North line of the SW1/4SW1/4 of said Section 9, being the South line of the Francis Sub, as same is recorded in Plat Bk 7, Pg 92, Public Records of Mesa County, Colorado, a distance of 247.10'; thence S00°07'29"E a distance of 141.00'; thence N89°57'58"W a distance of 247.10' to a point on the East right of way for 30 Road as same is described in Bk 1425, Pgs 784 and 785, Public Records of Mesa County, Colorado; thence N00°07'39"W along said

East right of way, being a line 40.00' East of and parallel to, the West line of the SW 1/4 SW 1/4 of said Section 9, a distance of 141.00', more or less, to the Point of Beginning.

CONTAINING 0.7998 Acres (34,841.15 Sq. Ft.), more or less, as described.

Introduced on first reading this 16<sup>th</sup> day of June, 2003.

PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

Attach 7  
 Setting a Hearing – Carville Annexation, 2675 Highway 50

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Carville Annexation at 2675 Hwy 50					
<b>Meeting Date</b>		June 16, 2003					
<b>Date Prepared</b>		June 10, 2003			<b>File #ANX-2003-116</b>		
<b>Author</b>		Senta Costello		<b>Associate Planner</b>			
<b>Presenter Name</b>		Senta Costello		<b>Associate Planner</b>			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Carville Annexation located 2675 Hwy 50. The .19.93 acre Carville Annexation is an annexation consisting of one parcel of land.

**Budget:** N/A

**Action Requested/Recommendation:** It is recommended that City Council approve the resolution for the referral of petition to annex, first reading of the annexation ordinance and exercise land use immediately for the Carville Annexation and set a hearing for August 6, 2003.

**Attachments:**

8. Staff Report
9. Site Location Map
10. Aerial Photo Map
11. Future Land Use Map
12. Existing Zoning Map
13. Annexation Map
14. Resolution of Referral of Petition/Exercising Land Use Immediately
15. Annexation Ordinance

**Background Information:** See attached report.

<b>BACKGROUND INFORMATION</b>			
<b>Location:</b>		2675 Hwy 50	
<b>Applicants:</b>		Royce J Carville	
<b>Existing Land Use:</b>		Agricultural	
<b>Proposed Land Use:</b>		Commercial/Residential	
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential – 5.54 units/acre /Mobile Home Park/ Commercial/ Agricultural	
	<b>South</b>	School/Cimarron Mesa Sub – 3.47 units/acre	
	<b>East</b>	Commercial	
	<b>West</b>	Agricultural	
<b>Existing Zoning:</b>		County C-1/RSF-4	
<b>Proposed Zoning:</b>		City C-1/RSF-4	
<b>Surrounding Zoning:</b>	<b>North</b>	RMF-8/C-1/PD	
	<b>South</b>	RSF-4	
	<b>East</b>	County B-1	
	<b>West</b>	County RSF-4/City PD	
<b>Growth Plan Designation:</b>		Commercial/Residential Medium Low 2-4 du/ac	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of annexing 19.93 acres of land. Owners of the property have signed a petition for annexation pursuant to the 1998 Persigo agreement with Mesa County.

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 Carville 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.

<b>CARVILLE ANNEXATION SUMMARY</b>		
<b>File Number:</b>	ANX-2003-116	
<b>Location:</b>	2675 Hwy 50	
<b>Tax ID Number:</b>	2945-261-00-042	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	0	
<b># of Parcels (owner occupied):</b>	1	
<b># of Dwelling Units:</b>	0	
<b>Acres land annexed:</b>	19.93 acres for annexation area	
<b>Developable Acres Remaining:</b>	19.93 acres	
<b>Right-of-way in Annexation:</b>	0	
<b>Previous County Zoning:</b>	C-1/RSF-4	
<b>Proposed City Zoning:</b>	C-1/RSF-4	
<b>Current Land Use:</b>	Agricultural	
<b>Future Land Use:</b>	Commercial/Residential	
<b>Values:</b>	<b>Assessed:</b>	= \$2,430
	<b>Actual:</b>	= \$8,390
<b>Address Ranges:</b>	2675 Hwy 50	
<b>Special Districts:</b>	<b>Water:</b>	Ute Water
	<b>Sewer:</b>	Orchard Mesa Sanitation District
	<b>Fire:</b>	City Fire
	<b>Irrigation:</b>	Orchard Mesa Irrigation District
	<b>School:</b>	District 51



The following annexation and zoning schedule is being proposed.

<b>ANNEXATION SCHEDULE</b>	
<b>June 18, 2003</b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>July 8, 2003</b>	Planning Commission considers Zone of Annexation
<b>July 16, 2003</b>	First Reading on Zoning by City Council
<b>August 6, 2003</b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>September 7, 2003</b>	Effective date of Annexation and Zoning

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

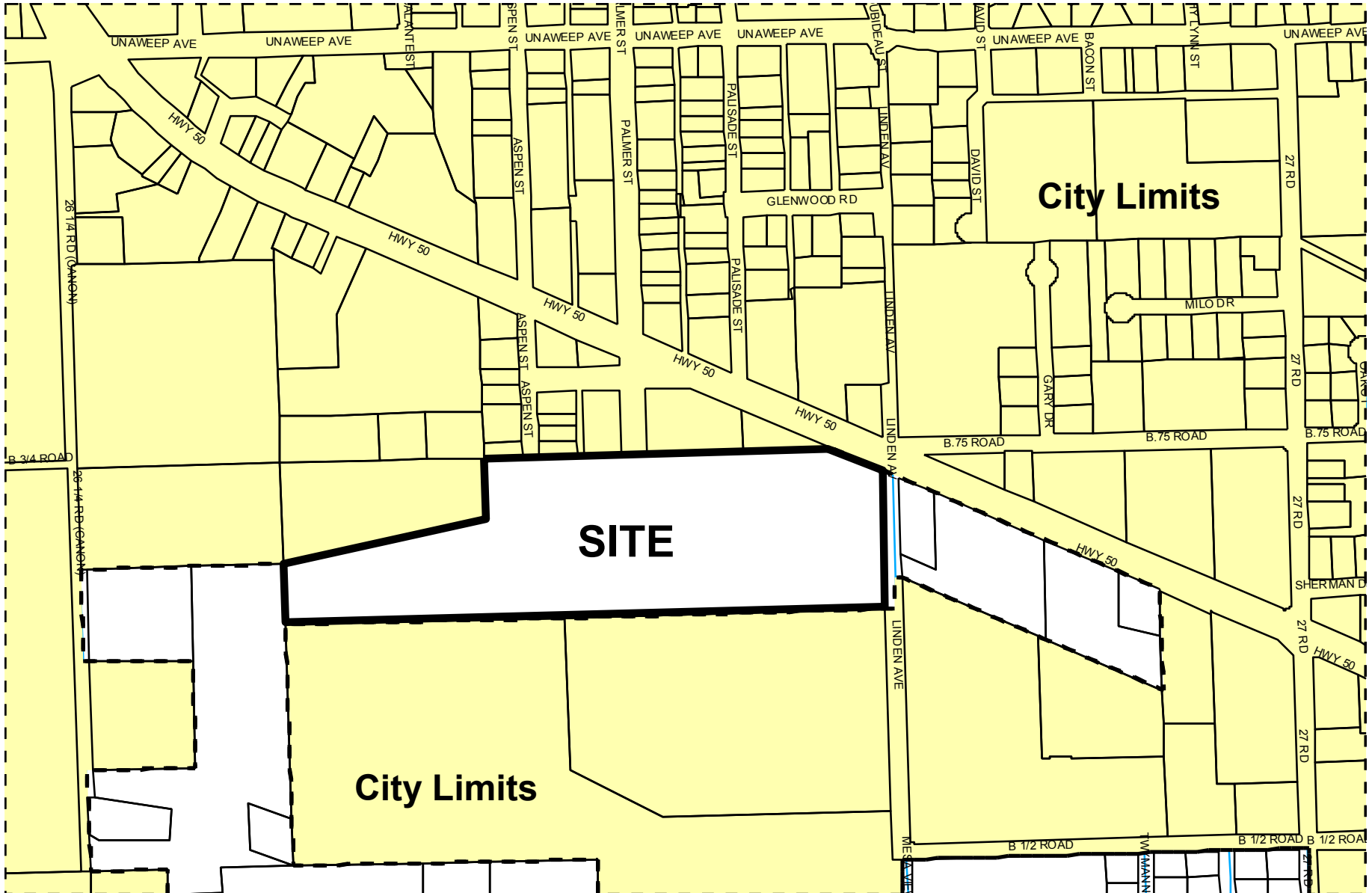
**Attachments:**

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing Zoning Map
5. Annexation Map
6. Resolution of Referral of Petition/Exercising Land Use Immediately
7. Annexation Ordinances

CC Ref-1st read - LU.doc

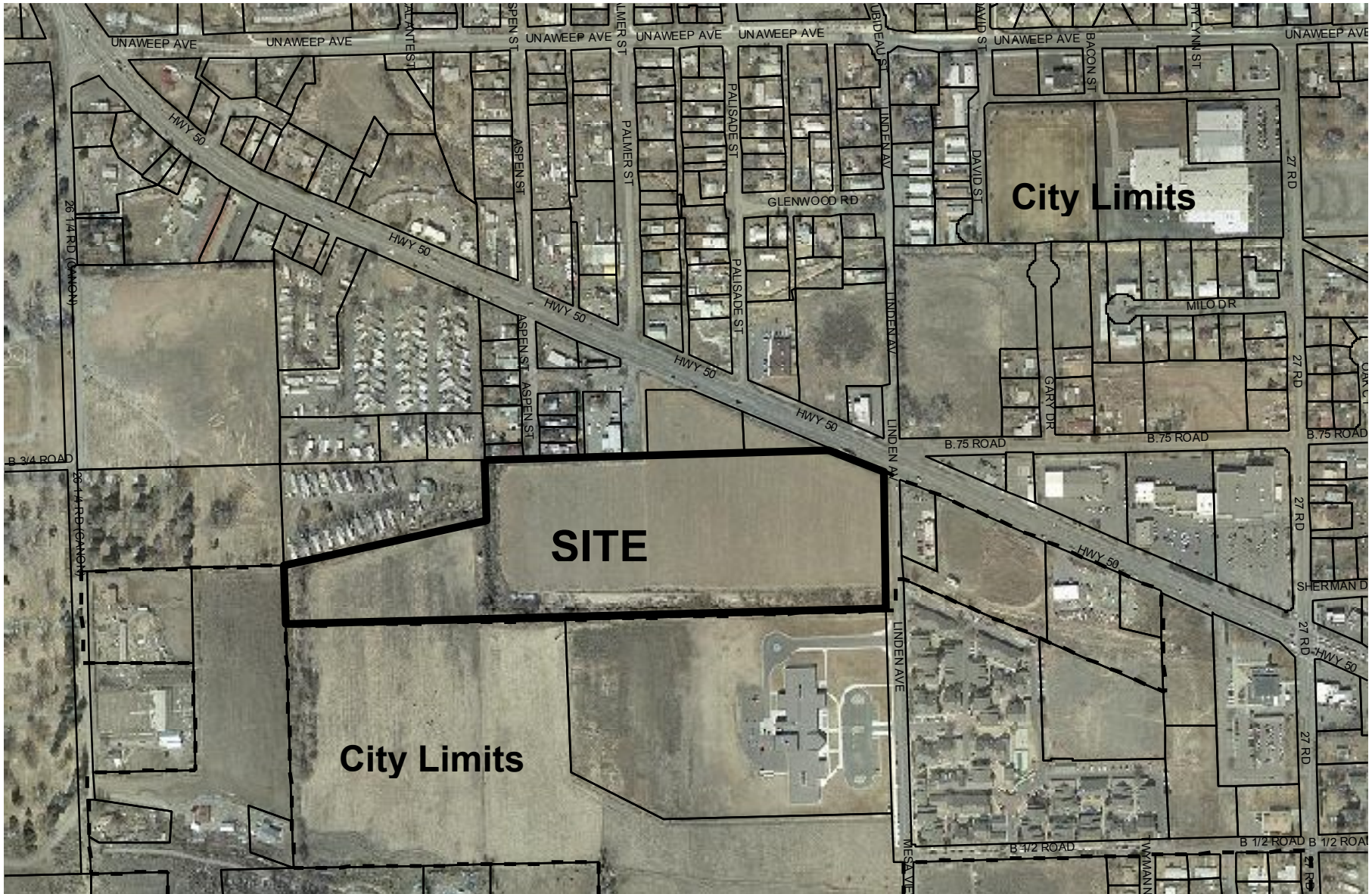
# Site Location Map

Figure 1



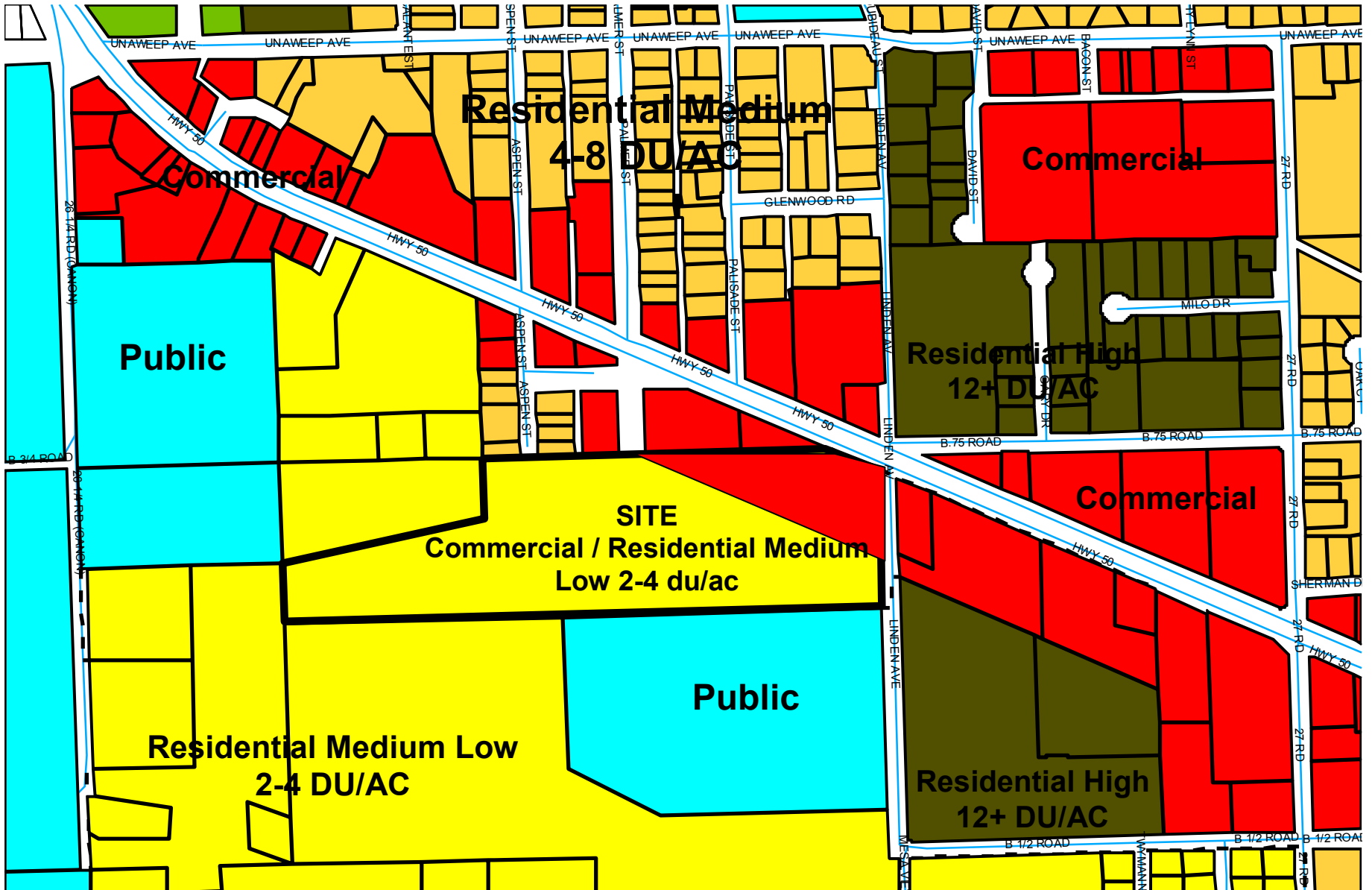
# Aerial Photo Map

Figure 2



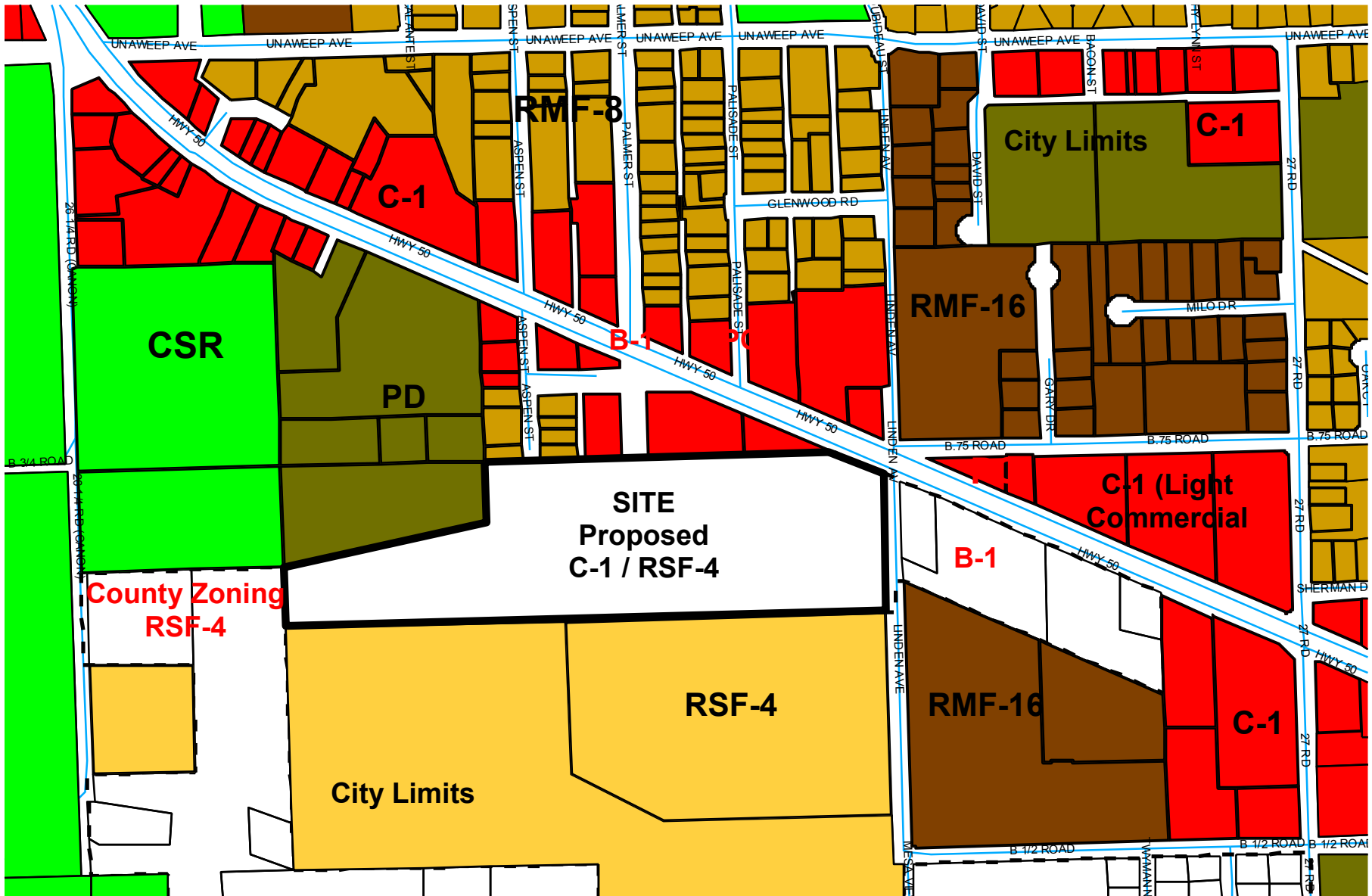
# Future Land Use Map

Figure 3



# Existing City and County Zoning

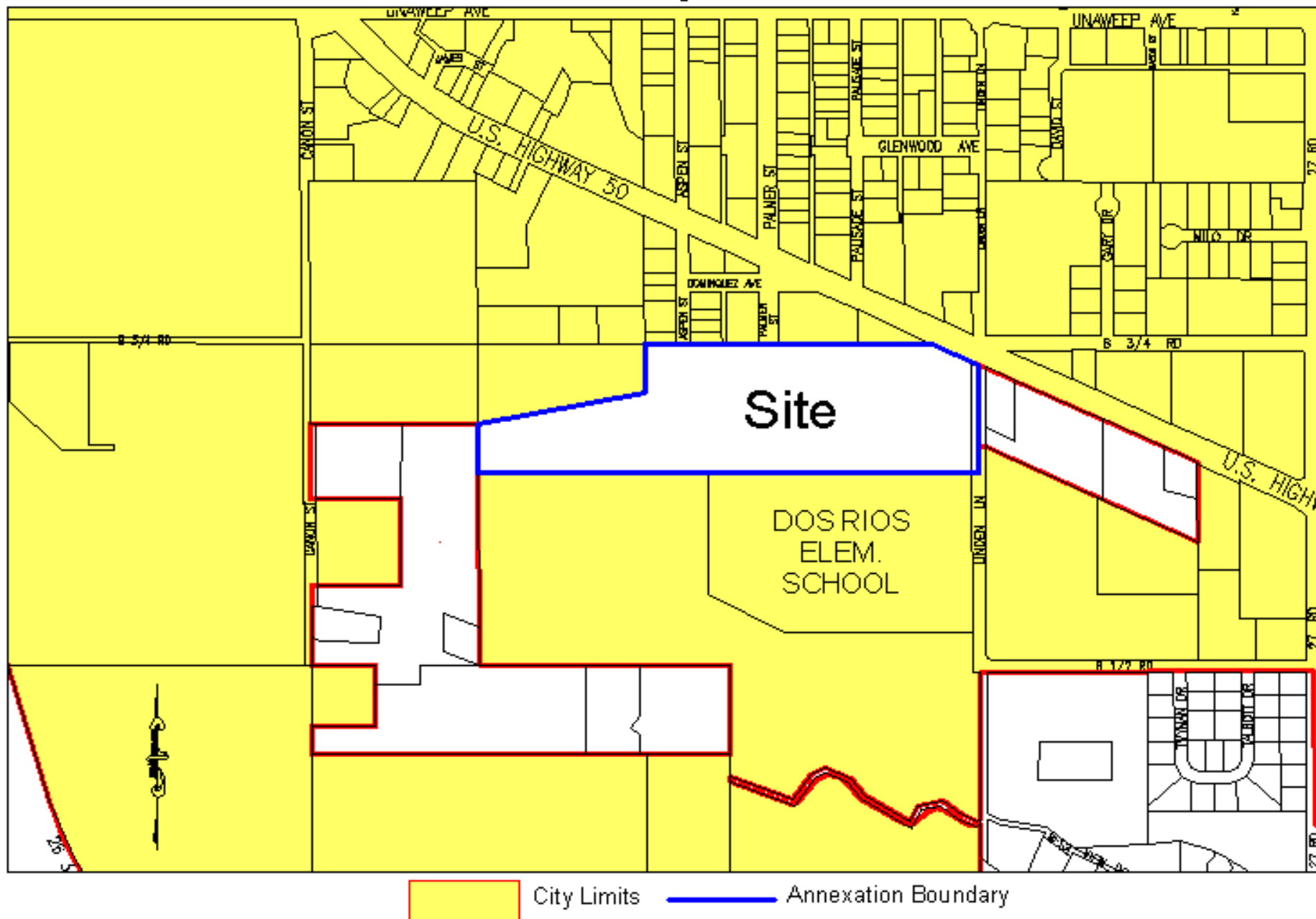
Figure 4



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

# Carville Annexation

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 18<sup>th</sup> day of June, 2003, the following Resolution was adopted:

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO.     -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**

**CARVILLE ANNEXATION**

LOCATED AT 2675 HWY 50

**WHEREAS**, on the 18<sup>th</sup> 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:

**CARVILLE ANNEXATION**

A certain parcel of land lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

That portion of the SW1/4NE1/4 of said Section 26 and the East Half (E 1/2) of the SE1/4NW1/4 of said Section 26 lying North of the following described line and South U.S. Highway 50: COMMENCING at the Southeast corner of the SW1/4NE1/4 of said Section 26 and assuming the East line of the SW1/4NE1/4 of said Section 26 bears N00°11'27"E and all other bearings contained herein are relative thereto; thence N00°11'27"E along the East line of the SW1/4NE1/4 of said Section 26 a distance of 793.08' to the True Point of Beginning; thence N89°36'24"W a distance of 1978.08' to a point on the West line of the E1/2SE1/4NW1/4 of said Section 26; EXCEPT that part of the NE1/4NW1/4 of said Section 26 lying North of the Orchard Mesa District Drain.

