

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

WEDNESDAY, SEPTEMBER 3, 2003, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance

Invocation – Pastor Jim Hale, Spirit of Life Christian Fellowship

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO REAPPOINTED MEMBER OF THE URBAN TRAILS COMMITTEE

PROCLAMATIONS / RECOGNITIONS

"HABITAT FOR HUMANITY IN MESA COUNTY" WEEK

SCHEDULED CITIZEN COMMENTS

***** CONSENT CALENDAR ***[®]**

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Summary of the August 18, 2003 Noon Workshop, the August 18, 2003 Workshop and the Minutes of the August 20, 2003 Regular Meeting

2. **Setting a Hearing on Zoning the Antietam Annexation Located at 260 & 262 26 ¼ Road** [File #ANX-2003-122]

[Attach 2](#)

The Antietam Annexation consists of 9.146 acres of land that is located at 260 & 262 26 ¼ Road and currently consists of two (2) parcels of unplatted land that each contain a single family home. The petitioner's intent is to annex and then develop the property as a 25 lot residential subdivision with a density of less than four (4) dwelling units per acre.

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

*** Indicates New Item

* Requires Roll Call Vote

Proposed Ordinance Zoning the Antietam Annexation to Residential Single Family – 4 (RSF-4) Located at 260 & 262 26 ¼ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for September 17, 2003

Staff presentation: Scott D. Peterson, Associate Planner

3. **Setting a Hearing on Zoning the Elliott Annexation Located at 3082 D ½ Road** [File #ANX-2003-156] [Attach 3](#)

Introduction of a proposed zoning ordinance to zone the Elliott Annexation, a parcel of 1.1551 acres, located at 3082 D ½ Road to RMF-5, Residential Multi-family not to exceed 5 du/ac.

Proposed Ordinance Zoning the Elliott Annexation to RMF-5 Located at 3082 D ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for September 17, 2003

Staff presentation: Senta Costello, Associate Planner

4. **Setting a Hearing on the Holton Annexation Located at 641 29 ½ Road** [File #ANX-2003-169] [Attach 4](#)

The 6.2142 acre Holton Annexation is located at 641 29 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. 80-03 – 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, Holton Annexation Located at 641 29 ½ Road

®Action: Adopt Resolution No. 80-03

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado,

Holton Annexation, Approximately 6.2142 Acres, Located at 641 29 ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for October 15, 2003

Staff presentation: Lisa E. Cox, Senior Planner

5. **Setting a Hearing on Vacating a Portion of the Right-of-Way for 24 ¾ Road** [Attach 5](#)
[File #VR-2003-162]

The petitioner is requesting approval of vacation of a portion of the dedicated right-of-way for 24 ¾ Road, located between River Road and the Blue Heron Trail. The Planning Commission reviewed the request on August 26, 2003, and recommended approval of the vacation to the City Council.

Proposed Ordinance Vacating a Portion of the 24 ¾ Road Right-of-Way Located Between River Road and the Blue Heron Trail

Action: Introduction of Proposed Ordinance and Set a Hearing for September 17, 2003

Staff presentation: Pat Cecil, Development Services Supervisor

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

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

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

a. **2003 Curb, Gutter and Sidewalk Replacement** [Attach 6](#)

Bids were received and opened on August 19, 2003 for the 2003 Curb, Gutter and Sidewalk Replacement. The low bid was submitted by Vista Paving Corporation in the amount of \$136,104.50.

Action: Authorize the City Manager to Execute a Construction Contract for the 2003 Curb, Gutter and Sidewalk Replacement to Vista Paving Corporation in the Amount of \$136,104.50

Staff presentation: Tim Moore, Public Works Manager

b. **North Terrace Drive Sewer Improvement District** [Attach 7](#)

Award of a construction contract for North Terrace Drive Sewer Improvement District to MA Concrete Construction in the amount of \$104,596.00. Since this district is in the unincorporated area, this award is contingent upon the County Commissioners forming the sewer improvement district on September 4, 2003.

Action: Authorize the City Manager to Execute a Construction Contract for the North Terrace Drive Sewer Improvement District to M.A. Concrete Construction in the Amount of \$104,596.00 Contingent on the Formation of the District by the Mesa County Board of County Commissioners

Staff presentation: Mark Relph, Public Works and Utilities Director

7. **Setting a Bond Election for the Riverside Parkway** [Attach 8](#)

This project has been worked on by the Public Works staff, consultants, and a citizens' advisory group for several years. The project is needed to reduce current and projected traffic congestion along the I-70 business loop and other through-town corridors. The bonds are to be repaid from the City's General Fund Revenues and are expected to be repaid from Sales and Use Taxes of the City's General Fund and Sales Tax Capital Improvement Fund.

Resolution No. 81-03 – A Resolution Calling a Special Election in the City of Grand Junction, Colorado Concerning the Issuance of Bonds to Finance the Riverside Parkway; and Providing Other Details Relating Thereto

®Action: Adopt Resolution No. 81-03

Staff presentation: Ron Lappi, Administrative Services Director
Mark Relph, Public Works and Utilities Director

8. **Intergovernmental Agreement with Mesa County for Participating in the November 4, 2003 Coordinated Election** [Attach 9](#)

Approve an Intergovernmental Agreement with the Mesa County Clerk for the City to participate in the Coordinated Election scheduled for November 4, 2003. The City is placing a bond question for the construction of the Riverside Parkway from 24 Road to 29 Road on the ballot.

Action: Authorize the City Clerk as the Designated Election Official to Sign the Intergovernmental Agreement with Mesa County Clerk and Recorder to Allow Participation in the 2003 Coordinated Election

Staff presentation: Stephanie Tuin, City Clerk

9. **Public Hearing – Lutheran Church Rezone, Located at 628 26 ½ Road and a Portion of 632 26 ½ Road** [File #RZ-2003-096] [Attach 10](#)

Petitioner is requesting to rezone approximately 2.37 acres from PD (Planned Development) (.59 acres) and RSF-1 (Residential Single Family not to exceed 1 du/ac) (1.78 acres) to R-O (Residential Office).

Ordinance No. 3570 – An Ordinance Rezoning the Property Known as Lutheran Church Located at 628 26 ½ Road and a Portion of 632 26 ½ Road to R-O

Action: Hold a Public Hearing, Consider Final Passage and Final Publication of Ordinance No. 3570

Staff presentation: Senta Costello, Associate Planner

10. **Public Hearing – Grand Valley Circulation Plan B ¾ Road Revision (Formerly the Major Street Plan)** [File #PLN-2003-129] [Attach 11](#)

District Map or an Amendment to the adopted Grand Valley Circulation Plan (Formerly the Major Street Plan) changing the classification of B ¾ Road (from 28 ½ Road to 29 Road) from Residential Collector to Local Road. This proposed amendment to the Grand Valley Circulation Plan reflects a downgrade in street classification due to a reduction in projected traffic volumes with the realignment of Unawep Avenue and the reconfiguration of a number of local streets with the proposed Unawep Heights Subdivision. The applicant for the Unawep Heights Subdivision requests and supports this change in roadway classification. City of Grand Junction Planning Commission recommends approval of this amendment. Mesa County Planning Commission approved this amendment.

Resolution No. 82-03 – A Resolution Amending the Grand Valley Circulation Plan by Changing the Classification of B ¾ Road (From 28 ½ Road to 29 Road) from Residential Collector to Local Road

Action: Adopt Resolution No. 82-03

- Staff presentation: Mark Relph, Public Works and Utilities Director
11. **Public Hearing – Amendments to Wastewater Regulations** [Attach 12](#)

Amendments to Section 4, System Expansion, as discussed by the City Council and Board of County Commissioners at their Joint Persigo meeting of July 10, 2003. (This is the “variance” section.) The text incorporate the items agreed to between the Council and the Commissioners. There are also several minor housekeeping amendments.

Resolution No. 83-03 – A Joint Resolution of the City Council of the City of Grand Junction and the Board of County Commissioners of Mesa County Amending the Wastewater Regulations, Section 4, System Expansion

®Action: Adopt Resolution No. 83-03

Staff presentation: Mark Relph, Public Works and Utilities Director

12. **Intergovernmental Agreement with Mesa County for a Parking Garage in the 500 Block of White Avenue** [Attach 13](#)

City Council consideration of an agreement between the City and Mesa County for the joint ownership and construction of an employee parking garage located in the 500 block of White Avenue.