CONTAINING 19.93 Acres, more or less, as described.

and,



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

**ADOPTED** this 16<sup>th</sup> day of June, 2003.

Attest:

---

President of the Council

---

City Clerk

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

---

City Clerk

<i><b>PUBLISHED</b></i>
<b>June 20, 2003</b>
<b>June 27, 2003</b>
<b>July 4, 2003</b>
<b>July 11, 2003</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**CARVILLE ANNEXATION**

**APPROXIMATELY 19.93 ACRES**

**LOCATED AT 2675 HWY 50**

**WHEREAS**, on the 18<sup>th</sup> 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 6<sup>th</sup> day of August, 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:

A certain parcel of land lying in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

That portion of the SW1/4NE1/4 of said Section 26 and the East Half (E1/2) of the SE1/4NW1/4 of said Section 26 lying North of the following described line and South U.S. Highway 50: COMMENCING at the Southeast corner of the SW1/4NE1/4 of said Section 26 and assuming the East line of the SW1/4NE1/4 of said Section 26 bears N00°11'27"E and all other bearings contained herein are relative thereto; thence N00°11'27" E along the East line of the SW1/4NE1/4 of said Section 26 a distance of 793.08' to the True Point of Beginning; thence N89°36'24"W a distance of 1978.08' to a

point on the West line of the E1/2SE1/4NW1/4 of said Section 26; EXCEPT that part of the NE1/4NW1/4 of said Section 26 lying North of the Orchard Mesa District Drain.

CONTAINING 19.93 Acres, more or less, as described.

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

**INTRODUCED** on first reading on the 16<sup>th</sup> day of June, 2003.

**ADOPTED** and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

Attach 8

Setting a Hearing – Westgate Free Will Baptist Church Annexation No. 1 and No. 2, 2155 Broadway

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Westgate Free Will Baptist Church Annexation No. 1 and 2 – Referral of Petition, First Reading and Exercise Land Use Jurisdiction					
<b>Meeting Date</b>	June 16, 2003					
<b>Date Prepared</b>	June 6, 2003				<b>File #</b> ANX-2003-114	
<b>Author</b>	Lori V. Bowers			Senior Planner		
<b>Presenter Name</b>	Lori V. Bowers			Senior Planner		
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X		<b>Formal Agenda</b>	X	<b>Consent</b>
						<b>Individual Consideration</b>

**Summary:** Westgate Free Will Church Annexation, a serial annexation comprised of 4.5373 acres, located at 2155 Broadway, has presented a petition for annexation. This is the proposed future site of the Redlands Fire Station #5. The applicants request approval of the Resolution referring the annexation petition, first reading of the Annexation Ordinance, requesting Land Use Jurisdiction immediately, and set a public hearing for August 6, 2003.

**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 August 6, 2003.

**Attachments:**

- Staff Report
- Site Location Map
- Existing City and County Zoning Map
- Future Land Use Map
- Aerial Photo Map
- Annexation Map
- Resolution

Annexation Ordinances

**Background Information:** See attached Staff Report

<i>BACKGROUND INFORMATION</i>					
<b>Location:</b>		2155 Broadway			
<b>Applicant:</b>		Westgate Free Will Baptist Church, Bobby C. Lewis Jr., representative			
<b>Existing Land Use:</b>		Church			
<b>Proposed Land Use:</b>		Fire Station #5			
<b>Surrounding Land Use:</b>	<b>North</b>	Shopping Center & single family residential			
	<b>South</b>	Single family residential			
	<b>East</b>	Single family residential			
	<b>West</b>	Single family residential			
<b>Existing Zoning:</b>		RSF-4 (Mesa County)			
<b>Proposed Zoning:</b>		RSF-2 (Residential Single-Family, not to exceed 2 dwelling units per acre)			
<b>Surrounding Zoning:</b>	North	Commercial and PD residential (Mesa County)			
	South	RSF-4 (Mesa County)			
	East	RSF-4 (Mesa County)			
	West	RSF-4 (Mesa County)			
<b>Growth Plan Designation:</b>		Residential Medium Low – 2 to 4 dwelling units per acre			
<b>Zoning within density range?</b>		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 Westgate Free Will Baptist Church Annexation is eligible to be annexed because of compliance with the following:

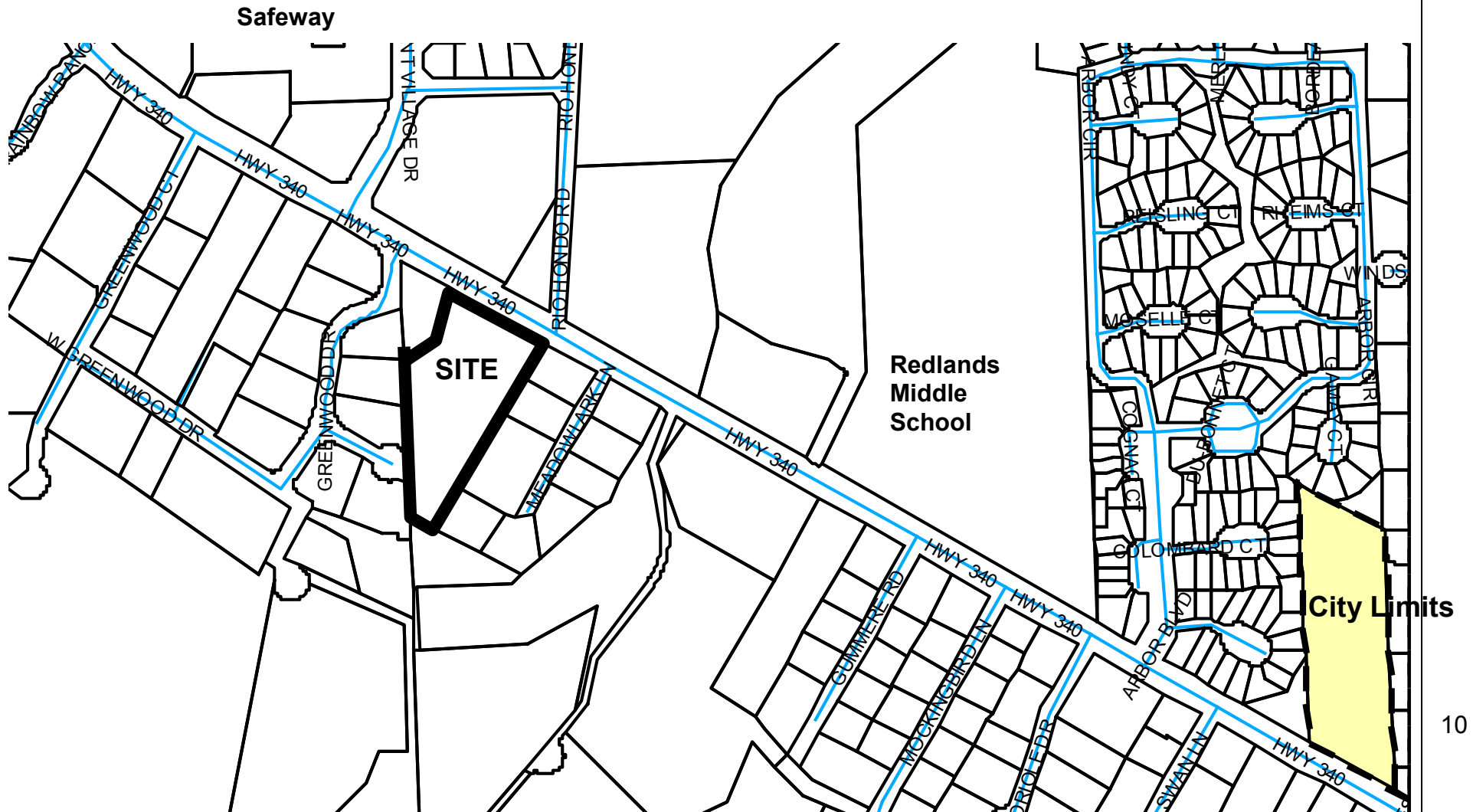
- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and 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:

<b><i>ANNEXATION SCHEDULE</i></b>	
<b>June 16<sup>th</sup></b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>July 8<sup>th</sup></b>	Planning Commission considers Zone of Annexation
<b>July 16<sup>th</sup></b>	First Reading on Zoning by City Council
<b>Aug 6<sup>th</sup></b>	Acceptance of Petition and Public hearing on Annexation and Zoning by City Council
<b>Sept 5<sup>th</sup></b>	Effective date of Annexation and Zoning

# Site Location Map

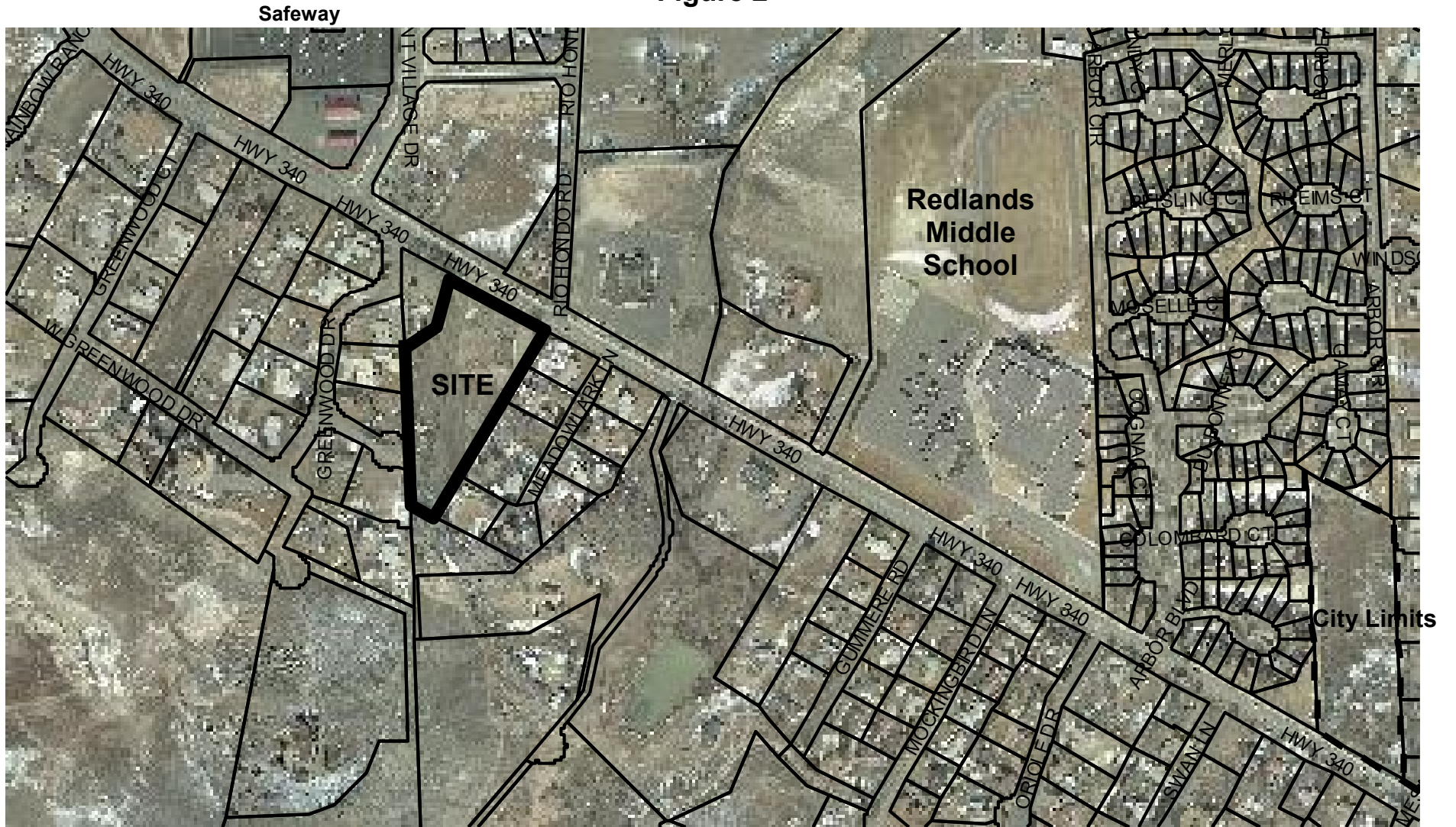
Figure 1





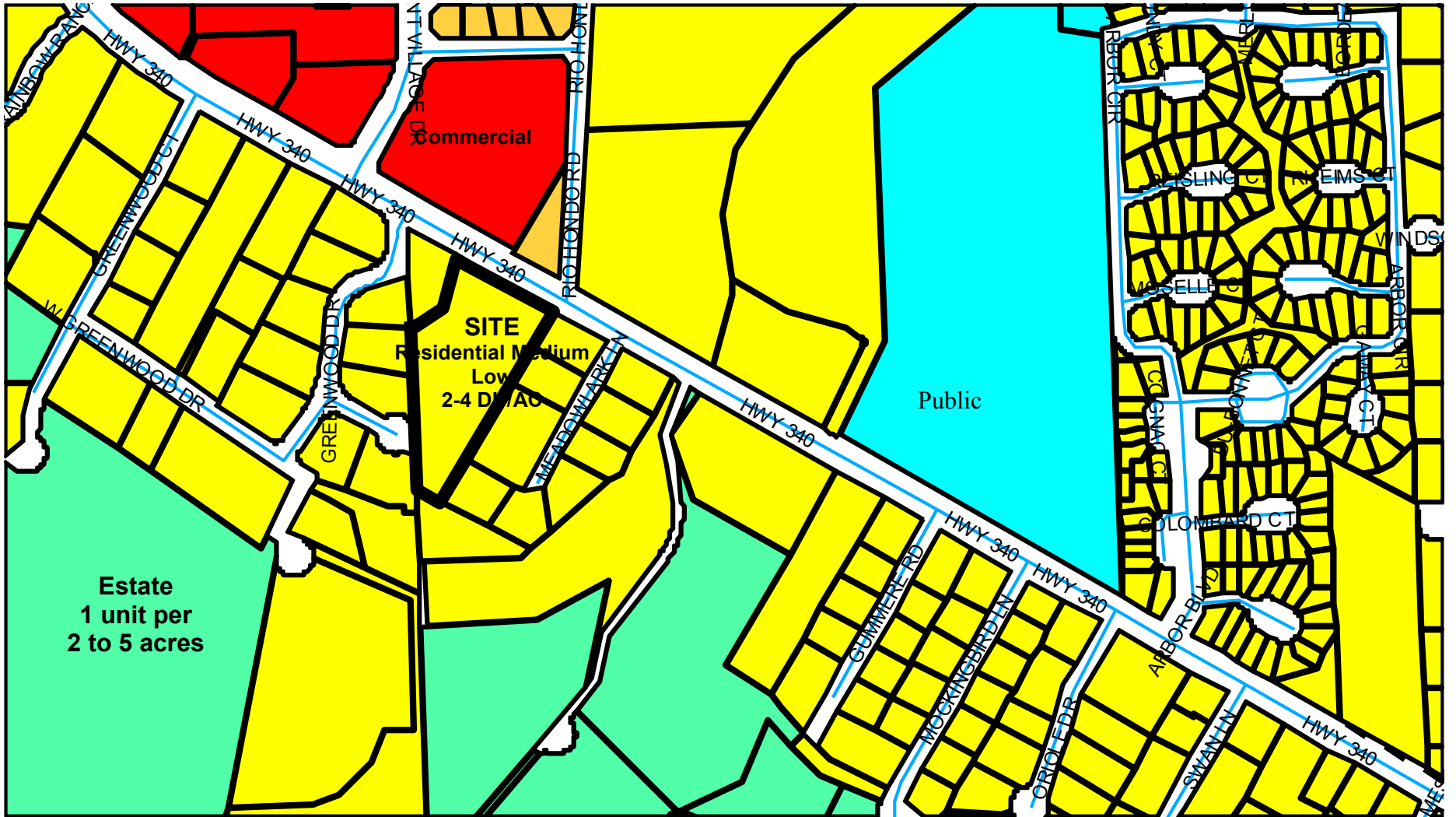
# Aerial Photo Map

Figure 2



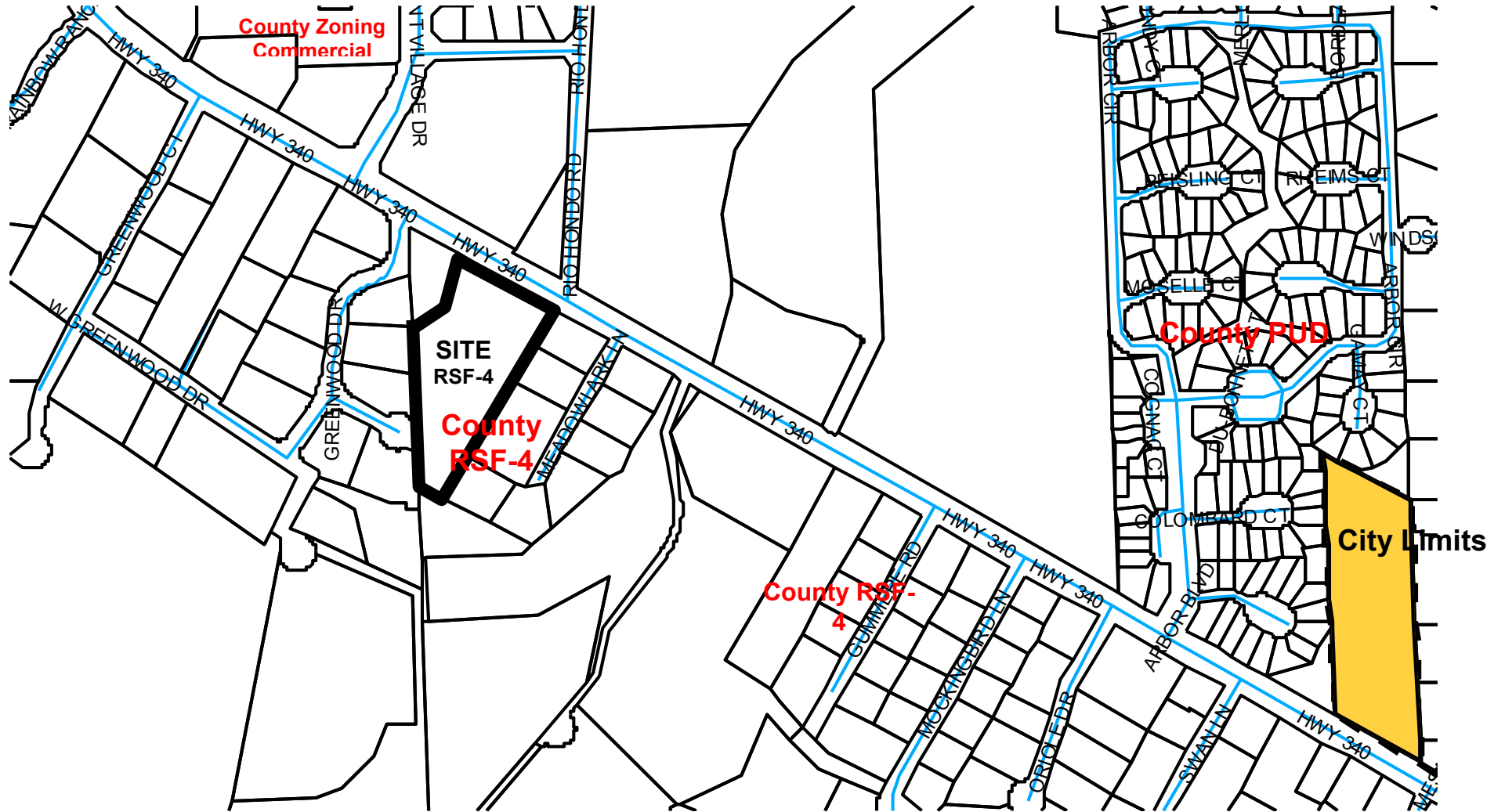
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4

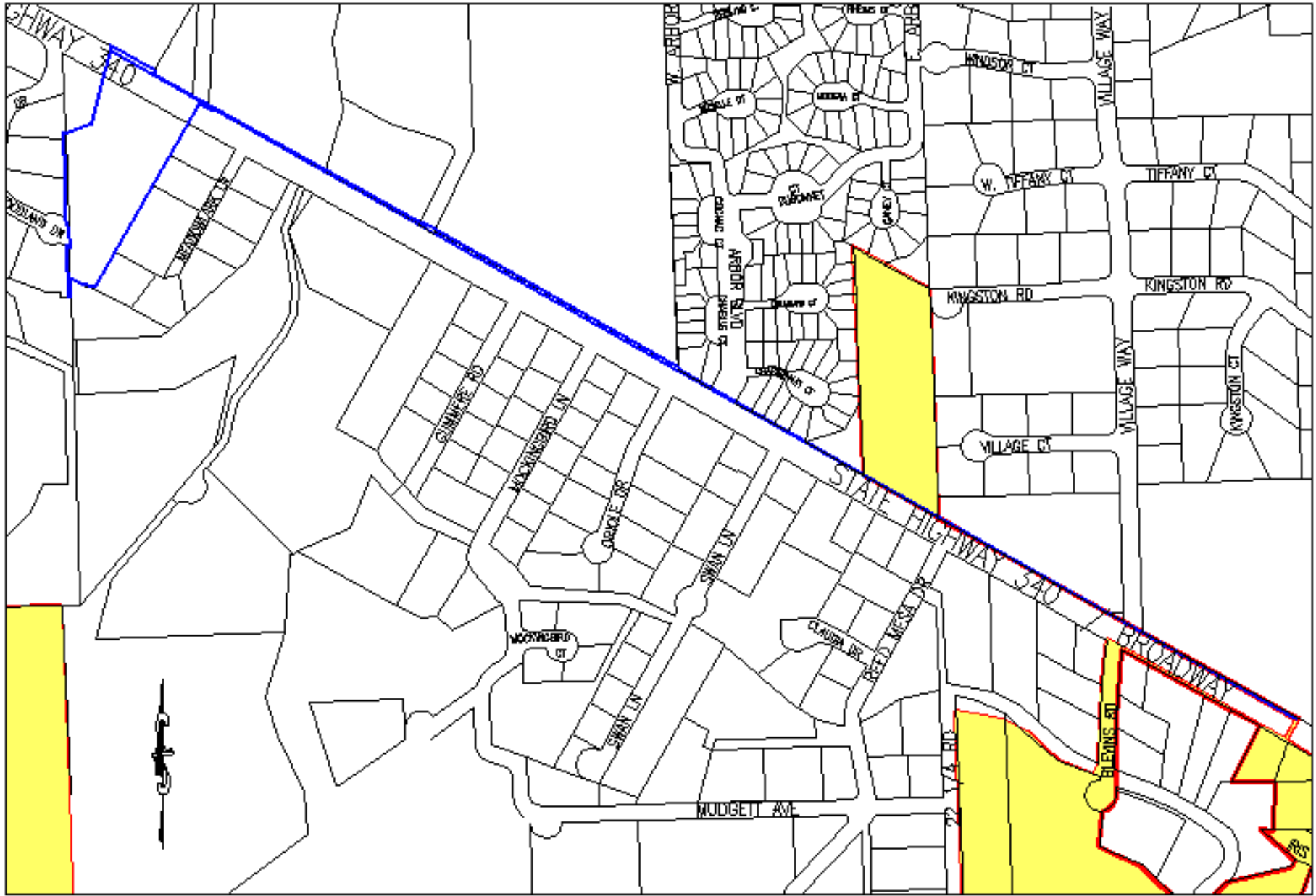


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning.



# Westgate Freewill Baptist Church Annexations #1 & #2

Figure 5



 City Limits  Annexation Boundary

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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 16th 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**

**WESTGATE FREE WILL BAPTIST CHURCH ANNEXATION**

**LOCATED AT 2155 BROADWAY**

**WHEREAS**, on the 16<sup>th</sup> 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**

**WESTGATE FREE WILL BAPTIST CHURCH ANNEXATION  
A Serial Annexation comprising Westgate Freewill Baptist Church Annexation No. 1  
and Westgate Freewill Baptist Church Annexation No. 2**

**WESTGATE FREE WILL BAPTIST CHURCH  
ANNEXATION NO. 1**

A certain parcel of land lying in the West Half (W 1/2) of Section 7, Township 1 South, Range 1 West of the Ute Meridian, and the East Half (E 1/2) of Section 23, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the point of intersection of the Northerly right of way for Colorado Highway 340 (Broadway), as same is depicted on plans by the Colorado State Highway Department, Federal and Secondary Project No. S 0143(1), and the East line of the 50' right of way for Rio Hondo Road, as same is recorded in Book 945, Page 602, Public Records of Mesa County, Colorado and depicted on the Plat of Monument Village Commercial Center, as same is recorded in Plat Book 17, Page 396, Public Records of Mesa County, Colorado, being the Southwest corner of that certain parcel of land, Parcel Control Number 2947-231-00-950, Mesa County, Colorado, and considering the East line

of said Rio Hondo Road to bear N 05°01'52" E with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, N 05°01'52" E along the East line of said Rio Hondo Road, a distance of 432.33 feet; thence S 89°50'04" E a distance of 411.73 feet; thence S 33°53'56" W a distance of 75.24 feet; thence S 13°15'56" W a distance of 180.80 feet; thence S 06°19'04" E a distance of 229.00 feet; thence S 18°52'58" W a distance of 189.71 feet to a point on the Northerly right of way for Colorado Highway 340 (Broadway); thence S 59°01'04" E along said Northerly right of way, a distance of 362.35 feet; thence N 27°31'56" E a distance of 6.01 feet; thence S 59°01'04" E along the South line of the Redlands Middle School, Parcel Control Number 2947-231-00-949, Mesa County, Colorado, a distance of 895.90 feet to a point on the West line of The Vineyard Filing No. One, as same is recorded in Plat Book 12, Pages 440 and 441, Public Records of Mesa County, Colorado; thence S 00°43'52" E, along said West line, a distance of 7.05 feet to a point on the Northerly right of way for Colorado Highway 340 (Broadway); thence S 59°01'04" E, along said Northerly right of way, a distance of 661.59 feet; thence S 00°48'00" E a distance of 4.71 feet; thence S 59°01'04" E, along a line 4.00 feet South of and parallel to, the Northerly right of way for Colorado Highway 340 (Broadway), contiguous to Lucas Annexation No. 2, Ordinance No. 3474, City of Grand Junction, a distance of 1546.75 feet; thence S 30°58'56" W a distance of 4.00 feet; thence N 59°01'04" W along a line 8.00 feet South of and parallel to the North right of way for Colorado Highway 340 (Broadway), contiguous to Lucas Annexation No. 1, Ordinance No. 3473, City of Grand Junction, a distance of 4228.15 feet; thence N 15°24'04" E a distance of 18.69 feet, more or less, to a point on the Northerly right of way for Colorado Highway 340 (Broadway), as same is depicted within Monument Village Commercial Center, recorded in Plat Book 17, Page 396, Public Records of Mesa County, Colorado; thence S 59°01'04" E along said Northerly right of way, a distance of 143.04 feet to a point on the East line of said Monument Village Commercial Center; thence S 31°55'07" W along the Southerly projection of the East line of said Monument Village Commercial Center, a distance of 10.00 feet; thence S 59°01'04" E along the Northerly right of way for said Colorado Highway 340 (Broadway) a distance of 198.39 feet, more or less, to the Point of Beginning.

CONTAINS 0.7907 Acres (34,441.88 Square Feet), more or less, as described.

WESTGATE FREE WILL BAPTIST CHURCH  
ANNEXATION NO. 2

A certain parcel of land lying in the East Half (E 1/2) of Section 23, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 1, R.C. Jones Subdivision, as same is recorded in Plat Book 13, Page 40, Public Records of Mesa County, Colorado, and considering the East line of said Lot 1 bears N 15°24'04" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 15°24'04"



E a distance of 74.75 feet; thence S 59°01'04" E along a line 72.00 feet North of and parallel to, the Southerly right of way for Colorado Highway 340 (Broadway), as same is depicted on plans by the Colorado State Highway Department, Federal and Secondary Project No. S 0143(1), a distance of 367.33 feet; thence S 30°58'56" W a distance of 4.00 feet; thence N 59°01'04" W a distance of 49.96 feet; thence S 30°23'25" W a distance of 659.02 feet; thence N 79°11'08" W a distance of 40.80 feet; thence N 56°14'40" W a distance of 44.93 feet to a point on the East line of Shadow Mountain Subdivision, as same is recorded in Plat Book 9, Page 175, Public Records of Mesa County, Colorado; thence S 00°02'34" E along said East line, a distance of 61.04 feet to a point being the Southeast corner of Lot 7, said Plat of Shadow Mountain Subdivision; thence S 89°57'26" W along the South line of said Lot 7, a distance of 10.00 feet; thence N 00°02'34" W along a line 10.00 feet West of and parallel to, the East line of said Shadow Mountain Subdivision, a distance of 161.89 feet to a point on the North line of said Lot 7; thence S 59°19'34" E along said North line, a distance of 11.63 feet to a point on the East line of said Shadow Mountain Subdivision; thence N 00°02'34" W along said East line, a distance of 58.16 feet to a point being the beginning of a 50.00 foot radius curve, concave Southwest; thence 32.81 feet along the arc of said curve, through a central angle of 37°35'39", having a long chord bearing of N 18°07'23" W with a chord distance of 32.22 feet; thence N 00°02'34" W along a line 10.00 feet West of and parallel to the East line of said Shadow Mountain Subdivision, a distance of 135.80 feet; thence N 00°39'34" W along said parallel line, a distance of 127.71 feet to a point on the North line of Lot 9, said Shadow Mountain Subdivision; thence N 89°45'26" E, along said North line, a distance of 10.00 feet to a point being the Northeast corner of said Lot 9; thence N 71°09'44" E along the North line of Lot 2, said R.C. Jones Subdivision, a distance of 84.12 feet to a point being the Southeast corner of said Lot 1, R.C. Jones Subdivision; thence N 15°24'04" E along the East line of said Lot 1, a distance of 162.00 feet, more or less, to the Point of Beginning.

CONTAINING 3.7466 Acres (163,200.18 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 16<sup>th</sup> day of July, 2003, in the City Hall auditorium, located at 250 N 5<sup>th</sup> 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 20, 2003  
June 27, 2003  
July 4, 2003  
July 11, 2003

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**WESTGATE FREE WILL BAPTIST CHURCH ANNEXATION NO. 1  
APPROXIMATELY 0.7907 ACRES  
LOCATED WITHIN A PORTION OF BROADWAY (HIGHWAY 340) RIGHT-OF-WAY**

**WHEREAS**, on the 16<sup>th</sup> 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:

WESTGATE FREE WILL BAPTIST CHURCH  
ANNEXATION NO. 1

A certain parcel of land lying in the West Half (W 1/2) of Section 7, Township 1 South, Range 1 West of the Ute Meridian, and the East Half (E 1/2) of Section 23, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the point of intersection of the Northerly right of way for Colorado Highway 340 (Broadway), as same is depicted on plans by the Colorado State Highway Department, Federal and Secondary Project No. S 0143(1), and the East line of the 50' right of way for Rio Hondo Road, as same is recorded in Book 945, Page 602, Public Records of Mesa County, Colorado and depicted on the Plat of Monument Village Commercial Center, as same is recorded in Plat Book 17, Page 396, Public Records of

Mesa County, Colorado, being the Southwest corner of that certain parcel of land, Parcel Control Number 2947-231-00-950, Mesa County, Colorado, and considering the East line of said Rio Hondo Road to bear N 05°01'52" E with all other bearings mentioned herein being relative thereto; thence from said Point of Beginning, N 05°01'52" E along the East line of said Rio Hondo Road, a distance of 432.33 feet; thence S 89°50'04" E a distance of 411.73 feet; thence S 33°53'56" W a distance of 75.24 feet; thence S 13°15'56" W a distance of 180.80 feet; thence S 06°19'04" E a distance of 229.00 feet; thence S 18°52'58" W a distance of 189.71 feet to a point on the Northerly right of way for Colorado Highway 340 (Broadway); thence S 59°01'04" E along said Northerly right of way, a distance of 362.35 feet; thence N 27°31'56" E a distance of 6.01 feet; thence S 59°01'04" E along the South line of the Redlands Middle School, Parcel Control Number 2947-231-00-949, Mesa County, Colorado, a distance of 895.90 feet to a point on the West line of The Vineyard Filing No. One, as same is recorded in Plat Book 12, Pages 440 and 441, Public Records of Mesa County, Colorado; thence S 00°43'52" E, along said West line, a distance of 7.05 feet to a point on the Northerly right of way for Colorado Highway 340 (Broadway); thence S 59°01'04" E, along said Northerly right of way, a distance of 661.59 feet; thence S 00°48'00" E a distance of 4.71 feet; thence S 59°01'04" E, along a line 4.00 feet South of and parallel to, the Northerly right of way for Colorado Highway 340 (Broadway), contiguous to Lucas Annexation No. 2, Ordinance No. 3474, City of Grand Junction, a distance of 1546.75 feet; thence S 30°58'56" W a distance of 4.00 feet; thence N 59°01'04" W along a line 8.00 feet South of and parallel to the North right of way for Colorado Highway 340 (Broadway), contiguous to Lucas Annexation No. 1, Ordinance No. 3473, City of Grand Junction, a distance of 4228.15 feet; thence N 15°24'04" E a distance of 18.69 feet, more or less, to a point on the Northerly right of way for Colorado Highway 340 (Broadway), as same is depicted within Monument Village Commercial Center, recorded in Plat Book 17, Page 396, Public Records of Mesa County, Colorado; thence S 59°01'04" E along said Northerly right of way, a distance of 143.04 feet to a point on the East line of said Monument Village Commercial Center; thence S 31°55'07" W along the Southerly projection of the East line of said Monument Village Commercial Center, a distance of 10.00 feet; thence S 59°01'04" E along the Northerly right of way for said Colorado Highway 340 (Broadway) a distance of 198.39 feet, more or less, to the Point of Beginning.

CONTAINS 0.7907 Acres (34,441.88 Square Feet), 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**

**WESTGATE FREE WILL BAPTIST CHURCH ANNEXATION NO. 2  
APPROXIMATELY 3.7466 ACRES  
LOCATED 2155 BROADWAY**

**WHEREAS**, on the 16<sup>th</sup> 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 16<sup>th</sup> 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:

WESTGATE FREE WILL BAPTIST CHURCH  
ANNEXATION NO. 2

A certain parcel of land lying in the East Half (E 1/2) of Section 23, Township 11 South, Range 101 West of the 6<sup>th</sup> Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 1, R.C. Jones Subdivision, as same is recorded in Plat Book 13, Page 40, Public Records of Mesa County, Colorado, and considering the East line of said Lot 1 bears N 15°24'04" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 15°24'04" E a distance of 74.75 feet; thence S 59°01'04" E along a line 72.00 feet North of and parallel to, the Southerly right of way for Colorado Highway 340 (Broadway), as same is depicted on plans by the Colorado State Highway Department, Federal and Secondary Project No. S 0143(1), a distance of 367.33 feet; thence S 30°58'56" W a distance of 4.00 feet; thence N 59°01'04" W a distance of 49.96 feet; thence S 30°23'25" W a distance of 659.02 feet; thence N 79°11'08" W a distance of 40.80 feet; thence N 56°14'40" W a distance of 44.93 feet to a point on the East line of Shadow Mountain Subdivision, as same is recorded in Plat Book 9, Page 175, Public Records of Mesa County, Colorado; thence S 00°02'34" E along said East line, a distance of 61.04 feet to a point being the Southeast corner of Lot 7, said Plat of Shadow Mountain Subdivision; thence S 89°57'26" W along the South line of said Lot 7, a distance of 10.00 feet; thence N 00°02'34" W along a line 10.00 feet West of and parallel to, the East line of said Shadow Mountain Subdivision, a distance of 161.89 feet to a point on the North line of said Lot 7; thence S 59°19'34" E along said North line, a distance of 11.63 feet to a point on the East line of said Shadow Mountain Subdivision; thence N 00°02'34" W along said East line, a distance of 58.16 feet to a point being the beginning of a 50.00 foot radius curve, concave Southwest; thence 32.81 feet along the arc of said curve, through a central angle of 37°35'39", having a long chord bearing of N 18°07'23" W with a chord distance of 32.22 feet; thence N 00°02'34" W along a line 10.00 feet West of and parallel to the East line of said Shadow Mountain Subdivision, a distance of 135.80 feet; thence N 00°39'34" W along said parallel line, a distance of 127.71 feet to a point on the North line of Lot 9, said Shadow Mountain Subdivision; thence N 89°45'26" E, along said North line, a distance of 10.00 feet to a point being the Northeast corner of said Lot 9; thence N 71°09'44" E along the North line of Lot 2, said R.C. Jones Subdivision, a distance of 84.12 feet to a point being the Southeast corner of said Lot 1, R.C. Jones Subdivision; thence N 15°24'04" E along the East line of said Lot 1, a distance of 162.00 feet, more or less, to the Point of Beginning.

CONTAINING 3.7466 Acres (163,200.18 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 9

Setting a Hearing – Marchun Annexation No. 1 and No. 2, Located at 2925 F 1/2 Road

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>							
<b>Subject</b>	Referring Petition to Annex, First reading of Annexation Ordinance, Exercising land use jurisdiction, and Setting a Hearing for the Marchun Annexation #1 and #2, located at 2925 F 1/2 Road						
<b>Meeting Date</b>	June 16, 2003						
<b>Date Prepared</b>	June 10, 2003					File #ANX-2003-093	
<b>Author</b>	Lisa E. Cox, AICP			<b>Senior Planner</b>			
<b>Presenter Name</b>	As above			<b>As above</b>			
<b>Report results back to Council</b>	X	No		Yes	When		
<b>Citizen Presentation</b>		Yes	X	No	Name		
	Workshop	X	<b>Formal Agenda</b>		X	Consent	<b>Individual Consideration</b>

**Summary:** The 20.4584 acre Marchun Annexation #1 and #2 is a serial annexation located at 2925 F 1/2 Road. The applicant is requesting annexation into the City and a zone district of RMF-5, Residential Multi-family not to exceed 5 units per acre.

**Budget:** N/A

**Action Requested/Recommendation:** Approve the Resolution of Referral, first reading of the annexation ordinance, exercise land use jurisdiction immediately and set a hearing for August 6, 2003.

**Background Information:** See attached staff report

**Attachments:**

- 19. Staff Report
- 20. Site Location Map (Figure 1)
- 21. Aerial Photo Map (Figure 2)
- 22. Future Land Use Map (Figure 3)

- 23. Existing City and County Zoning Map (Figure 4)
- 24. Annexation Map (Figure 5)
- 25. Resolution of Referral
- 26. Annexation Ordinances

STAFF REPORT / BACKGROUND INFORMATION			
<b>Location:</b>		<i>2925 F 1/2 Road</i>	
<b>Applicants:</b>		<b>Estate of John Marchun by Carl Marchun,            Executor of the Estate            Carl D. and Zetta H. Marchun            Joseph W. Marchun            Herman E. Marchun</b>	
<b>Existing Land Use:</b>		<i>Single Family Residence/Agricultural</i>	
<b>Proposed Land Use:</b>		<i>Residential</i>	
<b>Surrounding Land Use:</b>	<b>North</b>	<i>Residential/Agricultural</i>	
	<b>South</b>	<b>Residential</b>	
	<b>East</b>	<b>Agricultural</b>	
	<b>West</b>	<b>Residential</b>	
<b>Existing Zoning:</b>		<b>RSF-4 (Mesa County)</b>	
<b>Proposed Zoning:</b>		<b>RMF-5 (Residential Multi-Family, not to exceed 5 units/acre)</b>	
<b>Surrounding Zoning:</b>	<b>North</b>	<i>RSF-R and PD approx. 4 du/ac (Mesa County)</i>	
	<b>South</b>	<b>RSF-4 (Mesa County)</b>	
	<b>East</b>	<b>RSF-4 (Mesa County)</b>	
	<b>West</b>	<b>RSF-4 (Mesa County)</b>	
<b>Growth Plan Designation:</b>		<b>Residential Medium, 4-8 units/acre</b>	
<b>Zoning within density range?</b>		X	Yes
			No

## **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 subject property 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.

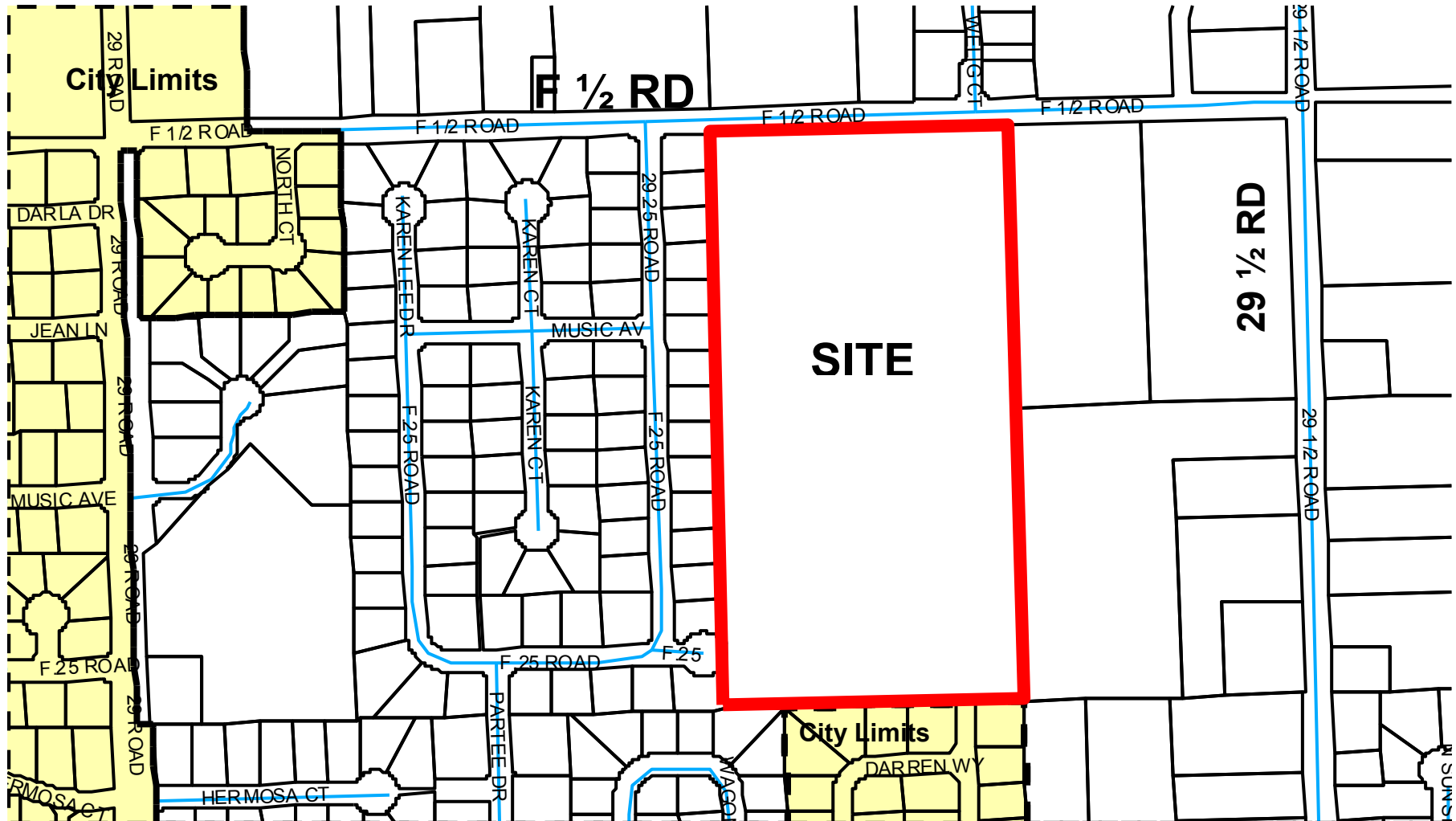
<b>ANNEXATION SCHEDULE</b>	
<b>6-16-03</b>	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
<b>6-24-03</b>	Planning Commission recommendation for City zone district
<b>7-16-03</b>	First Reading of Zoning Ordinance by City Council
<b>8-06-03</b>	Acceptance of Petition and Public hearing on Annexation and Second Reading of Zoning Ordinance by City Council
<b>9-05-03</b>	Effective date of Annexation and City Zoning



<b>SUMMARY</b>		
<b>File Number:</b>		<b>ANX-2003-093</b>
<b>Location:</b>		<b>2925 F 1/2 Road</b>
<b>Tax ID Number:</b>		<b>2943-053-00-039</b>
<b>Parcels:</b>		<b>1</b>
<b>Estimated Population:</b>		<b>2</b>
<b># of Parcels (owner occupied):</b>		<b>1</b>
<b># of Dwelling Units:</b>		<b>1</b>
<b>Acres land annexed:</b>		<b>20.4584 acres for annexation area</b>
<b>Developable Acres Remaining:</b>		<b>0 acres</b>
<b>Right-of-way in Annexation:</b>		<b>0 acres</b>
<b>Previous County Zoning:</b>		<b>RSF-4 (Mesa County)</b>
<b>Proposed City Zoning:</b>		<b>RMF-5, Residential Multi-Family not to exceed 5 units/acre</b>
<b>Current Land Use:</b>		<b>Single Family Residence/ Agricultural</b>
<b>Future Land Use:</b>		<b>Residential</b>
<b>Values:</b>	<b>Assessed:</b>	<b>\$ 8,720</b>
	<b>Actual:</b>	<b>\$ 85,230</b>
<b>Census Tract:</b>		<b>n/a</b>
<b>Address Ranges:</b>		<b>West to East: 2925 to 2974 North to South: 625 to 649</b>
<b>Special Districts:</b>	<b>Water:</b>	<b>Ute Water</b>
	<b>Sewer:</b>	<b>Central Grand Valley Sanitation</b>
	<b>Fire:</b>	<b>Grand Junction Rural Fire</b>
	<b>Drainage:</b>	<b>Grand Junction Drainage</b>
	<b>School:</b>	<b>District 51</b>
	<b>Pest:</b>	<b>n/a</b>

# Site Location Map

Figure 1



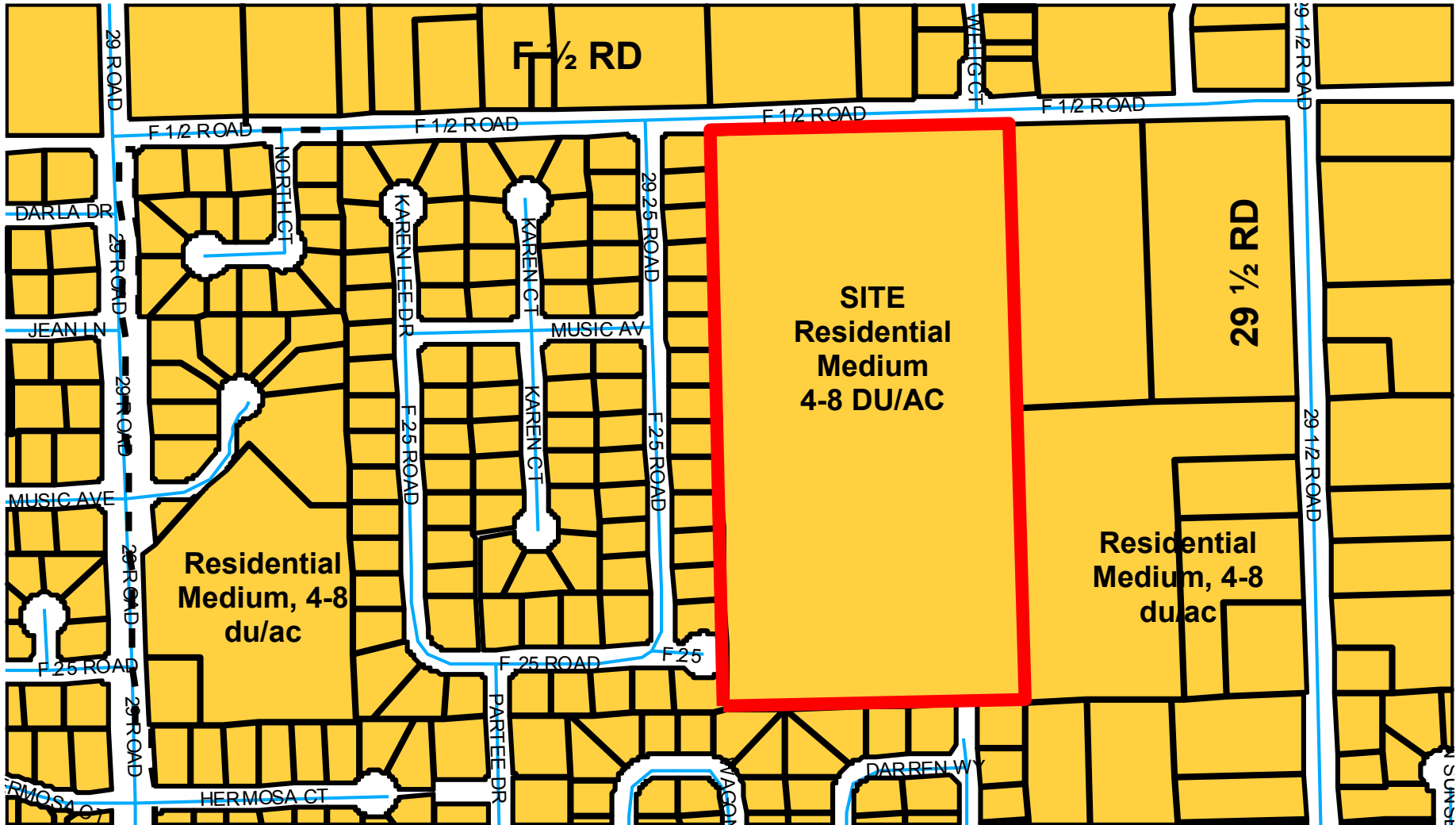
# Aerial Photo Map

Figure 2



# Future Land Use Map

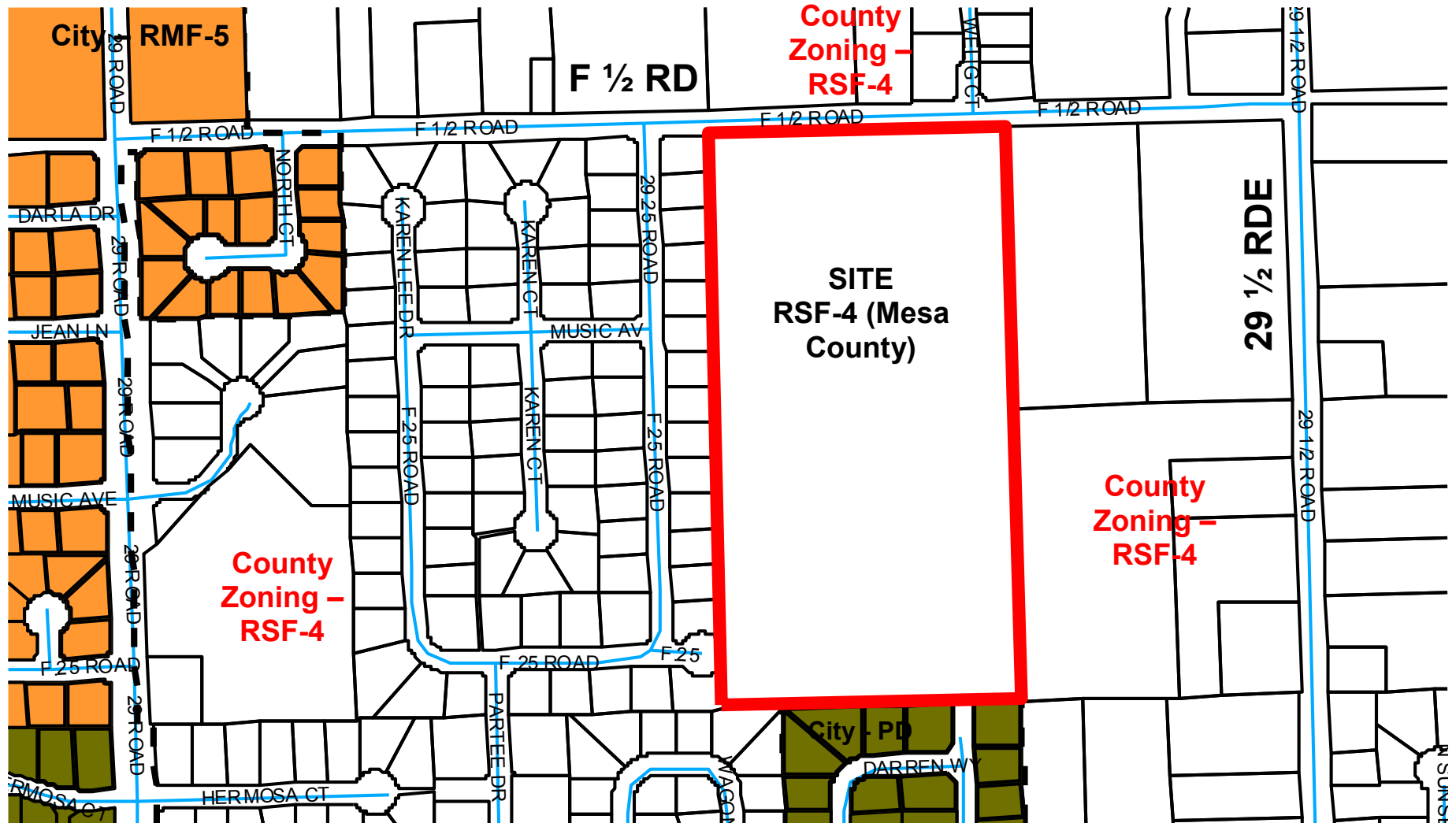
Figure 3





# Existing City and County Zoning

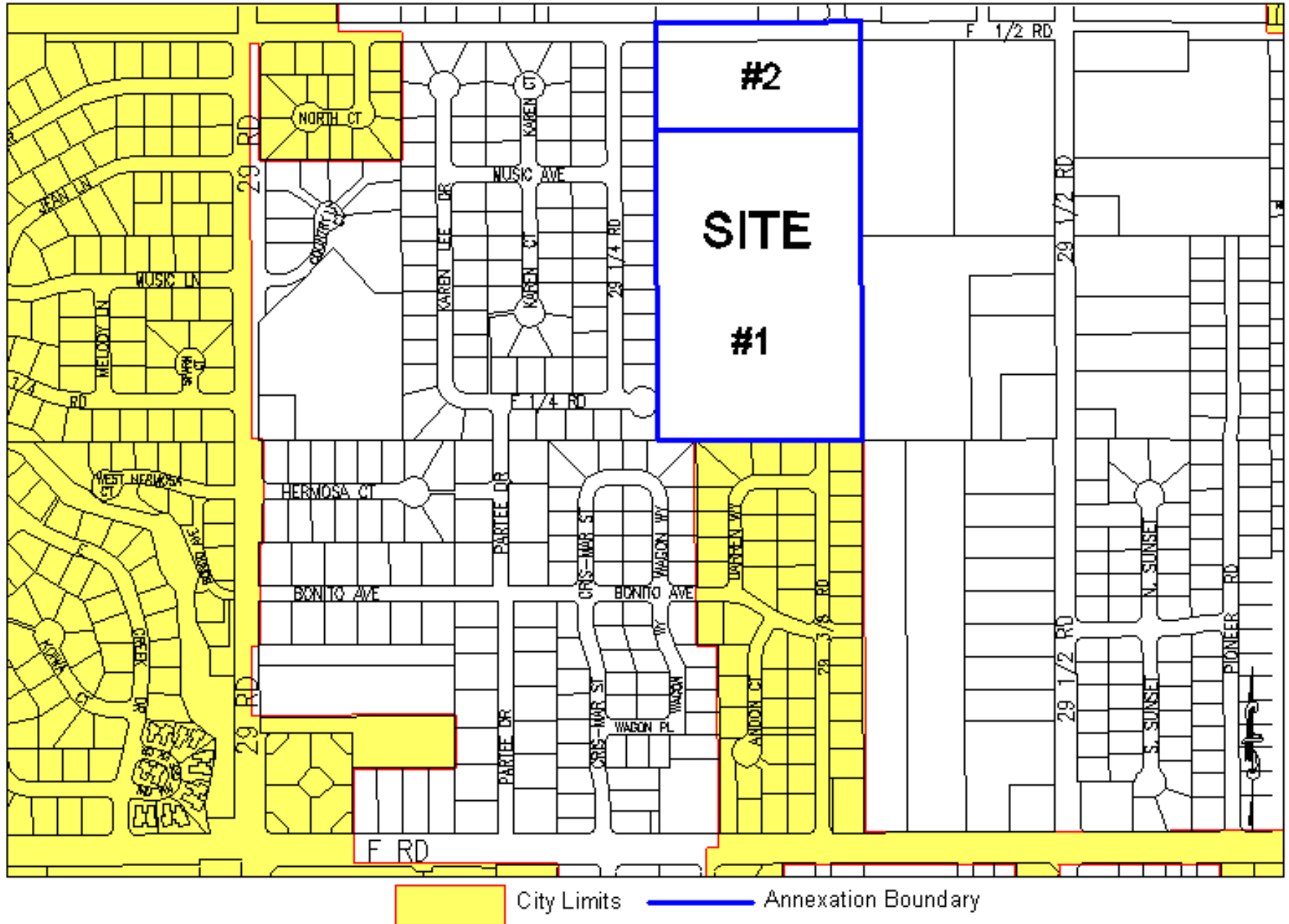
Figure 4



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

# Marchun Annexations #1 and #2

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 16th 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**

**MARCHUN ANNEXATIONS #1 and #2**

**LOCATED AT 2925 F 1/2 Road and including a portion of the F 1/2 Road ROW**

WHEREAS, on the 16th 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:

A Serial Annexation comprising Marchun Annexations #1 and #2

**MARCHUN ANNEXATION NO. 1**

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southwest corner of the NE 1/4 SW 1/4 of said Section 5, the same point being the Southeast corner of Karen Lee Subdivision, as same is recorded in Plat Book 11, Page 97, Public Records of Mesa County, Colorado, and assuming the West line of the West half (W 1/2) of the NE 1/4 SW 1/4 of said Section 5 bears N 00°03'21" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°03'21" E along the West line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 and the East line of said Karen Lee Subdivision, a distance of 1,000.00 feet; thence S 89°48'24" E a distance of 659.67 feet to a point on the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5; thence S 00°01'41" W along the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 a distance of 1,000.00 feet to a point being the Southeast corner of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5, the same point being the Northeast corner of Del-Mar Subdivision Filing No. 3, as same is recorded in Plat Book 15, Pages 379 and 380, Public Records of Mesa County,

Colorado; thence N 89°48'24" W along the South line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 a distance of 660.16 feet, more or less, to the Point of Beginning.

CONTAINING 15.1496 Acres (659,915.06 Sq. Ft.) more or less, as described.

## MARCHUN ANNEXATION NO. 2

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 5, 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 Southwest corner of the NE 1/4 SW 1/4 of said Section 5, the same point being the Southeast corner of Karen Lee Subdivision, as same is recorded in Plat Book 11, Page 97, Public Records of Mesa County, Colorado, and assuming the West line of the West half (W 1/2) of the NE 1/4 SW 1/4 of said Section 5 bears N 00°03'21" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°03'21" E along the West line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 and the East line of said Karen Lee Subdivision, a distance of 1000.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°03'21" E a distance of 319.74 feet to a point being the Northwest corner of the NE 1/4 SW 1/4 of said Section 5; thence continue N 00°03'21" E a distance of 30.00 feet to a point on the North right of way for F-1/2 Road, said right of way being recorded in Book 803, Page 262, Public Records of Mesa County, Colorado; thence S 89° 47'43" E along said North right of way, being a line 30.00 feet North of and parallel to, the North line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5, a distance of 456.60 feet, more or less, to a point intersecting the Southerly extension of the West line of the Replat of Willow Glen, as same is recorded in Plat Book 13, Page 518, Public Records of Mesa County, Colorado; thence N 00°12'17" E a distance of 3.00 feet to a point being the Southwest corner of said Replat of Willow Glen; thence S 89°47'43" E along the South line of said Replat of Willow Glen, a distance of 202.90 feet, more or less, to a point on the Northerly extension of the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5; thence S 00°01'41" W along said line, a distance of 33.00 feet to a point being the Northeast corner of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5; thence S 00°01'41" W along the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5, a distance of 319.61 feet; thence N 89°48'24" W a distance of 659.67 feet, more or less, to the Point of Beginning.

CONTAINING 5.3088 Acres (231,250.27 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 6th day of August, 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 20, 2003

June 27, 2003

July 4, 2003

July 11, 2003

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**MARCHUN ANNEXATION #1**

**APPROXIMATELY 15.1496 ACRES**

**LOCATED AT 2925 F 1/2 Road**

**WHEREAS**, on the 16<sup>th</sup> 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 6th day of August, 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:

**MARCHUN ANNEXATION NO. 1**

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 5, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

BEGINNING at the Southwest corner of the NE 1/4 SW 1/4 of said Section 5, the same point being the Southeast corner of Karen Lee Subdivision, as same is recorded in Plat Book 11, Page 97, Public Records of Mesa County, Colorado, and assuming the West line of the West half (W 1/2) of the NE 1/4 SW 1/4 of said Section 5 bears N 00°03'21" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°03'21" E along the West line of the W 1/2 of the NE 1/4 SW 1/4 of



said Section 5 and the East line of said Karen Lee Subdivision, a distance of 1,000.00 feet; thence S 89°48'24" E a distance of 659.67 feet to a point on the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5; thence S 00°01'41" W along the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 a distance of 1,000.00 feet to a point being the Southeast corner of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5, the same point being the Northeast corner of Del-Mar Subdivision Filing No. 3, as same is recorded in Plat Book 15, Pages 379 and 380, Public Records of Mesa County, Colorado; thence N 89°48'24" W along the South line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 a distance of 660.16 feet, more or less, to the Point of Beginning.

CONTAINING 15.1496 Acres (659,915.06 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 16<sup>th</sup> day of June, 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**

**MARCHUN ANNEXATION #2**

**APPROXIMATELY 5.3088 ACRES**

**LOCATED AT 2925 F 1/2 Road and including a portion of the F 1/2 Road ROW**

**WHEREAS**, on the 16<sup>th</sup> 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 6th day of August, 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:

**MARCHUN ANNEXATION NO. 2**

A certain parcel of land lying in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 5, 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 Southwest corner of the NE 1/4 SW 1/4 of said Section 5, the same point being the Southeast corner of Karen Lee Subdivision, as same is recorded in Plat Book 11, Page 97, Public Records of Mesa County, Colorado, and assuming the West line of the West half (W 1/2) of the NE 1/4 SW 1/4 of said Section 5 bears N 00°03'21" E with all other bearings contained herein being relative thereto; thence from

said Point of Commencement, N 00°03'21" E along the West line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5 and the East line of said Karen Lee Subdivision, a distance of 1000.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°03'21" E a distance of 319.74 feet to a point being the Northwest corner of the NE 1/4 SW 1/4 of said Section 5; thence continue N 00°03'21" E a distance of 30.00 feet to a point on the North right of way for F-1/2 Road, said right of way being recorded in Book 803, Page 262, Public Records of Mesa County, Colorado; thence S 89° 47'43" E along said North right of way, being a line 30.00 feet North of and parallel to, the North line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5, a distance of 456.60 feet, more or less, to a point intersecting the Southerly extension of the West line of the Replat of Willow Glen, as same is recorded in Plat Book 13, Page 518, Public Records of Mesa County, Colorado; thence N 00°12'17" E a distance of 3.00 feet to a point being the Southwest corner of said Replat of Willow Glen; thence S 89°47'43" E along the South line of said Replat of Willow Glen, a distance of 202.90 feet, more or less, to a point on the Northerly extension of the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5; thence S 00°01'41" W along said line, a distance of 33.00 feet to a point being the Northeast corner of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5; thence S 00°01'41" W along the East line of the W 1/2 of the NE 1/4 SW 1/4 of said Section 5, a distance of 319.61 feet; thence N 89°48'24" W a distance of 659.67 feet, more or less, to the Point of Beginning.

CONTAINING 5.3088 Acres (231,250.27 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 16<sup>th</sup> day of June, 2003.

**ADOPTED** and ordered published this \_\_\_ day of \_\_\_\_\_, 2003.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Police Services Contract with Mesa State College					
<b>Meeting Date</b>		June 16, 2003					
<b>Date Prepared</b>		June 11, 2003					
<b>Author</b>		Capt. Harry Long		Police Captain			
<b>Presenter Name</b>		Chief Greg Morrison		Police Chief			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	Workshop	X	<b>Formal Agenda</b>		X	Consent	<b>Individual Consideration</b>

**Summary:**

This request is for Council to approve the annual contract with Mesa State College for police services that are provided by the Grand Junction Police Department. The request is essentially a renewal process of the City's annual agreement with Mesa State College.

**Budget:**

Cost to Mesa State College for police services under the agreement is \$253,093.00. (See Exhibit 1)

**Action Requested/Recommendation:**

Authorize the City manager to sign the contract.

**Attachments:**

- 2003-2004 Annual Contract with Mesa State College
- Exhibit 1: Spread Sheet with Services Contract Calculations

**Background Information:**

The Grand Junction Police Department has provided police services to Mesa State College on a contract basis for the past three years. There are three officers and one supervisor assigned to this duty. They provide direct police services to the Mesa State College campus and related facilities.

Officers assigned to the college conduct their primary duties during the school year. The officers are typically assigned to other uniformed patrol related duties during the summer months when activities at the college are minimal.

This request to council is to approve the renewal of the contract/agreement with Mesa State College. The contract/agreement performance dates are July 01, 2003 through June 30, 2004.

## **AGREEMENT**

THIS AGREEMENT is made and entered into this \_\_\_ day of \_\_\_\_\_, 2003 by and between the CITY OF GRAND JUNCTION, COLORADO, hereinafter referred to as the CITY and THE TRUSTEES OF THE STATE COLLEGES OF COLORADO, by and on behalf of MESA STATE COLLEGE, hereinafter referred to as TRUSTEES or MESA;

### **RECITALS:**

The CITY and MESA have agreed to enter into a contract wherein the CITY will provide police and law enforcement services to and for Mesa State College. The TRUSTEES have concluded that the provision of law enforcement services by the CITY will assist in furthering MESA's security, including crime prevention and personal security. The CITY represents that it is qualified, ready, willing and able to perform the services set forth in this Agreement;

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the parties hereto agree as follows:

### **SCOPE OF SERVICES**

1. The CITY shall provide three police officers and a sergeant (collectively referred to as "the Officers" or "Officers") that shall be assigned to the main campus of Mesa State College and the Unified Technical Education Center campus beginning July 1, 2003, to and through June 30, 2004. The Agreement may subsequently be renewed thereafter on mutually agreeable terms. For all times prior to August 31 of any contract year, staffing and duty assignment(s), if any, shall be as determined by the CITY. Beginning September 1 of any contract year, officers shall be assigned to fulfill the obligations of this Agreement. At all times the officers' duties shall be as defined by the CITY in accordance with the GJPD Directive Manual, as amended and as determined by the commanding officer(s). The Directive Manual, as amended, is incorporated by this reference as if fully set forth. Generally, the officers' activities and the services, which will be provided in accordance with this agreement, may include, but are not necessarily limited to:

- a. enforcing all laws of the City of Grand Junction, Mesa County and the State of Colorado;
- b. performing walking, bicycle and motor patrols of the City-designated beat area. The beat area shall generally include, but not limited to, Bergman Field and the nearby residential streets and areas. A copy of the designated MSC Beat Area map is attached hereto and incorporated by this reference as if fully set forth.
- c. performing building security, security patrol and uniformed escort services;
- d. providing security for on-campus special events and sporting events as

- determined is necessary or required by the City;
- e. acting as a community service/liason officer/crime prevention officer;
  - f. taking crime/criminal activity reports;
  - g. completion and submission of all required reports and documentation including, but not limited to, "Student Right to Know" and UCR reports, statistical analyses and compilation; and
  - h. other duties as assigned.

MSC Police Service Agreement  
2003-2004 Agreement  
Page 2

2. The CITY, by and through the Grand Junction Police Department and the Chief of Police, is responsible for authorizing, approving and supervising the work performed under this Agreement. The CITY shall consult with MESA on staffing, scheduling and the scope of duties assigned to the Officers. MESA shall be deemed to have consented to all operations of the Grand Junction Police Department provided under or in accordance with this Agreement, knowing that the services shall be performed in accordance with standards of care, skill, training, diligence and judgment provided by officers and police organizations who perform work of a similar nature to the work described in this Agreement. If MESA objects in writing to any tactic, operational or functional decision, including staffing, scheduling or the scope of duties assigned to the Officers, then MESA and CITY shall meet and confer. If MESA continues to object or an accommodated position mutually suitable to the parties is not determined after meeting and conferring with the CITY about any tactic, operational or functional decision, including staffing, scheduling or the scope of duties assigned to the Officers, MESA may terminate in accordance with paragraph 2 of the TERMINATION provisions hereof.

3. The CITY shall hire, train and equip the Officers assigned to MESA in accordance with standard departmental practices.

4. MESA shall provide to the CITY suitable, secure office space, including telephone connections, telephones, heating, cooling, lighting, parking and any and all reasonably necessary or required physical facilities, including, but not limited to, desks, chairs, countertops and filing cabinets. All physical facilities shall be at no cost to the CITY and shall reasonably provide the Officers with the space necessary to write reports, conduct confidential interviews and otherwise conduct the duties and activities of the Officers. MESA shall provide keys, access code or combination to the offices and any other space or area reasonably required by the CITY.

5. MESA shall provide no less than 10 suitable locations, as determined by the CITY, for crime prevention pamphlets and safety material distribution racks. MESA shall furnish the racks; the CITY shall furnish the printed material.

6. MESA shall provide access to records kept or maintained by the MESA police department and/or other records kept or maintained by MESA for law enforcement purposes concerning suspected, alleged or charged criminal activity, building security, threats or other matters concerning the safety of persons or property. MESA may disclose to the CITY students' education records or information in a health and safety emergency as defined in 34 C.F.R. 99.32 and 99.33. MESA shall disclose to the CITY records of its law enforcement unit as those expressions are defined in 34 C.F.R. 99.8 and other records which are not student education records when necessary for the CITY's performance of law enforcement services under this Agreement.

MSC Police Service Agreement  
2003-2004 Agreement  
Page 3

## **TIME OF PERFORMANCE**

The Agreement shall be for the term of July 1, 2003 to June 30, 2004. The Agreement may be renewed annually on mutually agreeable terms and conditions thereafter for 12-month periods. Either party, upon 12-months' written notice after the initial agreement term, may terminate the Agreement. Between June 30 and August 31 of any contract year, the CITY may assign, reassign or schedule the MSC Beat Area to receive more or less service than as generally provided pursuant to this Agreement during other months.

## **COMPENSATION**

1. The TRUSTEES hereby agree to facilitate the provision of City law enforcement services to MESA by paying for those services in advance of delivery. Payment shall be made in full on or before August 31 of each year of the Agreement.

2. The TRUSTEES hereby agree to pay the CITY a sum not less than \$253, 093.00 for



services under this agreement for 2003-2004. The attached financial schedule labeled Exhibit 1, incorporated herein by this reference as if fully set forth, details the cost of service through June 30, 2004, together with the stipulated accrual cost for the police automobile.

3. The TRUSTEES hereby agree that if this Agreement is not renewed through June 30, 2005, MESA shall be liable to the CITY for payment of the police automobile at the rate of \$6000.00 per year for each year the contract is not renewed. MESA and the CITY agree that the payment does not represent a penalty or liquidated damages but instead are compensation necessary and required to make the CITY whole. MESA may pre-pay the automobile accrual costs in such amounts and on such schedule as agreed to by the Parties.

4. During any Transitional Period, which term shall be generally defined as any period of 30 continuous days or more, for any or no reason, that the CITY is not at full force on the campus, costs billed to the college shall be on a pro-rata basis reflecting actual costs incurred by the City. For purposes of determining a Transitional Period, the months of July and August shall be excepted. In July and August of any contract year the CITY may assign, reassign or schedule the MSC Beat Area to receive more or less service than as generally provided pursuant to this Agreement during other months.

## **TERMINATION**

In the event that the CITY shall fail to perform to the satisfaction of the TRUSTEES, or the TRUSTEES and/or MESA shall fail to perform to the satisfaction of the CITY, either party shall be entitled to terminate this Agreement.

MSC Police Service Agreement  
2003-2004 Agreement  
Page 4

1. If this Agreement is terminated solely for the convenience of MESA and/or the TRUSTEES and/or because funds are not appropriated, budgeted or otherwise available for the next succeeding fiscal year, the Agreement may be terminated on 60-days' written notice. The CITY shall be compensated for stipulated police automobile accrual costs and for the value of its services actually performed before the date of termination.

2. If this Agreement is deemed void, voidable or illegal by a finding or judicial order,

determination, judgment or decree by a court of competent jurisdiction because it violates the Civil Service Amendment, the TRUSTEES and/or MESA may immediately terminate the Agreement. The CITY shall be compensated for its start-up costs and for the value of its services actually performed before the date of termination.

## **NOTICES**

Notices concerning this Agreement shall be made in writing by the CITY to the TRUSTEES at the Office of Financial and Administrative Services, Mesa State College, 1100 North Avenue, Grand Junction, Colorado 81501-3122 and by the TRUSTEES to the CITY at 250 North 5th Street, Grand Junction, Colorado 81501, with a copy to the Office of the City Attorney at 250 North 5th Street, Grand Junction, Colorado 81501, by prepaid United States mail, return receipt requested. Mailed notices shall be deemed effective upon deposit with the U.S. Postal Service.

## **SEVERABILITY**

In the event any of the provisions, or applications thereof, of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, the validity and enforceability of the remaining provisions, or applications thereof, shall not be affected.

## **NO THIRD PARTY BENEFICIARIES**

The enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the CITY and the TRUSTEES, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such agreement. It is the express intention of the CITY and the TRUSTEES that any other person other than the CITY or MESA and/or the TRUSTEES receiving any benefits from this Agreement shall be deemed to be incidental beneficiaries only.

## **INDEMNIFICATION**

The CITY hereby agrees to, as allowed by law, indemnify and hold harmless the TRUSTEES, MESA and the State of Colorado, their officers, agents and employees from any and all claims, suits, damages, costs, expenses, liabilities, actions or proceedings arising out of the City's

negligent performance under this Agreement, or its entry of State-owned property upon which the work under this Agreement is to be performed and including acts and omissions of the CITY's officers, employees and representatives. The CITY's obligation to indemnify or hold harmless the TRUSTEES, MESA and the State of Colorado, their officers, agents and employees under this paragraph shall not apply to liability and/or damages resulting from the negligence, reckless and or willful act of the TRUSTEE's and/or MESA's students, officers, agents or employees or the officers, agents or employees of the State of Colorado. This paragraph shall survive the termination of this Agreement.

1. The TRUSTEES and MESA hereby agree to indemnify and hold harmless the CITY and its officers, agents and employees from any and all claims, suits, damages, costs, expenses, liabilities, actions or proceedings arising in any way from the negligence of the TRUSTEES, MESA and their officers, agents and employees in the execution and performance of this Agreement.

2. Notwithstanding any other provision of this Agreement to the contrary, no term or condition of this Agreement shall be construed or interpreted as a waiver of any provision of the Colorado Governmental Immunity Act 24-10-101 *et. seq.*, C.R.S., as now or hereafter amended. The parties hereto understand and agree that liability for claims for injuries to persons or property and other injuries which lie in tort or could lie in tort that arise out of the negligence of the CITY, the TRUSTEES and/or MESA and their respective officers, agents and employees is controlled and limited by the provisions of 24-10-101 *et. seq.*, C.R.S., as now or hereafter amended and as to the TRUSTEES, MESA and their officers, agents and employees by the provisions of 24-30-1501 *et. seq.*, C.R.S., as now or hereafter amended. Any provision of this Agreement, whether or not incorporate herein by reference, shall be controlled, limited and modified so as to limit the liability of the CITY, MESA and the TRUSTEES to and in accordance with the above-cited law.

## **ASSIGNMENT**

This Agreement shall not be assigned, pledged or transferred in whole or in part.

## **STATUS OF CITY**

For all purposes under this Agreement, the CITY, its officers, agents and employees

are and shall be deemed an independent contractor retained on a contractual basis to perform professional services and it is not intended nor shall it be construed that employees of the CITY are employees of the Trustees of the State Colleges of Colorado, Mesa State College or the State of Colorado. The law enforcement services provided hereunder are not and shall not be considered exclusive to MESA, but such services shall be considered the principal assignment of any Officer so assigned. The parties acknowledge and agree that the assigned Officer(s) may at certain times be required to respond to other locations, situations or emergencies other than those directly arising from or related to the provision of services under or pursuant to this Agreement.

## **HEADINGS**

The headings contained in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement.

## **ENTIRE AGREEMENT**

The parties acknowledge and agree that the provisions contained herein constitute the entire agreement and that all representations made by any officer, agent or employee of the respective parties, unless included herein, are null and void and of no effect. Alterations, amendments, changes or modifications to this Agreement may be made but the same shall be valid only if they are contained in an instrument, which is executed by all the parties with the same formality as this Agreement.

## **VENUE**

1. This Agreement shall be deemed to have been made in, and shall be construed and interpreted in accordance with the laws of the City of Grand Junction, Mesa County and Colorado.
2. Any legal action shall be brought in the Mesa County District Court.

## **CONTROLLER'S APPROVAL**

This Agreement shall not be deemed valid until the Controller of the State of Colorado or his designee shall have approved it. This provision is applicable to any contract involving the payment of money by the State.

## **FUND AVAILABILITY**

Financial obligations of the State payable after the fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available.

## **DISCRIMINATION AND AFFIRMATIVE ACTION**

1. The CITY agrees to comply with the letter and spirit of the Colorado Antidiscrimination Act of 1957, as amended, and other applicable law respecting

discrimination and unfair employment practices (24-34-402, C.R.S.), and as required by Executive Order, Equal Opportunity and Affirmative Action, dated April 16, 1975.

During the performance of this Agreement, the CITY agrees as follows:

- a. The CITY will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, marital status, religion, ancestry, mental or physical handicap or age. The CITY will take affirmative action to ensure that applicants are employed and the employees are treated during employment, without regard to the above-mentioned characteristics. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; lay-offs or terminations; rates of pay or other forms of compensation; and selection for training, including apprenticeship, the contractor agrees to post in conspicuous places, available to employees and applicants for employment.
- b. The CITY will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, national origin, sex, marital status, religion, ancestry, mental or physical handicap or age.
- c. The CITY will furnish all information and reports required by Executive Order, Equal Opportunity and Affirmative Action of April 16, 1975, and by the rules, regulations and Orders of the Governor, or pursuant thereto, and will permit access to his books, records and accounts by the contracting agency and the office of the Governor or his designee for purposes of investigation to ascertain compliance with such rules, regulations and orders.
- d. A labor organization will not exclude any individual otherwise qualified from full membership rights in such labor organizations, or expel any such individual from membership in such labor organization or discriminate against any of its members in the full enjoyment of work opportunity, because of handicap, race, creed, color, sex, age, national origin or ancestry (24-34-402(1)(c), C.R.S.).
- e. A labor organization, or the employees thereof, will not aid, abet, incite, compel or coerce the doing of any act defined in this Agreement to be discriminatory or obstruct any person from complying with the provisions of this contract or any order issued thereunder, or attempt either directly or indirectly, to commit any act defined in this contract to be discriminatory (24-34-402 (1)(e), C.R.S.).

- f. In the event of the CITY's non-compliance with the non-discrimination clauses of the Agreement or with any of such rules, regulations or orders, this Agreement may be canceled, terminated or suspended in whole or in part and the CITY may be declared ineligible for further state contracts in accordance with procedures authorized in Executive Order, Equal Opportunity and Affirmative Action of April 16, 1975, and the rules, regulations or orders promulgated in accordance therewith, and such other sanctions as may be imposed and remedies as may be invoked as provided in



Executive Order, Equal Opportunity and Affirmative Action of April 16, 1975, or by rules, regulations or orders promulgated in accordance therewith, or as otherwise provided by law.

**GENERAL**

1. The laws of the City of Grand Junction, Mesa County Colorado and rules and regulations issued pursuant thereto shall be applied in the interpretation, execution and enforcement of this Agreement. Any provision of this Agreement, whether or not incorporated herein by reference, which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules and regulations shall be considered null and void. Nothing contained in any provision incorporated herein by reference which purports to negate this or any other special provision in whole or in part shall be valid or enforceable or available in any action at law, whether by way of complaint, defense or otherwise. Any provision rendered null and void by the operation of this provision will not invalidate the remainder of this contract to the extent that the contract is capable of execution.
2. At all times during the performance of this Agreement, the CITY shall strictly adhere to all applicable federal and state laws, rules and regulations that have been or may hereafter be established.
3. The signatories hereto aver that they are familiar with 18-8-301, *et. seq.*, (Bribery and Corrupt Influences) and 18-8-401, *et. seq.* (Abuse of Public Office), C.R.S. and that no violation of such provisions is present.
4. The signatories aver that, to their knowledge, no state employee has a personal or beneficial interest whatsoever in the service or property described herein:

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the day and year first written above.

CITY OF GRAND JUNCTION

by: \_\_\_\_\_

Kelly E. Arnold  
City Manager

RECOMMENDED AND APPROVED

by: \_\_\_\_\_  
Greg Morrison  
Chief of Police

ATTEST:

by: \_\_\_\_\_  
Stephanie Tuin  
City Clerk

TRUSTEES OF THE STATE COLLEGES IN COLORADO  
FOR THE USE AND BENEFIT OF MESA STATE COLLEGE

by: \_\_\_\_\_  
President  
Mesa State College

ATTEST:

by: \_\_\_\_\_

STATE CONTROLLER

by: \_\_\_\_\_

ATTEST:

by: \_\_\_\_\_

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Memorandum of Understanding with CDOT for Video Equipment						
<b>Meeting Date</b>	June 16, 2003						
<b>Date Prepared</b>	May 28, 2003				<b>File #</b>		
<b>Author</b>	Jody Kliska			<b>Transportation Engineer</b>			
<b>Presenter Name</b>	Tim Moore			<b>Public Works Manager</b>			
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>		
	<b>Workshop</b>	X		<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Approval and signing of a Memorandum of Understanding between CDOT and the City of Grand Junction for provision of a Panasonic video switcher to the City as part of the state’s traveler information system.

**Budget:** The equipment will be provided and installed by CDOT at no cost to the City.

**Action Requested/Recommendation:** Approve and sign the Memorandum of Understanding.

**Attachments:** Memorandum of Understanding.

**Background Information:** As part of the City’s ongoing project to connect the traffic signals with fiber optic cable, the CDOT is interested in being able to access traveler information for its statewide information program. The equipment CDOT will be providing through this MOU will allow the City to connect video cameras at intersections to eventually provide video views of the intersection, roadway and weather conditions at selected intersections. Currently, CDOT does not have the capability to connect to our fiber optic system, but has a long-term plan to be able to make the connection and share data and video. The equipment provided by CDOT will allow up to 24 cameras to operate on our fiber optic network.

The value of the equipment, plus the labor supplied by CDOT for installation is estimated at \$40,000. The attached MOU does not contemplate replacement

equipment. The equipment is covered by warranty for a period of three years. Staff contemplates replacement equipment will be negotiated jointly with CDOT in the future when the need arises.

**Memorandum of Understanding**  
Between the  
Colorado Department of Transportation  
And the  
City of Grand Junction

This Memorandum of Understanding (MOU), made this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by and between THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT), and THE CITY OF GRAND JUNCTION (City), memorializes the arrangement and responsibilities between the two agencies identified above as it pertains to sharing statewide traveler information.

Recitals:

CDOT desires to provide reliable, accurate and timely statewide traveler information so that users are able to make decisions that enhance and improve their choice of travel, mode, route and time, thereby resulting in a more productive, efficient and safe transportation system. CDOT believes, and studies have demonstrated, that travelers that utilize traveler information can benefit by avoiding traffic problems, saving time by reducing delay and improving travel reliability, reducing travel frustration, reducing crash rates and reducing fuel consumption. CDOT also desires to partner with local entities in order to develop and enhance traveler information sharing capabilities.

Now Therefore CDOT and the City Agree:

Colorado Department of Transportation Responsibilities:

CDOT shall provide a SX850 Panasonic video switcher to the City at no cost to the City. CDOT shall configure the video switcher, and deliver and install it in the City's Transportation Engineering Facility (TEF) at no cost to the City. CDOT shall assign the City the terms of the Panasonic factory warranty, which in general warranties the switcher for a period of three years covering parts and labor. The warranty period shall begin when the switcher is received at the CDOT Traffic Operations Center for configuration, which is anticipated to be about one month prior to installation at the City's TEF. CDOT will be available to provide technical assistance to the City at the CDOT Traffic Operations Center if requested by the City.

City of Grand Junction Responsibilities:

The City desires to share traveler information with and from CDOT. The City agrees to own and operate the video switcher, and to maintain it in accordance with manufacturer's recommendations upon expiration of the warranty period.

Disputes:

Should disputes or disagreements occur of any matter relating to the Work or the Services, both CDOT and the City shall collaborate to resolve the dispute. If the resolution cannot be achieved within 30 days, the matter shall be submitted jointly to the City's Transportation Engineer and CDOT's Chief Engineer. If a resolution cannot be achieved within 30 days from when the matter is received by these officials, at this level, the matter shall be submitted jointly to the City's Manager and CDOT's Executive Director for final resolution of the dispute.

Compensation:

Neither party to this agreement shall be required to pay any compensation to the other party for any services rendered hereunder. Nothing in this agreement shall be construed to place the personnel of any party under the control or employment of the other party. Nothing in this agreement is intended to create or grant to any third party or person any right or claim for damages, or the right to bring or maintain any action at law resulting out of or under this agreement.

Expenditures and Fees:

The parties to this MOU agree that the purpose of this MOU is to jointly accomplish activities that could be performed separately by each party. Accordingly, it is understood that any fee contributed or paid, or otherwise provided by any party to this MOU to the other party to this MOU are and remain an expenditure of the contributing, paying, or otherwise providing party, and are not revenue or expenditures of the receiving party.

Fiscal Information:

By this MOU, neither party incurs a direct financial obligation such that applicable law requires funds to actually be encumbered by the MOU therefor. Rather, sufficient funds for any financial obligations that indirectly result from this MOU shall be encumbered by parties under separate, subsequent, third-party agreements, through which the equipment and services described herein will actually be provided. Financial obligations of the State of Colorado payable after the current year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available. The City's financial obligations under this MOU are expressly subject to appropriation and availability of funds for that purpose.

Terms of MOU:

The term of this MOU shall be from the date of full execution by the Executive Director of the Colorado Department of Transportation, or his Designee, for a period of one



year, however, if the parties so desire, the term may be extended for a subsequent time period by written amendment to this MOU.

Contacts:

For CDOT:

Frank Kinder, PE  
700 Kipling Street, Suite 2500  
Lakewood, CO 80215  
303-512-5820

For the City:

Jody Kliska, PE  
2551 River Road  
Grand Junction, CO 81501  
970-244-1573

Termination for Cause:

If either party shall fail to fulfill, in a timely and proper manner, its material obligations under this MOU as identified in the CDOT and City Responsibilities described above, the other party shall have the right to terminate this MOU for cause by giving written notice of such termination, at least thirty (30) days, before the effective date of such termination.

Termination for Convenience:

Either party may terminate this contract at any time if it determines that the purposes of the MOU would no longer be served by completion of the Work. Party choosing to terminate shall effect such termination by giving written notice of termination to the other party at least thirty (30) days before the effective date of such termination.

Local concern:

The parties agree and acknowledge that the activities contained in this MOU are matters of local concern only, and that nothing in this MOU shall make or be construed as making any of local concerns covered herein matters of mixed concern or statewide concern.

No Third Party Beneficiary:

It is expressly understood and agreed that the enforcement of the terms and conditions of this MOU shall be strictly reserved to the parties hereto. It is the express intent of the parties hereto that any person or entity, other than the parties to this MOU, receiving services or benefits under this MOU shall be deemed incidental beneficiaries only.

IN WITNESS WHEREOF, the parties hereto have executed this MOU the day and year first above written.

By \_\_\_\_\_  
Thomas E. Norton, Executive Director  
Colorado Department of Transportation

Date:

Attest:  
\_\_\_\_\_  
Date:  
(Chief Clerk)

By \_\_\_\_\_  
Jim Spehar, Mayor  
City of Grand Junction

Date:

Attest:  
By \_\_\_\_\_  
Stephanie Tuin, City Clerk

Date:

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		ASPHALTIC ROAD MATERIAL (Road Oil or Emulsions)					
<b>Meeting Date</b>		June 16, 2003					
<b>Date Prepared</b>		June 9, 2003			<b>File #</b>		
<b>Author</b>		Rex Sellers		<b>Senior Buyer</b>			
<b>Presenter Name</b>		Mark Relph		<b>Public Works Director</b>			
<b>Report results back to Council</b>		X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>			Yes	X	No	<b>Name</b>	
	<b>Workshop</b>			<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The purchase of Asphaltic Road Material, (road oil or emulsions), required for the City chip seal projects for the year 2003. It is estimated that 568 tons of HFMS-2P, 4 tons of AE-P, and 199,374 tons of SS-1 50% dilute road oil or emulsion materials will be required.

**Budget:** The road oil budget for the chip seal program is \$134,000.00 account number 100-61624-61380-30-101620

**Action Requested/Recommendation:** It is recommended that the City Council authorize the purchase of asphaltic road materials on an as needed bases not to exceed the budgeted amount of \$134,000.00 for the year 2003 utilizing the State of Colorado CDOT contract.

**Attachments: NA**

**Background Information:** The State of Colorado Department of Transportation (CDOT) solicited bids and awarded Koch Asphalt contract HAA 01-057-TW for ASPHALTIC ROAD MATERIAL for the Grand Junction Area (Zone 15). The State allows for cooperative use of this state bid by Local Governments and political subdivisions in the state of Colorado.

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Award of Work Order/Infrastructure Management System						
<b>Meeting Date</b>	June 16, 2003						
<b>Date Prepared</b>	June 3, 2003	File #					
<b>Author</b>	Terry Brown GIS/CADD Manager						
<b>Presenter Name</b>	Mark Relph Public Works & Utilities Director						
<b>Report results back to Council</b>	x	No		Yes	When		
<b>Citizen Presentation</b>		Yes	x	No	Name		
	Workshop	X	Formal Agenda		X	Consent	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:	Cost
Software	\$189,700
Professional services	\$ 84,200
Software support & maintenance	<u>\$ 39,140</u>
Total Project Costs	\$313,040

Funding:	Allocated	Rev. 2003	Budget
100 Fund	\$234,850	-\$ 34,850	\$200,000
301 Fund	\$ 4,895	+\$ 45,105	\$ 50,000
902 Fund	<u>\$ 26,594</u>	<u>+\$ 73,406</u>	<u>\$100,000</u>
Total Funding	\$266,339	+\$ 83,661	\$350,000

	2003	Minimum	
	Fund Balance	Working Capital	Available Funds
Water Fund	\$ 4,983,621	\$ 490,522	\$ 4,493,099
Sewer Fund	\$ 8,765,352	\$ 772,289	\$ 7,993,063

Additional allocation for water and sewer would be made during the 2<sup>nd</sup> supplemental appropriation later this fall.

**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:**

The public works and utilities department of the City of Grand Junction is in need of a work order management and asset management system. The very diverse nature of our operations and the dispersal of our department over many different locations are two of the reasons that it has become critical that we implement a work order/infrastructure management system. During our investigation into the GASB-34 issues it became very apparent that we needed to improve our management systems.

*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.

This system has been discussed with County staff since it involves additional appropriation from the sewer fund. They support purchase of the system.

### 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 preformed 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.

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>							
<b>Subject</b>		Amendment to the Ridges Taxing Areas					
<b>Meeting Date</b>		June 16, 2003					
<b>Date Prepared</b>		06/10/03			File #		
<b>Author</b>		Lanny Paulson			Budget & Accounting Manager		
<b>Presenter Name</b>		Ron Lappi			Administrative Services Director		
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	No		Yes	When	
<b>Citizen Presentation</b>			Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	Consent	<b>Individual Consideration</b>

**Summary:** The request is to move the remaining seven parcels from the Ridges Metropolitan District Tax Area #2 to Tax Area #1.

**Budget:** There will be no impact on the budget or the Ridges Debt Service Fund's ability to meet it's financial obligations.

**Action Requested/Recommendation:** Approval of the resolution amending the taxing areas.

**Attachments:** Resolution

**Background Information:** The Ridges Metropolitan District Board originally established a separate taxing area (Ridges District #2) for unplatted parcels to provide for a higher mill levy for undeveloped properties. The differential mill levies (currently 110.000 mills for Ridges #2 and 7.445 for Ridges #1) were established to encourage development and ensure the undeveloped properties paid a proportionate share of the

taxes required to finance the district's debt. Parcels have been moved from District #2 to District #1 as development occurred. The differential mill levies are no longer required to service the debt. There are currently only seven parcels remaining in District #2 with a total assessed value of \$36,550. This amount represents 0.2% of the \$15.5 Million total assessed value for the Ridges Metropolitan District.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AMENDING THE PROPERTY DESCRIPTION OF THE RIDGES  
METROPOLITAN DISTRICT TAXING AREAS**

THE BOARD OF THE RIDGES METROPOLITAN DISTRICT  
GRAND JUNCTION, COLORADO

Pursuant to section 32-1-1006(1)(B) C.R.S. and the attached resolution of the Ridges Metropolitan District Board, attached as Exhibit A and incorporated herein by this reference as if fully set forth, the City Council of the City of Grand Junction acting in the council's capacity as the Ridges Metropolitan District (RMD) Board, determines that a change to the District's taxing areas is reasonable and necessary.

The properties affected by this Resolution are all properties lying within the boundaries of the District, all of which are within the City of Grand Junction, Mesa County, Colorado.

Specifically the City, acting as and for the RMD has proposed to amend the taxing area descriptions of Tax Area #1 and Tax Area # 2 by removing the tax parcels identified below from Taxing Area #2 and placing the same parcels in Taxing Area #1.

Tax Parcel Numbers:

2945-174-41-941  
2945-174-43-001  
2945-202-00-933  
2945-202-18-029  
2945-202-44-001  
2945-212-17-007  
2945-291-00-066

This amendment of the Taxing Area descriptions is in the best interest of the owners in the RMD and the public will not be harmed thereby. The amendment of the Taxing Areas, taking into consideration the levy set and the assessed valuation in the areas, when that levy is made upon the valuation for assessment of taxable property within the District, will supply adequate funds for the payment of the costs of operating and maintaining the services, facilities and bond restructuring of the District.

In accordance with the 1992 annexation of the Ridges by the City and the concurrent bond restructuring, the City as the RMD Board certifies mill levy's for the collection of taxes. By amendment of the Taxing Areas no new debt will be created nor does the amendment constitute a change in tax policy.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Grand Junction acting as the Ridges Metropolitan District Board does hereby find, resolve and determine that the tax parcels in Taxing Area #2 as described herein are hereby designated and determined to be, by this resolution, in Taxing Area #1. A hearing upon the foregoing having been duly noticed the amendment is made and effective upon signature below.

Passed, approved and adopted this \_\_\_\_\_ June, 2003.

RIDGES METROPOLITAN DISTRICT

By \_\_\_\_\_  
Jim Spehar, President  
Board of Directors

ATTEST:

\_\_\_\_\_  
Secretary of the Board



Exhibit A

RESOLUTION TO DIVIDE THE DISTRICT INTO SEPARATE TAXING AREAS

WHEREAS, the statutes of the State of Colorado so made and provided, 32-1-1006 (1)(b) authorize the dividing of the District into areas according to water or sanitation services furnished or to be furnished therein. That statute further provides that the District's Board of Directors has the power to fix different rates, fees, tolls or charges and different rates of levy for tax purposes against all of the taxable property within several taxing areas of such District according to the services and facilities furnished or to be furnished therein within reasonable time.

WHEREAS, development within the District because of local economic conditions has not progressed in accordance with anticipated plan. That the District has determined after extensive engineering and accounting investigation that certain unplatted areas within the District have been provided with water and sanitary sewer service facilities of the district and that said properties have not developed and that under the previously approved taxing procedures of the District the said unplatted properties are not paying a proportionate share of the debt obligation occasioned to the district and the residents thereof for providing water and sanitary sewer services to the perimeter of the unplatted property; and

WHEREAS, the Board of Directors has determined that it is in the public interest and in the desire of tax equality to cause the district's outstanding debt obligation to be more evenly proportioned to all properties currently unplatted and platted within its geographical boundaries that the Board of Directors divide, for tax purposes the District into two separate taxing areas.

Taxing Area #1 to include platted properties  
Taxing Area #2 to include unplatted properties

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE RIDGES METROPOLITAN DISTRICT that the District is hereby for tax purposes, divided into separate taxing areas as follows, to wit:

Area #1 Platted Property: and  
Area #2 Unplatted Property.

That the above and foregoing division is made pursuant to C.R.S. 32-1-1006 (1)(b) and that the foregoing division is made after study and in order to preserve the public health, safety and welfare of the inhabitants of the District.

The above resolution was appropriately adopted at a regular meeting of the District's Board of Directors at which meeting a quorum of the District's Board of Directors was in attendance.

  
James M. Henderson, President  
Board of Directors

ATTEST:

  
C. Joseph Croker, Secretary  
Board of Directors

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>										
<b>Subject</b>		25 ½ Road Drainage Improvements Phase I								
<b>Meeting Date</b>		June 16, 2003								
<b>Date Prepared</b>		June 4, 2003					File #			
<b>Author</b>		Mike Curtis Trent Prall			<b>Project Engineer</b> <b>City Utility Engineer</b>					
<b>Presenter Name</b>		Mark Relph			<b>Public Works and Utilities Director</b>					
<b>Report results back to Council</b>		X	No		Yes	When				
<b>Citizen Presentation</b>			Yes	X	No	Name				
Workshop		X	<b>Formal Agenda</b>			Consent	X	<b>Individual Consideration</b>		

**Summary:** Bids were received and opened on June 3, 2003. BT Construction, Inc. submitted the low bid in the amount of \$437,500.00. The project will bore two crossings, each 280 feet in length, across I-70 B for the installation of twin 60 inch diameter steel drain pipes. These pipes will connect the outlet at West Lake Pond to twin 66 inch diameter concrete drain pipes that cross Rimrock Market Place.

The following bids were received for this project:

<b>CONTRACTOR</b>	<b>FROM</b>	<b>BID AMOUNT</b>
BT Construction, Inc.	Commerce City, Colorado	\$437,500.00
Willco Far West	Salt Lake City, Utah	\$449,550.00
Engineer's Estimate		\$474,400.00

**Budget:** Storm Drainage/  
 Fund 202/F35800  
 \$535,648.00

Engineering and Admin. Consultant	\$35,000.00
Consultant	\$4,101.00
Cathodic Protection Contract	\$5,000.00
25 ½ Road Construction	\$20,856.00
Construction Contract	<u>\$437,500.00</u>
Total Costs	<u>\$502,457.00</u>

**Action Requested/Recommendation:**

Authorize the City Manager to execute a construction contract for the 25 ½ Road Drainage Improvements Phase I with BT Construction in the amount of \$437,500.00.

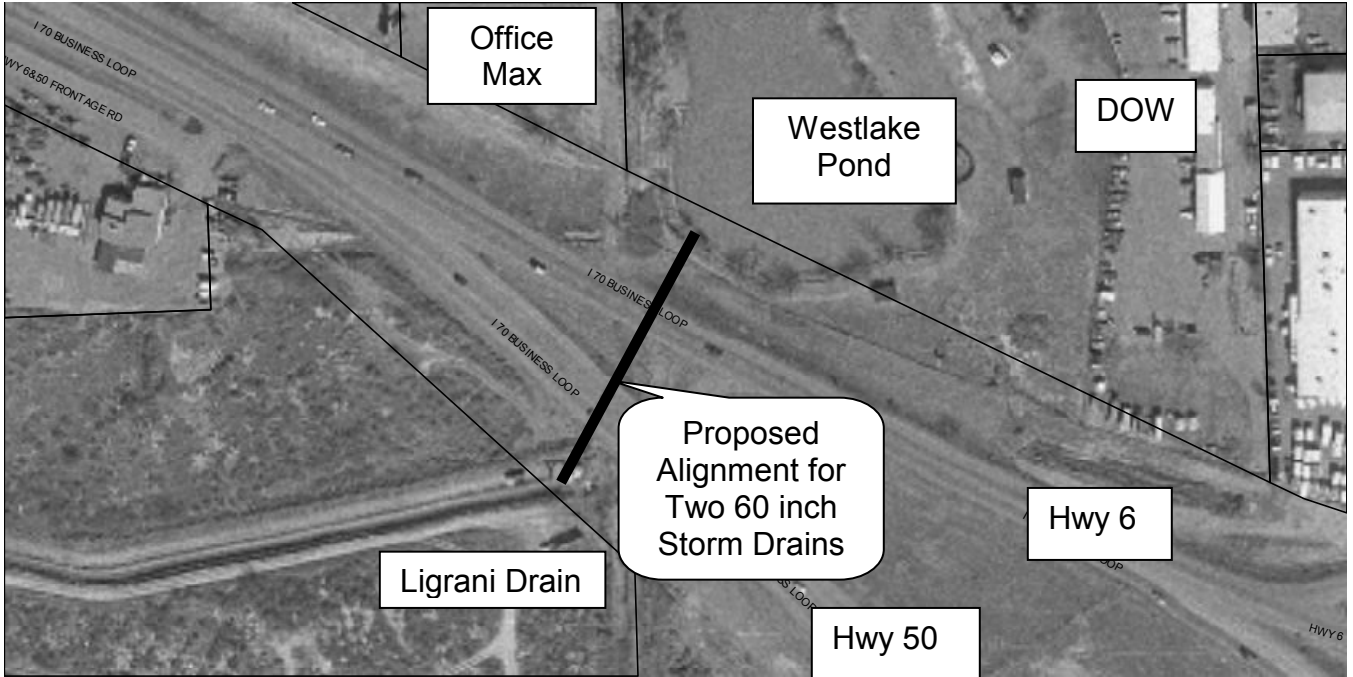
**Background Information:**

This project is part of an overall drainage solution for a portion of Independent Ranchmen’s Ditch, Buthorn Drain, Ligrani Drain, Independent Avenue area as originally conceived in the 1998 Grand Valley Stormwater Management Master Plan. Once the entire system is constructed, of which this project is just a part, 100 year protection will be provided to residents and businesses along Bass Street, Independent Ave, Motor Street, and 25 ½ Road. Remaining portions of the project include work by the Grand Junction Drainage District to convert West Lake into a detention basin, as well as the CDBG funded Bass Street storm drain improvements. The project will replace the existing 30 inch pipe crossing of Hwy 6&50.

The project consists of 560 lineal feet of 60-inch diameter steel casing/carrier pipe for boring Hwy 6 & 50, Construction Surveying and Traffic Control. The project will utilize conventional boring/jacking technology to install a storm drain connection from West Lake Pond to twin 66 inch diameter concrete pipes that cross Rimrock Market Place and eventually discharge to the Colorado River. An active cathodic protection system will be installed by Anode Systems Inc. under a separate contract to protect the steel pipes from corrosion. In addition, any voids created during the boring process by the auger will be pressure grouted.

BT Construction of Commerce City is a 20-year Colorado General Contractor specializing in water, sanitary and storm utility construction and relocation, tunnel augering and boring, pipe-jacking, mechanical facilities construction, concrete structures, vacuum utility potholing and professional traffic control. This project is their first project with the City.

Work is scheduled to begin on July 7, 2003 and continue for 8 weeks with an anticipated completion date of September 5, 2003.



**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Resolution Authorizing the Purchase of Property for the New Redlands Fire Station.					
<b>Meeting Date</b>	June 16, 2003					
<b>Date Prepared</b>	June 11, 2003				<b>File #</b>	
<b>Author</b>	Tim Woodmansee			<b>City Real Estate Manager</b>		
<b>Presenter Name</b>	Mark Relph			<b>Director of Public Works &amp; Utilities</b>		
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The City has entered into a contract to purchase the property at 2155 Broadway from The Westgate Free Will Baptist Church. The property will be the location of the new Redlands Fire Station (City Fire Station No. 5).

**Budget:** CIP Funds have been allocated to purchase and develop the property as a fire station. The allocated funds and estimated costs to purchase the property and design, construct and equip the facility are as follows:

2003 Project Budget	\$1,907,522.00
Property Purchase	<\$ 300,000.00>
Environmental Assessment	<\$ 1,350.00>
Balance for Design, Construction, Permitting & Equipment	<u>\$1,851,060.00</u>

**Action Requested/Recommendation:** Adopt Resolution Authorizing the Purchase of Property located at 2155 Broadway.

**Attachments:** Vicinity Map and Proposed Resolution.

**Background Information:** Residents of the Redlands approved a 2002 General Election ballot measure for a mill levy increase to provide funds for the operation and maintenance of City Fire Station No. 5. Shortly thereafter, the City Council authorized staff to negotiate a contract to purchase the subject property. The City's obligation to

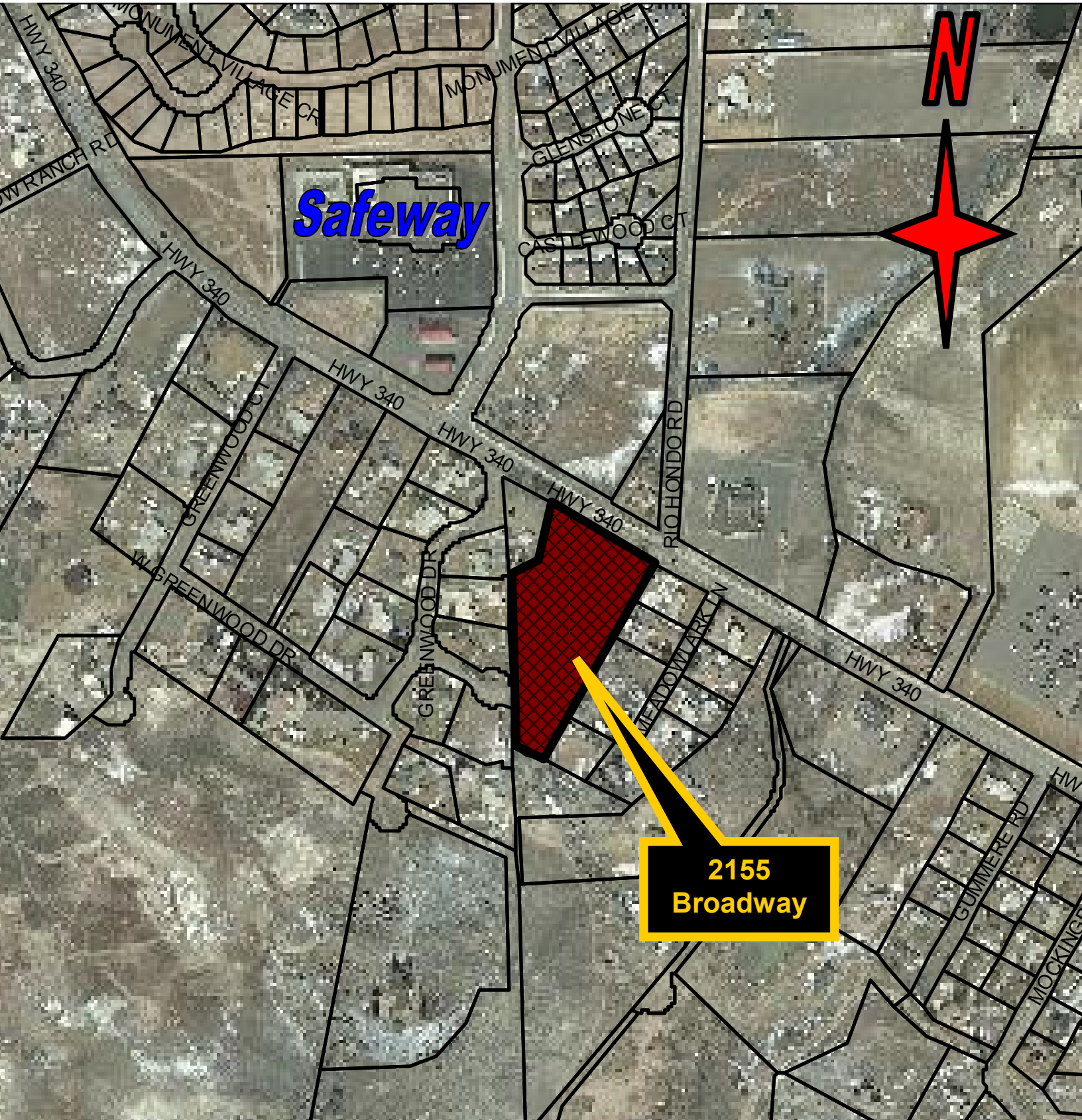
purchase the property is contingent upon Council's ratification of the contract, by Resolution, on or before June 18, 2003.

The subject property contains 3.164 acres and is improved with an 1,892 square foot single story chapel. The contracted purchase price is \$300,000. The following special provisions are provided in the contract:

- ① The City's obligation to purchase is contingent upon the City obtaining all permits, zoning and land use approvals from all authorities exercising jurisdiction over the property. If the City is unable to obtain the required approvals prior to closing, the City may extend the closing date in 30-day increments until all approvals are obtained. In that event, the City would be required to pay the Church a non-refundable sum of \$1,000 for each 30-day extension (the \$1,000 extension fee would be credited towards the purchase price). Required approvals include annexation, zone of annexation, a simple subdivision to remove interior parcel lines and the issuance of a conditional use permit.
- ② The Church is permitted to leaseback the chapel and reasonable curtilage for a period of 12-months after closing. If the Church exercises the leaseback, rental payments will be \$1,000 per month. The Church may terminate the lease by providing 30-days advanced notice.
- ③ During the due diligence investigation period, staff discovered a title defect arising from the legal description of the property. Curing this defect will require a Quiet Title Action. The Church has engaged the law firm of Elder & Phillips to complete this action. It is expected that the Quiet Title Action will be uncontested. Closing will occur after the courts issue a decree quieting title in the name of the Church, which is expected to occur in late July or early August.
- ④ Upon Council approval, staff would make the formal request to the County Commissioners for the county's \$300,000 contribution to the project, which would be used towards the property purchase.

A Transaction Screen performed by Kayenta Consulting Group indicates that the property is free and clear of any toxic, hazardous or regulated substances.

**2155 BROADWAY**  
**Vicinity Map**



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE PURCHASE  
OF REAL PROPERTY LOCATED AT 2155 BROADWAY  
FOR USE AS A CITY FIRE STATION**

Recitals.

A. The City of Grand Junction has entered into a contract with the Westgate Free Will Baptist Church for the purchase by the City of a site for a new fire station. The street address and Assessor's parcel number for the parcel is 2155 Broadway and 2947-231-17-951.

B. The purchase agreement provided that on or before June 18<sup>th</sup>, 2003, the City Council must ratify the work of the City staff investigating and evaluating the site for use as a City fire station.

C. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City purchase said property, together with on-site improvements.

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

1. The above described property shall be purchased for a price of \$300,000.00. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. Said \$300,000.00 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described parcel.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described parcel. Specifically, City staff are directed to effectuate this Resolution and the existing Contract to Buy and Sell Real Estate, including the execution and delivery of such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.

PASSED and ADOPTED this 18<sup>th</sup> day of June, 2003.



Attest:

President of the Council

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City Clerk

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Public Hearing - CDBG 2003 Program Year Action Plan, a part of the 2001 Five-Year Consolidated Plan					
<b>Meeting Date</b>	June 16, 2003					
<b>Date Prepared</b>	June 9, 2003				<b>File #</b> N/A	
<b>Author</b>	David Thornton		Principal Planner			
<b>Presenter Name</b>	David Thornton		Principal Planner			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** City Council will consider final adoption of the 2003 Program Year Action Plan. This annual plan is required by the Department of Housing and Urban Development (HUD) for the use of CDBG funds. The Action Plan includes the CDBG projects for the 2003 Program Year City Council approved for funding on May 21, 2003.

**Budget:** CDBG 2003 budget of \$417,000

**Action Requested/Recommendation:** Adopt by Resolution the 2003 Program Year Action Plan as a part of the 2001 Five-Year Consolidated Plan.

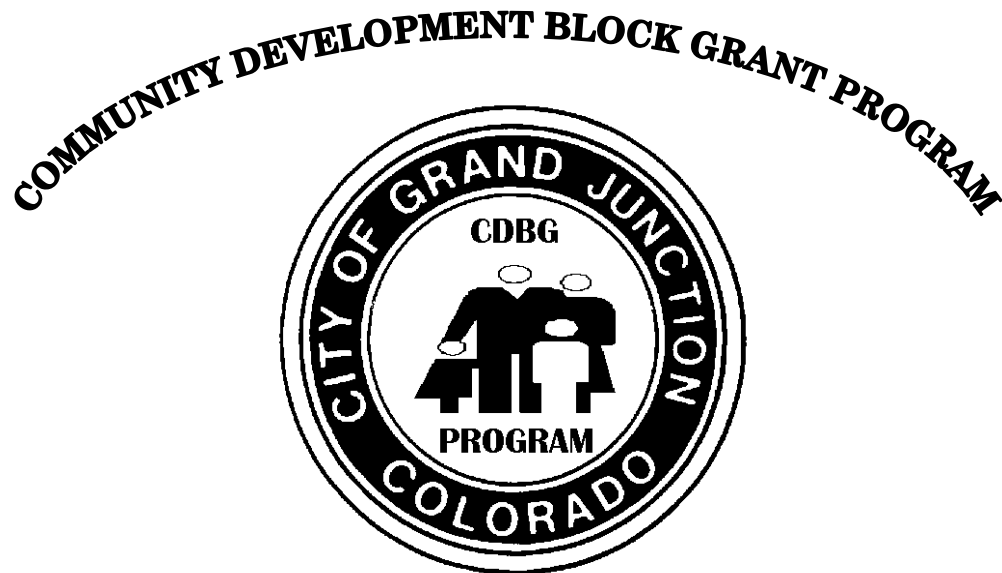
**Attachments:**

1. 2003 Program Year Action Plan
2. Resolution

**Background Information:** This is a public hearing to receive input regarding the 2003 Program Year Action Plan. The 2003 action plan takes a look at the eight projects that will be funded by 2003 CDBG funds as well as other projects that various community organizations have plans to begin, complete and/or are ongoing during the 2003 program year. The 2003 CDBG program year begins September 1, 2003. The City of Grand Junction is expecting to receive \$417,000 in CDBG funds for the 2003 program year from the Department of Housing and Urban Development. The 2003 Program Year Action Plan also includes capital projects the City of Grand Junction has identified for 2003 in its 10 year Capital Improvements Program.



# CITY OF GRAND JUNCTION



## 2003 Action Plan

A part of the 2001 Five-Year Consolidated Plan

4 CFR Part 91--consolidated submissions for community planning and development programs  
under the Community Development Block Grant CDBG Program;

**June 16, 2003**

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# INTRODUCTION

The City of Grand Junction was designated as an Entitlement Community by the U.S. Department of Housing and Urban Development in 1996 when the County's population reached 100,000. This designation entitles Grand Junction to an annual grant of funds under the Community Development Block Grant Program (CDBG). To be eligible for funding the City must submit a Consolidated Plan, which serves as a federally required planning document that guides community development efforts in Grand Junction. The City of Grand Junction adopted its' Five-Year Consolidated Plan on June 6, 2001.

The primary objective of Title I of the Housing and Community Development Act of 1974, as amended, is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low- and moderate-income. The content and structure of the Consolidated Plan follows regulations and guidelines promulgated by the U.S. Department of Housing and Urban Development (HUD).

This 2001 Five-Year Consolidated Plan marked the continuation of an on-going community development planning process for Grand Junction. The intent of the process is to develop a set of local priority needs and objectives through a coordinated effort with special emphasis on citizen participation and interagency involvement. The City of Grand Junction Community Development Department is the lead organization in the development of the City Consolidated Plan and subsequent one year Action Plans which help implement the goals and strategies in the Plan.

The 2002 CDBG Action Plan is year two of the 2001 Five-Year Consolidated Plan. It is an addendum to Chapter Six of the Consolidated Plan and was adopted June 5, 2002 and became a part of the City's 2001 Five-Year Consolidated Plan.

The 2003 CDBG Action Plan is year three of the 2001 Five-Year Consolidated Plan. This Action Plan is an addendum to Chapter Six of the Consolidated Plan and upon adoption will also become a part of the City's 2001 Five-Year Consolidated Plan.

# 2003 Program Year Action Plan

A Part of the 2001 Five-Year Consolidated Plan

City of Grand Junction, Colorado

Community Development Block Grant Entitlement Program (CDBG)

## EXECUTIVE SUMMARY

of 2001 Five-Year Consolidated Plan (Revised)

### Introduction

In 1996 the federal government established Grand Junction as a community entitled to receive Community Development Block Grant Funds. Every five years the City prepares and adopts a new five-year consolidated plan. The City adopted the 2001 Five-Year Consolidated Plan on June 6, 2001. In addition, each year the City prepares and adopts a program year action plan, which becomes a part of the five-year consolidated plan. Applications for CDBG funds are made available to all interested parties in March with an April deadline for each Program Year. Applications that are funded become a part of the respective program year action plans.

### Community Profile

Centrally located between Denver and Salt Lake City, Grand Junction is the largest city on the Western Slope of Colorado and serves as the County Seat for Mesa County. The City's population has grown nearly 45 percent in the last decade to approximately 44,000. The surrounding Grand Valley has about 95,000 residents, and Mesa County's population is approximately 118,000.

Since suffering an economic slump in the mid-1980s, Grand Junction's population and economic indicators now exceed the highest levels of the boom period of the late 1970s and early 1980s. Grand Junction continues to expand its role as the regional trade, services, finance, education, transportation, and health care hub for Western Colorado and Eastern Utah.

While the area's economy has demonstrated strong growth, housing market appreciation far exceeds wage increases. Housing costs have increased an average of 8.5 percent per year for rentals, and 8.7 percent per year for sale units. Wages, meanwhile, have increased approximately 4.4 percent annually over the same period. These trends are expected to continue for the foreseeable future.

### Planning Process

The City adopted a Citizen Participation Plan in 1996 to describe citizen involvement in the Five-Year Consolidated Plan (Plan) and annual Program Year Action Plans. The Community Development Department of the City of Grand Junction, as lead agency for the development of the Program Year Action Plan, has invited extensive citizen involvement in Plan creation. The findings and needs identified by those who serve

and work with the very low- to moderate-income populations are the basis of the Plan's development.

## **Housing Needs**

### **2001 CONSOLIDATED PLAN DATA**

Population growth in Grand Junction has significantly exceeded growth in the number of affordable housing units. Waiting lists for the limited number of existing assisted housing units are a year or more. As a consequence of these and other conditions, the need for over 6,300 additional assisted housing units is critical (2001 estimate).

In Grand Junction, housing costs have increased as much as 207 percent while wages have increased only 46.3 percent during the 1990's to an average of \$22,355 in 2000. Over half of all workers in Mesa County are employed in the Retail and Service sectors, historically among the lowest paying jobs in Mesa County.

One of the most disturbing indicators of need is the number of households whose income places them at or below 150 percent of the poverty guidelines established by the U.S. Department of Health and Human Services. The number of people in Mesa County at or below 150 percent of poverty level grew from 29.3 percent of the total population in 1993 to 45.4 percent in 1997 (the most recent figures available).

Due to low area wages, it is estimated that 44 percent of all renters are unable to afford the Fair Market Rent of a modest two-bedroom apartment and 58 percent are unable to afford a three-bedroom unit. Over 23 percent of the local workforce are considered "low-income" or "in poverty" while working 40 hours per week.

Based upon Poverty Levels and Low Income Guidelines, 7,830 households in Grand Junction cannot afford to pay market rate rent and need assisted housing (2001 estimate). The 2001 current inventory of assisted housing units meets only 15 percent of the need.

### **2002 UPDATE**

In 2002, leaders of local governments and key institutions in the Grand Valley invested in the development of a comprehensive assessment of affordable (less-than-market-rate) housing needs. Key local trends reported in the Grand Valley Affordable Housing Needs Assessment:

- There has been 3.4% annual economic growth and 2.2% annual population growth in the Grand Valley over the last decade, increasing housing demand and housing prices. These trends are projected to continue at a similar rate over the next 20 years.
- Housing prices have increased approximately four times as fast as wages have increased, decreasing the relative affordability of the housing market. Since over half of all local employment is in the retail and service sectors, the housing affordability gap is expected to continue to grow.
- Most low wage workers are finding themselves priced out of single-family homes, and many are unable to find lower priced rental units.



- There has been relatively little new multi-family construction in the Grand Valley over the last decade, resulting in few affordable housing options for households earning less than 60% of the Area Median Family Income.

In the 2002 Assessment the current supply of housing was compared to household income based on the ability of a household to pay 30% of its income for mortgage or rent. The gap between the supply and demand for housing at each income range determined the housing gap. The rental unit gap is 1,080 units, and the total ownership housing gap is 589 housing units. This results in a total 2002 housing gap of 1,669 housing units, with almost all of these units being needed at less than 60% of Area Median Income. Based upon projected employment growth, there will be a need for 1,009 additional housing units by 2005 and 2,432 more by 2010.

Local governments and housing interests are developing and implementing solutions to meet the affordable housing need identified in the 2002 Assessment.

### **Homeless Needs**

Homelessness presents a growing challenge to Grand Junction. The combination of low local wages and rising housing costs is making a growing percentage of the general population vulnerable to loss of housing, and making it much more difficult for the homeless to work their way off of the streets. In addition, the high percentage of individuals and families without health insurance benefits makes many households vulnerable to housing loss in the event of an expensive major illness.

Historical local data collection about the homeless has been primarily anecdotal and informal, as there has not until recently been a coordinated community effort to build local demographic statistics. Although it is very difficult to accurately determine the number of homeless, a point-in-time survey conducted in spring of 2001 there were approximately 500 homeless persons. That number has remained constant for 2002 and 2003.

A series of planning sessions were conducted to identify needs and develop action plans and a Continuum of Care to address this challenge. The highest priority homeless needs identified through this process are for an emergency shelter, transitional housing, case management, and housing placement for individuals and families.

The Continuum of Care Plan, completed in the summer of 2001 by a coalition of community homeless service providers, is intended to provide a continuous network of housing and service support for persons working to permanently leave the streets. The Grand Valley Coalition for the Homeless, made up of human service agencies, the faith community, local governments and others, meets monthly to coordinate in a united effort to help the homeless community.

### **Special Needs Housing**

Due to the fact that Grand Junction is the largest community on the Colorado Western Slope and Eastern Utah, medical and other special needs services are provided here

that are not available in smaller communities. As a consequence, the percentage of the special needs population in Grand Junction is higher than surrounding communities at approximately 12 percent of the total population. The ability of persons with chronic mental illness, physical and developmental disabilities, and HIV / AIDS to compete in the housing market for appropriate housing at an affordable price is limited in many cases by their lack of income and also by their need for special housing accommodations. Based upon local 2001 estimates, a total of 1,073 additional assisted housing units are needed to meet the existing housing need for this sub-population.

### **Anti-Poverty Strategy**

The Anti-Poverty Strategy is an effort to reduce the number of people earning low- to moderate-income wages and at risk of homelessness. This Strategy, described in Chapter 5 of the 2001 Five-Year Consolidated Plan, describes community activities to:

- Increase local pay rates;
- Increase the employability of recipients of public benefits;
- Attract higher paying employers to Grand Junction;
- Increase access to employment through expansion of the service area and hours of operation of the public transportation system and through the availability of responsible affordable childcare;
- Foster increased household stability through educational programs, drug and alcohol rehabilitation programs, and services to persons with special needs;
- Support efforts to reduce the possibility of catastrophic expense through the provision of essential healthcare to the uninsured and the availability of effective public transportation to reduce the dependence of low-income persons on private automobiles and their associated costs.

### **Strategic Plan**

The Strategic Plan summarizes the community's work plan for addressing the needs discussed above. The 2001 Five-Year Consolidated Plan integrates economic, physical, environmental, community and human development activities in Grand Junction in a comprehensive and coordinated manner so that agencies, groups, and all citizens can work together to improve the quality of life of its residents. For each Priority and Category of need, specific Objectives and Strategies have been identified which define how the community will respond over the life of the five year consolidated plan.

**The four Consolidated Plan Priorities for Allocation of CDBG funds are as follows:**

#### **Need for Non-Housing Community Development Infrastructure**

Historically, the City of Grand Junction has determined its role to be the provision of basic citizen services such as public works and utilities, police and fire protection, parks and recreation, general planning, code enforcement, and local economic development. The City has defined numerous non-housing community development needs, including streets and public facilities remodel

and repair, improvements in City infrastructure, and maintenance and development of city parks. Recognizing that the cost of meeting these objectives exceeds the amount of CDBG funds allocated to Grand Junction by HUD, several of these needs are budgeted in the City's Capital Improvement Plan.

### **Need for Affordable Housing**

*Priority Need Category: Increase the Inventory of Affordable Housing Units*

- Objective 1 Increase the number of affordable rental housing units
- Objective 2 Increase the number and type of home ownership opportunities available to low- to moderate-income homebuyers
- Objective 3 Remove or reduce substandard housing units
- Objective 4 Preserve existing stock of affordable housing units

### **Needs of the Homeless**

*Priority Need Category: Prevent and Reduce Homelessness*

- Objective 1 Provide shelter for homeless adults
- Objective 2 Provide shelter for homeless families
- Objective 3 Increase the number of transitional housing units with support services for homeless individuals and families
- Objective 4 Improve homeless prevention activities

### **Needs of Special-Needs Populations and Other Human Service Needs**

*Priority Need Category: Other Special Needs*

- Objective 1 Increase the capacity of existing medical and dental facilities
- Objective 2 Increase the number of group homes that can accommodate individuals with physical and cognitive disabilities

*Priority Need Category: Youth*

- Objective 1 Increase the quality of affordable childcare for children of the working poor and people entering the workforce
- Objective 2 Increase the availability of drug and alcohol counseling
- Objective 3 Promote healthy recreational activities

Though the competition for CDBG funds has continually increased since program inception, the City has made an effort to balance disbursement of these funds between the various needs of the community. It is the City's goal to continue the balanced use of CDBG funds between the four priority community concerns through the term of this 2001 Five-Year Consolidated Plan.

### **Program Year Action Plans**

The purpose of the Program Year Action Plan is to identify One-Year Strategies for each of the Objectives set in the 2001 Five-Year Consolidated Plan. The One-Year Strategies are accomplished by utilizing a variety of resources, including the annual allocation of CDBG funds. For each program year, a new one-year action plan is completed and adopted as part of the five year consolidated plan.

### **2001 Program Year Action Plan:**

On May 16, 2001 the Grand Junction City Council approved 2001 CDBG funding requests totaling \$504,000 for six projects. A full discussion of the 2001 Action Plan can be found in Chapter 6 of the 2001 Five-Year Consolidated Plan.

### **2002 Program Year Action Plan:**

On May 15, 2002 the Grand Junction City Council approved 2002 CDBG funding requests totaling \$494,000 for seven projects. A full discussion of these projects can be found in the 2002 Action Plan adopted June 5, 2002 by Grand Junction City Council.

### **2003 Program Year Action Plan:**

On May 21, 2003 the Grand Junction City Council approved 2003 CDBG funding requests totaling \$417,000 for the following eight projects.

#### **1. City of Grand Junction Neighborhood Program Administration**

Recently Council has discussed and recommended that the City set aside its 20% administration dollars from the CDBG 2003 Program Year to spend on a proposed neighborhood based CDBG program. City Council's Strategic Plan identifies "Vital Neighborhoods" as one of six Solutions with a specific objective of identifying potential funding sources, including CDBG funds for this. Last year the City allocated \$50,000 for administration of the CDBG 2002 Program Year of which enough is left over from that allocation to continue administration of the CDBG program through the 2003 Program year. Those dollars pay for the annual costs to administer the CDBG program. HUD guidelines allow up to 20% for Administration.

**Funds being requested are \$83,400**

**BUDGET NOTE:** The above project #1 is eligible for CDBG funding under Administration and Planning and HUD allows the City to spend up to 20% of its total CDBG funds within this category. For 2003, the City can spend up to \$83,400.

#### **2. Center for Independence – Equipment (new 14-passenger van) (\$20,000) –**

Funds to be used to purchase a new 14 seat (4 wheel chair accessible) van to transport clients. The van will be used to transport clients (people with disabilities) to various types of activities including trainings, conferences, community and government events, volunteer opportunities, assistive technology services, employment counseling and training, housing transition services and recreational activities. Total cost of the van is \$42,755 with grants totaling \$16,000 already received from GJ Lions and Redlands Lions Clubs.

#### **3. Western Region Alternative to Placement (WRAP) – (\$7,500) -** Funds will provide client services with support services to avoid out of home placement for youth, maintain youth at the lowest level of care and to support family unification. This program secures stable, affordable housing for families at risk. Last year the City funded WRAP with a \$10,000 CDBG grant which matched State funding dollar for

dollar. This year there is no state funding.

4. **The Treehouse (\$20,000)** – The Treehouse is requesting funds for a new Tree House Teen Bistro for high school aged youth and funding for an Americorp volunteer to help children with homework. Funds for the Teen Bistro will be used for Coffee Shop Equipment, Interior Decorations and Stage Equipment.
5. **St. Mary's Foundation – Gray Gourmet Meals for Elderly Program (\$5,050)** – Funds to be used to purchase food only. The purpose of this project is to meet the nutritional needs of a growing elderly population. Purchased food will be delivered by volunteers five days per week to low and moderate income, frail elderly who live in the Grand Junction City limits.
6. **St. Mary's Foundation – Foster Grandparent Program (\$5,000)** – Funds requested to be used for mileage reimbursement for program volunteers Income eligible Foster Grandparent volunteers will have the opportunity to help children while receiving a small monthly stipend for their services.
7. **St. Mary's Foundation – Senior Companion Program (\$5,000)** – Funds requested to be used for mileage reimbursement for low income senior volunteers. The Senior Companion Program is in its 13<sup>th</sup> year of service to the community. CDBG funds will help them serve an increase number of the frail elderly senior citizens. Because their clients are isolated, frail and unable to use local transit, Senior Companions fill a unique niche in serving those elderly who need assistance.

**BUDGET NOTE:** Proposed projects 2 through 7 are eligible for CDBG funding under "Public Services" and HUD allows the City to spend up to 15% of its total CDBG funds within this categories. For 2003, the City can spend up to \$62,550.

8. **Grand Junction Housing Authority – Linden Avenue Affordable Housing Development (\$271,050)** – Funds to be used for infrastructure improvements for an affordable 90 unit housing development on GJ Housing Authority's property at 276 Linden Avenue. The Grand Junction Housing Authority purchased this approximately 7.5 acre parcel of vacant land, zoned RMF-16, for development of affordable housing units serving households earning 60% or less of the area median income.

**2003**

**PROGRAM TOTAL \$417,000**

## 2003 PROGRAM YEAR ACTION PLAN

The purpose of the Program Year Action Plan is to define the current program year activities to be completed toward full implementation of the Five-Year Consolidated Plan. This one-year action plan discusses activity to occur from September 1, 2003 through August 31, 2004. Program Year activities are accomplished through the use of a variety of resources, including the annual allocation of CDBG Funds.

### **2003 Program Year Community Development Block Grant Awards**

On May 21, 2002, the Grand Junction City Council approved 2003 CDBG funding requests totaling \$417,000 for the 8 projects listed in Exhibit 6-1 below. A description of each funded activity is provided in the 2003 Program Year Objectives and Program Year Activities sections in this chapter and on HUD Table 3.

**Exhibit 6-1**

<b>2003 Community Development Block Grant Recipients</b>		
<b>Organization</b>	<b>Activity</b>	<b>Grant Award</b>
City of Grand Junction Neighborhood Program	Administration, Planning and Implementation costs	\$ 83,400
Center for Independence	Purchase 14-passenger van	\$ 20,000
Western Region Alternative to Placement (WRAP)	Funding for client support services	\$ 7,500
The Treehouse Teen Bistro	Funding for equipment and interior decorations and Americorp Volunteer	\$ 20,000
St. Mary's Foundation – Gray Gourmet Meals for Elderly Program	Purchase Food	\$ 5,050
St. Mary's Foundation – Foster Grandparent Program	Funding for transportation	\$ 5,000
St. Mary's Foundation – Senior Companion Program	Funding for transportation	\$ 5,000
Grand Junction Housing Authority	Linden Avenue Affordable Housing Development – funding for infrastructure	\$ 271,050

<b>Total Funds Awarded</b>
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<b>\$ 417,000</b>
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## **2001 Five-Year Consolidated Plan Priorities for CDBG Funds**

The Grand Junction City Council has identified the following four priorities for CDBG Funding for the next five years:

- Need for Non-Housing Community Development Infrastructure;
- Need for Affordable Housing;
- Needs of the Homeless;
- Special-Needs Population and Other Human Service Needs.

The following sections review the Five-Year Consolidated Plan Objectives and Strategies and describe 2003 Program Year Activities utilizing CDBG funds and other resources.

### **Need for Non-Housing Community Development Infrastructure**

Historically, the City of Grand Junction has determined its role to be the provision of basic citizen services such as public works and utilities, police and fire protection, parks and recreation, general planning, code enforcement, and local economic development.

The City has defined numerous non-housing community development needs, including streets and public facilities remodel and repair, improvements in infrastructure, and maintenance and development of city parks. Recognizing that the cost of meeting these objectives exceeds the amount of CDBG funds allocated, several of these needs are budgeted in the City's Capital Improvement Plan.

#### **A. Five Year Objectives and Strategies:**

##### *Objective 1 Provide ongoing and improved water and sewer service*

- Strategy 1: Phased over the five year plan the City will expend \$37.2 million on water and sewer service improvements throughout the city.

##### *Objective 2 Improve street and pedestrian systems*

- Strategy 1: Phased over the five year plan the City will expend \$46.3 million on street system improvements.
- Strategy 2: Phased over the five year plan the City will expend \$2.5 million on citywide neighborhood sidewalk improvements.

##### *Objective 3 Provide ongoing and improved storm sewer service*

Strategy 1: Phased over the five year plan the City will expend \$10.1 million on citywide storm drainage improvements.

*Objective 4 Improve parks and recreation facilities*

Strategy 1: Phased over the five year plan the City will expend \$4.2 million to provide general maintenance and upgrades to parks and recreation facilities throughout the city.

Strategy 2: The City has budgeted \$1.7 million for acquisition of land for and improvements to neighborhood parks throughout the city.

*Objective 5 Provide for ongoing maintenance and new construction of public facilities*

Strategy 1: The City has budgeted \$3.5 million for a new fire station within the next 5 years.

Strategy 2: The community is raising funds to construct a new library building within the next 5 years, pending outcome of a ballot issue.

Strategy 3: The City has budgeted \$500,000 to be expended in the five year plan to acquire land for expansion and construction of City Shops facilities.

Strategy 4: The City has budgeted \$1.2 million to be expended in the five year plan for improvements to and construction of public parking facilities.

Strategy 5: The City has budgeted \$377,800 to be expended in the five year plan for solid waste disposal system improvements.

Strategy 6: The City has budgeted \$2 million to be expended in the five year plan for abatement and removal of asbestos from public facilities.

B. 2003 Program Year Objectives, Performance Measures, and

Project Locations

- The City will expend \$3,699,605 to improve street and pedestrian systems throughout the City.
- The City will expend \$3,621,273 to improve water and sewer systems throughout the City
- The City will expend \$ 5,151,844 to improve storm sewer systems throughout the City.

- The City will expend \$679,900 to improve parks and recreation facilities.
- The City will expend \$530,600 for ongoing maintenance and construction of public facilities

C. 2003 Program Year Activities:

1. Other Infrastructure Improvements: The following specific activities are budgeted for the 2003 Program Year in the City's Capital Improvement Plan. Projects include street, pedestrian, water and sewer, and storm sewer system improvements.

- Contract Street Maintenance  
\$ 1,950,605
- Neighborhood Alley Improvements  
\$ 340,000
- Curb, Gutter & Sidewalk Improvements/Replacements \$ 340,000
- Accessibility Improvements  
\$ 50,000
- 29 Road Improvements from 1-70B to F Road \$ 1,200,000
- 25-1/2 Road Improvements from Independent to F Road \$ 75,000
- Horizon Drive Bridge Replacement  
\$ 40,000
- Riverside Parkway; Highway 340 to Highway 50 \$  
1,300,000
- Street Light & Traffic Control / Calming Updates \$  
613,000
- Intersection Improvements Citywide  
\$ 142,000
- Highway 340 Corridor Improvements \$  
314,245
- Ranchman's Ditch Storm Drainage  
\$ 722,318
- Move Kannah Creek Flowline / Orchard Mesa \$ 2,112,000
- 25-1/2 Road Drainage  
\$ 369,010
- Orchard Mesa Drainage Improvements \$  
44,584
- Bunting Avenue Storm Drain  
\$ 97,344

Parks and Recreation Facilities: The following specific activities are budgeted for the 2003 Program Year in the City's Capital Improvement Plan. Projects

include streetscape improvements, community-wide parks improvements and neighborhood parks development and improvements.

- Resurface Lincoln Park Tennis Courts \$  
140,000
- Paradise Hills Park Development \$  
65,000
- Trail Construction – Canal ROW  
\$ 50,000
- Land Acquisition for Neighborhood Parks \$  
75,700
- Darla Jean Park Improvements  
\$ 28,000
- Parks Improvements – Citywide  
\$ 261,000

Maintenance and Construction of Public Facilities: The following specific activities are budgeted for the 2003 Program Year in the City's Capital Improvement Plan.

- Initial Phase Fire Station #5  
\$1,322,040
- Maintenance & Repair in Existing Parks / Trails \$ 192,700
- Park Restroom Facility Reconstruction \$ 153,200

### **Need for Affordable Housing**

#### A. Five Year Objectives and Strategies:

##### *Objective 1 Increase the number of affordable rental housing units*

Strategy 1: Phased over the five year plan, the Grand Junction Housing Authority will develop a minimum of 100 units for lease and / or sale.

Strategy 2: Within two years, the Grand Junction Housing Authority will apply to expand the Section 8 Voucher Program.

Strategy 3: Phased over the five year plan, Housing Resources of Western Colorado will develop new and / or purchase and rehabilitate 300 rental housing units.

##### *Objective 2 Increase the number and type of home ownership opportunities available to low- and moderate-income homebuyers*

Strategy 1: Within the next two years, Housing Resources of Western Colorado will establish a Comprehensive Home Ownership Program

Strategy 2: Each year, Housing Resources of Western Colorado will develop 25 units of sweat-equity housing in the city/county.

Strategy 3: Within the next five years, Habitat for Humanity will have developed 11 homes for sweat-equity ownership.

Strategy 4: Phased over the next four years, the Grand Junction Housing Authority will develop new and / or rehabilitate a minimum of 100 units for sale and / or for lease.

Strategy 5: The Grand Junction Housing Authority will teach low-income renters the characteristics of good tenants and the steps to take toward home ownership.

*Objective 3 Remove or reduce substandard housing units*

Strategy 1: Housing Resources of Western Colorado and the Grand Junction Housing Authority will rehabilitate substandard housing as they implement Objective 1 Strategies 1 and 3.

*Objective 4 Preserve existing stock of affordable housing resources*

Strategy 1: The Grand Junction Housing Authority will work to preserve all existing Section 8 vouchers.

Strategy 2: The Grand Junction Housing Authority, Housing Resources of Western Colorado, HUD, and the Colorado Housing and Finance Authority will work together whenever possible to preserve the existing affordable housing inventory.

**B. 2003 Program Year Objectives, Performance Measures, and Project Locations**

- The Grand Junction Housing Authority will begin development of a multi-family affordable housing complex on 7.5 acres it owns at 276 Linden Avenue.
- Habitat for Humanity will purchase single family residential lots to be developed for low-income households.
- Housing Resources of Western Colorado will construct 25 sweat-equity (self-help) owner-occupied homes throughout the City/County by August 2004.
- Housing Resources of Western Colorado will operate a Comprehensive Home Ownership Program through the 2003 Program Year.
- The Grand Junction Housing Authority will apply for additional Section 8 vouchers available to Grand Junction.

**C. 2003 Program Year Activities:**

1. The Grand Junction Housing Authority will seek development approval and construct infrastructure and 90 units of low income housing on a 7.5 acre vacant parcel located at 276 Linden Avenue by December 2004. Total development costs are estimated at \$10 million.



Resources:

- a. Funds Committed or Received

**2003 Program Year CDBG Funds \$ 271,050**

- b. Other Income either received or being requested

CHFA Smart Loan	\$2,250,000
CHFA HOF Loan	\$ 480,000
Colorado Division of Housing	\$ 765,000
2002 CDBG Grant	\$ 41,720
Affordable Housing Program	\$ 400,000
Tax Credits Proceeds	\$ 5,958,567

2. Housing Resources of Western Colorado will rehabilitate Garden Village Apartments (Project 91) at 2601 Belford Avenue in central Grand Junction to preserve these units for low-income households by year-end 2004. Total rehabilitation cost is \$250,000.
  
2. Habitat for Humanity will construct 3 new owner-occupied homes at Camelot Gardens Subdivision at 2844 Kennedy Avenue, Grand Junction in 2004. All owners will invest sweat-equity in the home by participating in the construction process.
  
3. Housing Resources of Western Colorado will construct 25 sweat-equity owner-occupied homes at a cost of \$2,500,000 in the City/County by September 2004.
  
4. The Grand Junction Housing Authority will continue to seek and apply for additional Section 8 Vouchers.
  
5. Housing Resources of Western Colorado will continue to administer its Comprehensive Home Ownership Program.

## **Needs of the Homeless**

### A. Five Year Objectives and Strategies:

#### *Objective 1 Provide shelter for homeless adults*

Strategy 1: Within the next two years, the Grand Junction Community Homeless Shelter will be expanded and become a year-round facility with the support of the Grand Junction Housing Authority and other key partners. COMPLETED

#### *Objective 2 Provide shelter for homeless families*

Strategy 1: Within the next two years, the Grand Junction Community Homeless Shelter will accommodate homeless families in the new enlarged permanent shelter. COMPLETED

#### *Objective 3 Increase the number of transitional housing units with support services for homeless individuals and families*

Strategy 1: Within two years the Rescue Mission will develop up to 10 transitional beds for homeless families.

Strategy 2: Within two years Grand Valley Catholic Outreach will

develop a transitional housing program for up to 25 individuals.



*Objective 4 Improve homeless prevention activities*

- Strategy 1: Within three years, the Salvation Army will expand its residential drug / alcohol treatment program by 20 beds.
- Strategy 2: Gateway Youth & Family services will expand its drug and alcohol counseling services to youth and adults.
- Strategy 3: Grand Valley Catholic Outreach will expand its Day Center and Soup Kitchen services to the poor
- Strategy 4: The Grand Junction Housing Authority will conduct renters education, and other life skills classes to increase the housing retention capacity of the residents of its affordable housing units.
- Strategy 5: Grand Valley Catholic Outreach will provide the support services outlined in Objective 3 in its transitional housing facility.

**B. 2003 Program Year Objectives, Performance Measures, and Project Locations**

- Grand Valley Catholic Outreach will relocate its Soup Kitchen and other homeless/low income services to a new and larger location allowing them to serve a larger number of homeless and low income people within the next year.
- Grand Valley Catholic Outreach will obtain the funding and develop a scattered site transitional housing program by September 2004.
- The Rescue Mission will raise the funds and apply for the construction permits required to add 8-10 beds of transitional housing to their existing facility. These housing units are due for completion by May 2004.
- The Salvation Army will obtain financing, gain site control and associated approvals to house its expanded drug and alcohol rehabilitation program toward opening this program in the next couple of years.
- Homeward bound and the Veterans Administration will start up a transitional program for homeless veterans in the Grand Valley.
- Grand Valley Coalition for the Homeless will conduct a community wide education campaign on homelessness to include information through the media.

**C. 2003 Program Year Activities:**

1. Grand Valley Catholic Outreach will relocate its soup kitchen and other homeless/low income services to a new and larger facility located at 245

- South First Street by the end of 2003. *2002 Program Year CDBG Funds is \$50,000.* Total project cost is \$ 1,083,500.
2. Grand Valley Catholic Outreach will rent housing units for transitional housing and provide support services for 15 individuals and 2 families for a 12-24 month residency term. *2001 Program Year CDBG Funds is \$10,000.* Annual project cost is \$245,349.
  3. The Rescue Mission will raise the funds and apply for the construction permits required to develop 8-10 beds of transitional housing for families at their existing site in Grand Junction. The project is planned for completion by May 2004.
  4. The Salvation Army will obtain financing, gain site control and associated approvals for a facility to house its expanded drug and alcohol rehabilitation program. This program will house men and women for 6 months while residents maintain sobriety and develop the employment and social skills needed to successfully reintegrate with the larger culture.
  5. The Grand Junction Housing Authority (GJHA) will continue a recently developed program for homebuyers called "Home Ownership Made Economical (H.O.M.E.). In this program low income families can enter this homeownership program for up to two years where they receive intensive counseling helping them clean up their credit, improve their overall credit rating and earn down payment assistance. While they are in the program they lease a home which is later purchased when they graduate from the program.
  6. Homeward bound and the Veterans Administration will begin a transitional program for homeless veterans in the Grand Valley by the end of 2004.
  7. Grand Valley Coalition for the Homeless will conduct a community wide education campaign on homelessness to include information through the media (i.e. Radio, television and newsprint).

## **Special-Needs Population and Other Human Service Needs**

### **A. Five Year Objectives and Strategies:**

*Objective 1 Increase the capacity of existing medical and dental facilities*

Strategy 1: Marillac Clinic will expand its dental facility from eight to 12-14 operatories

Strategy 2: Marillac Clinic will expand its medical facility by three exam rooms.

*Objective 2 Increase the number of group homes that can accommodate individuals with physical and cognitive disabilities*

Strategy: Mesa Developmental Services will construct four six-bedroom group homes specifically designed for individuals with physical and cognitive disabilities.

*Objective 3 Increase the quality of affordable childcare for children of*

*the working poor and people entering the workforce*

Strategy 1: The Early Childhood Initiative will establish a rating system to measure quality childcare.

Strategy 2: In two to five years, Mesa County Department of Human Services and Hilltop Community Resources will enlarge the facility and improve the quality of the childcare available through the Mesa County Workforce Center.

*Objective 4 Increase the availability of drug and alcohol counseling to youth*

Strategy 1: Gateway Youth & Family Services will expand its drug and alcohol services to youth and adults.

*Objective 5 Promote healthy recreational activities with youth*

Strategy 1: Partners, in collaboration with Hilltop will move and expand its computer lab / recreation center.

## **B. 2003 Program Year Objectives, Performance Measures, and Project Locations**

- Western Region Alternative to Placement (WRAP) will help children with wraparound services to avoid out of home placement for youth, maintain youth at the lowest level of care and to support family reunification.
- Center For Independence will purchase a new 14 seat (4 wheel chair accessible) van to transport clients. The van will be used to transport clients to various types of activities.
- The Treehouse will expand their program to include a Teen Bistro for high school aged youth and funding for an Americorp volunteer to help children with homework
- St Mary's Foundation Gray Gourmet meals on wheels program. The purpose of this program is to meet the nutritional needs of a growing elderly population. Meals are delivered by volunteers five days per week to low and moderate income, and the frail elderly.
- St Mary's Foundation Foster Grand Parents Program gives seniors the opportunity to help children by volunteering in preschools, daycare centers and elementary-secondary schools.
- St Mary's Senior Companions Program

## **C. 2003 Program Year Activities:**

1. Western Region Alternative for Placement (WRAP) will provide an increase in program services for children. WRAP provides



funding to clients supporting wraparound services to avoid out of home placement for youth, maintain youth at the lowest level of care and to support family unification.

Resources:

a. Funds Committed or Received

<b>2003 Program Year CDBG Funds</b>	<b>\$ 7,500</b>	
b. Additional Funding Requests		
School District 51		\$ 45,000
MC Dept of Human Services	\$ 55,000	
Gateway Youth and Family Services	\$ 1,000	
Colorado West Mental Health	\$ 13,000	
MC United Way	\$ 24,000	
Hilltop Community Resources	\$ 24,000	
Client Donations	\$ 3,000	
CO DHS/PSSF Flex Dollars	\$ 15,000	

c. In-kind Contributions

Volunteers		\$
54,696		

2. The Center for Independence will purchase a new 14 seat (4 wheel chair accessible) van to transport clients. The van will be used to transport clients (people with disabilities) to various types of activities including trainings, conferences, community and government events, volunteer opportunities, assistive technology services, employment counseling and training, housing transition services and recreational activities. Total estimated cost of the van is \$42,755



a. Funds Committed or Received

<b>2003 Program Year CDBG Funds</b>	<b>\$ 20,000</b>	
Lions Clubs		\$ 16,000



3. The Treehouse will expand their program to include a Teen Bistro for high school aged youth and funding for an Americorp volunteer to help students with

homework. Funds for the Teen Bistro will be used for Coffee Shop Equipment, Interior Decorations and Stage Equipment. CDBG funding will only be spent on the Americorp volunteer and the Bistro project.

a. Funds Committed or Received

<b>2003 Program Year CDBG Funds</b>	<b>\$ 20,000</b>	
Lions Clubs		\$
20,000		
El Pomar Youth in Community Service	\$ 2,500	
Junior Service League of Grand Junction	\$ 2,700	
a. Additional Funding Requests		
Coors Foundation		\$
20,000		
Goodwin Foundation	\$ 20,000	
Individual Donations	\$ 8,000	
Fourth Annual Golf Tourney	\$ 8,000	
Third Annual Fall Ball	\$ 5,000	
b. In-kind Contributions		
Volunteers		
\$ 12,000		

4. St Mary's Gray Gourmet meals on wheels program. The purpose of this program is to meet the nutritional needs of a growing elderly population. CDBG funds will purchase food only. Meals will be delivered by volunteers five days per week to low and moderate income households, and the frail elderly.



a. Funds Committed or Received

<b>2003 Program Year CDBG Funds</b>	<b>\$ 5,050</b>	
b. In-kind Contributions		
Volunteers		\$
5,364		

5. St Mary's Foster Grand Parents gives seniors the opportunity to help children by volunteering in preschools, daycare centers and



elementary-secondary schools. CDBG funding will help income eligible Foster Grandparents to have the opportunity of helping children while receiving a small monthly stipend for their services that will cover transportation costs to volunteer sites.

a. Funds Committed or Received

<b>2003 Program Year CDBG Funds</b>	<b>\$ 5,000</b>
Corp for National and Community Service	\$250,411
Temple Hoyne Bell Foundation	\$ 10,000
Mesa County Community Block Grant	\$ 8,800

b. Additional Funding Requests

United Way	\$
6,000	
Anschutz Family Foundation	\$ 5,000
Y-MA Foundation	\$
2,500	
Bacon Family Foundation	\$ 6,000
Goodwin Foundation	\$ 5,000
Burgess Foundation	\$ 2,000
Kenneth Kendall King	\$ 10,000
El Pomar – Fruita	\$
1,000	
El Pomar – Palisade	\$ 1,000
Kiwanis Club	\$
1,000	
Junior Service League	\$ 1,000
Cromwell Fund	\$
3,000	
Wal-Mart	\$
1,000	
Target	
\$ 1,000	
Newmann's Own	\$
10,000	
Edna Clark Foundation	\$ 10,000
Daniels Fund	\$
10,000	

c. In-kind Contributions

Volunteers  
\$195,700

6. St Mary's Senior Companions program helps frail elderly seniors to keep their independence for as long as possible. Their clients are isolated, frail and unable to use local transit. Senior Companions fill a unique niche in serving those elderly who need assistance.



a. Funds Committed or Received

**2003 Program Year CDBG Funds**  
**\$ 5,000**

Mobil Corp Foundation \$ 2,000

Mesa County Community Service Block \$ 8,800

Wells Fargo Neighborhood Assistance \$ 1,000

b. Additional Funding Requests

El Pomar Foundation YCS Program \$ 1,000

Client/family members donations \$ 4,500

Fundraising Events \$  
10,000

Junior Service League \$ 1,500

Volunteer Station cash \$ 6,700

c. In-kind Contributions

Volunteers  
\$ 19,356

**Monitoring**

See Consolidated Plan Chapter 8 "Monitoring" (page 92).

**Evaluate and Reduce Lead-Based Paint Hazards**

See Consolidated Plan Chapter 5 "Lead-Based Paint Hazards" (page 58).

## **Reduce the Number of Poverty Level Families**

See Consolidated Plan Chapter 5 “Anti-Poverty Strategy” (page 59).

## **Develop Institutional Structure**

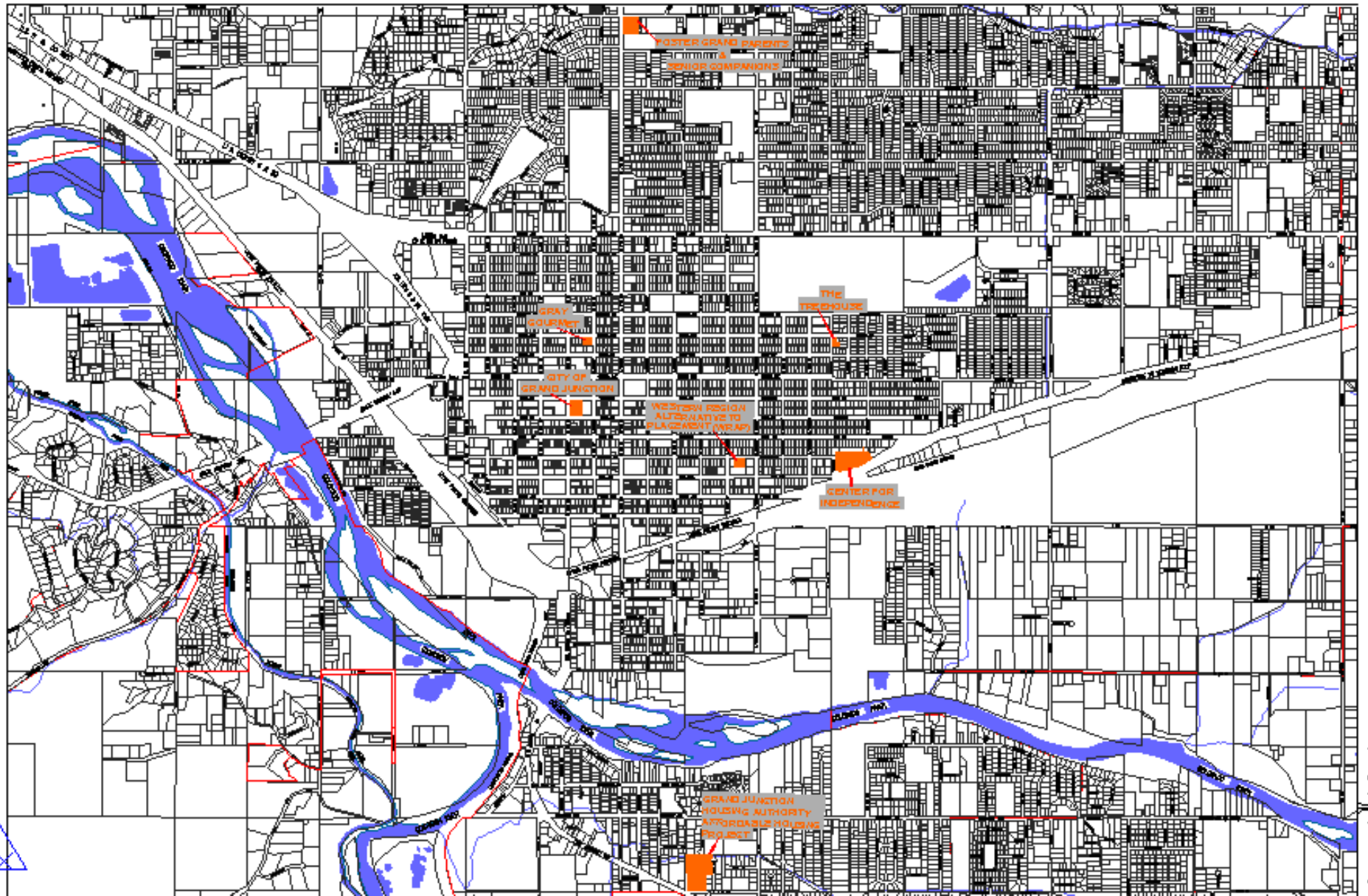
See Consolidated Plan Chapter 2 “Institutional Structure” (page 23).

## **Enhance Coordination Between Public and Private Housing and Social Service Agencies**

See Consolidated Plan Chapter 5 “Coordination” (page 61).



# 2003 PROGRAM YEAR ACTION PLAN - CDBG PROJECTS



**CITY OF GRAND JUNCTION**

**RESOLUTION NO. -03**

RESOLUTION ADOPTING THE 2003 PROGRAM YEAR ACTION PLAN AS A PART OF THE CITY OF GRAND JUNCTION'S 2001 FIVE-YEAR CONSOLIDATED PLAN FOR THE GRAND JUNCTION COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

**Recitals:**

WHEREAS, the City of Grand Junction was designated as an Entitlement Community by the U.S. Department of Housing and Urban Development in 1996 when Mesa County's population reached 100,000;

**WHEREAS, this designation entitles Grand Junction to an annual grant of funds under the Community Development Block Grant CDBG Program;**

WHEREAS, to be eligible for funding, the City of Grand Junction must submit an annual Program Year Action Plan to be adopted as part of the City's Five Year Consolidated Plan which serves as a federally required planning document that guides community development efforts in Grand Junction;

WHEREAS, the primary objective of the City's Consolidated Plan and CDBG Program is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low- and moderate-income;

WHEREAS, the planning process in developing the 2003 Program Year Action Plan included an emphasis on Citizen Participation and interagency involvement;

WHEREAS, the 2001 Five-Year Consolidated Plan included a process of developing a set of local priority needs and objectives through a coordinated effort with non-profit and government agencies in the community serving the low income and special needs populations; and

WHEREAS, the 2001 Five-Year Consolidated Plan established a strategic plan that addresses the priority needs, goals and strategies the Grand Junction Community has identified and will undertake between 2001 and 2005, the life of the Plan.

NOW THEREFORE BE IT RESOLVED, that the Grand Junction City Council formally adopts the CDBG 2003 Program Year Action Plan as a part of the 2001 Five-Year Consolidated Plan.

Adopted this 16<sup>th</sup> day of June, 2003.

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City Clerk

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President of the Council

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE PROHIBITING SMOKING  
IN WORKPLACES AND 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.
- u. "Workplace" means an enclosed area in which three or more persons work at gainful employment.

## **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 Workplace**

In a workplace in which smokers and nonsmokers work in the same office or room, it shall be the responsibility of the employer to provide smoke-free work areas to accommodate an employee who requests a smoke-free workplace. The employer, or other person in charge, shall make reasonable efforts to obtain compliance with this section in such places by asking any smokers to refrain from smoking upon request of an employee making such request.

#### **5. 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.

#### **6. 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.

## **7. 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.

## **8. 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.

**9. 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.

**10. 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.

**11. Other Applicable Laws**

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

**12. 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.

**13. 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.

**14. Effective Date**

This ordinance shall be effective on January 1, 2004.

INTRODUCED for FIRST READING and PUBLICATION this 4<sup>th</sup> day of June, 2003.

PASSED on SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2003

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
President of City Council

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**To: Mayor and City Council**  
**From:** David Varley  
**CC:** Kelly Arnold, City Manager  
**Date:** 11 June 2003  
**Re:** Smoking Ordinance Questions

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At the last City Council meeting when a proposed smoking ordinance was discussed there were several questions that arose regarding our current ordinance and the proposed ordinance. This memo attempts to provide some information to answer those questions. Most of this information comes from our Code Enforcement Division as they are generally the ones that enforce such an ordinance.

The City of Grand Junction currently has an ordinance that regulates. The significant change would be that smoking would now be physically separated from non smoking areas. Compliance with this ordinance has been quite good and we receive very few complaints about this. The following list shows the number of violations handled by Code Enforcement during the past few years.

<u>Year</u>	<u>Violations Reported</u>
1999	4
2000	2
2001	7
2002	11

Year to date in 2003 there have been 4 violations. This number of violations amounts to less than one percent of the total Code Enforcement cases in each year. The average time it takes the Division to resolve a violation is approximately 4 hours. Based on this time, the cost to the Division to resolve the cases in 2002 would be around \$1,054.

With regard to bingo halls, the two facilities located in the City, received a total of three complaints each year in 2002 and 2003. There is not an active case for either of the bingo halls at this time. Both halls met the provisions of the current ordinance on their last inspections.

Regarding a new smoking ordinance, after reviewing Alternative #2C the Code Enforcement Manager has two concerns. The first concern is about the definition of a

restaurant in 1.m. This definition does not allow an establishment that wants to be a bar that happens to serve a lot of food the opportunity to be a bar and allow the entire establishment to be a smoking area. This is contrary to the definition of a bar in the Zoning and Development Code which defines a bar as an establishment that serves both food and alcoholic beverages if the sale of said beverages comprises more than 25% of the gross receipts.

The second area of concern is the "No Retaliation" section which throws up red flags for frivolous reporting and suggests that Code Enforcement could be drawn into attempting to determine if smoke or smoke-free is the "real reason" for a business's hiring/firing dispute.

If a new ordinance is adopted there are several things we would recommend to implement such an ordinance. The first thing would be public education using newsletters and mailers to introduce the new ordinance to the public.

The next thing would be to develop a list of all restaurants by definition in the ordinance and inspect them to see which ones are in compliance. We could encourage the restaurants that are not in compliance to submit a plan for meeting the requirements of the ordinance by January 1, 2009. During the five year amortization period we could follow up with inspections if requested by the restaurants to check on the progress they are making. At some time before 2009 we would want to advise the restaurants that had not submitted a compliance plan that the deadline is approaching.

Also, any restaurant that applies for a remodeling permit during the amortization period could be required to meet the requirements of this ordinance or submit with the remodel plans a proposal for meeting the requirements by the January 1, 2009 date.

The additional work of creating a mailer, establishing a list of restaurants and inspecting all restaurants for compliance will require staff time that Code Enforcement does not have available with current staff. Since the work would be short term perhaps an intern could help with it.

For this report, we assume that Code Enforcement will be the primary responder to complaints. The Division would continue to enforce on a complaint basis except for the follow up on restaurants.

An increase in reporting would be expected for at least the first three months following adoption of the new ordinance. After that, we do not anticipate a significant impact.

**Proposed Storm Drain Crossing of Highways 6 & 50**