Action: Authorize the City Manager to Sign an Agreement with Mesa County to Purchase a Portion of the Land, Share in the Construction Costs (40%) in Return for 40% of the Parking Spaces (82) and Joint Ownership & Operation of the Parking Structure

Staff presentation: Mark Relph, Public Works and Utilities Director

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

14. **OTHER BUSINESS** [Attach 14](#)

Referendum A Discussion

15. **ADJOURNMENT**

**Attach 1
Minutes from Previous Meetings**

**GRAND JUNCTION
CITY COUNCIL ADDITIONAL WORKSHOP
SUMMARY**

August 18, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, August 18, 2003 at 11:33 a.m. in the Administration Conference Room, 2nd Floor, City Hall 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. **Cell Towers Update:** Community Development Director Bob Blanchard reviewed this item. He advised Council that there was one cell tower site missing from the map that was provided in his report, the tower located at 12th Street and Elm, by Mesa State College. He stated that the regulations to address telecommunication facilities were first adopted by the City by an emergency ordinance in 2000. The City addresses the same issues that other municipalities address with cell towers esthetics. They look better with fencing or landscaping around the perimeter. He mentioned two possible options. Option 1 – Develop a Wireless Master Plan. The consultant that gave a presentation on the state of the telecommunication industry in February 2002 recommended this option. This plan could be developed cooperatively with the County, Fruita and Palisade. Option 2 – Additional Development Standards. It would allow putting height restrictions, color restrictions and identifying City property where towers could be located. Mr. Blanchard stated that this option would give the City a chance for two year reviews to see if all the towers are still necessary and to monitor the height and locations of the towers. Councilmember Palmer stated that he would like to see the Code revised to include removal of towers that are no longer needed. President of the Council Spehar stated that the Code should demand stealth technology and should require co-location to reduce the number of tower sites. Councilmember Hill suggested looking at a Master Plan with the other local communities in the next few years. Dan Wilson, City Attorney suggested that the City set up some policy guidelines and have the applicant pay for a technology review. President of the Council Spehar asked Mr.

Blanchard about the deadlines for his reports. Mr. Blanchard stated that he will have the community appearance report by the end of the year and the view corridor locations report by the first of next year.

Action summary: The Council accepted the information as reported and asked that Community Development do further research and bring it back to Council.

2. **Cable TV Franchise:** Dave Varley, Assistant City Manager, reported that the current cable TV franchise is regulated and provided in accordance with a revocable permit from 1966. The county entered into an agreement in 1999 with the local cable TV provider. It allows the use of one channel for broadcasting and has allowed the City to use this channel.

Paul Kugler, General Manager for Bresnan, was present.

Councilmember Hill asked what the annual amount of revenues to the City is for cable TV. Mr. Kugler stated they pay the City approximately \$80,000 per year. Councilmember Kirtland asked if a franchise agreement is the best way to go. City Attorney Dan Wilson said that the Federal Government says yes. President of the Council Spehar inquired as to the process for a franchise agreement. Mr. Wilson said he feels the metro Denver agreement would be a good model to use. The public would have to be solicited for input on what they like, dislike, want and do not want. Mr. Kugler suggested that the City just amend the current agreement since Bresnan is already accommodating the City. President of the Council Spehar asked Mr. Wilson if that could be done. Mr. Wilson stated that it could and it would be a simple process; however, the Federal Government would not stand behind it since it is a revocable permit and not a franchise agreement. President of the Council Spehar feels the City should move forward with a franchise agreement. Councilmember Enos-Martinez questioned if the City wants to look at working with the County on an agreement for the channel used for broadcasting. Councilmember Hill felt the relationship with the County is good and needs to be maintained. President of the Council Spehar asked Janet Rowland with Mesa County if the channel allocated to the County can be utilized for the public. Ms. Rowland said that it is for education and information only and not for the public to utilize. Councilmember Butler inquired about fiber optics. Mr.

Wilson advised that Public Works is working on eliminating T1 lines now. Councilmember Palmer asked if there is a need for a separate channel for the City. President of the Council Spehar stated that it may need to be evaluated. Mr. Kugler handed out a new channel line up effective on September 3, 2003

Action summary: City Attorney Wilson will talk with the attorney for Bresnan Communications to discuss the franchise issue. Council asked City Staff to make a list of other technology that the City could use that Bresnan could offer. The Council will meet again on this subject on the second workshop in November, 2003.

The meeting adjourned at 1:00 p.m.

**GRAND JUNCTION
CITY COUNCIL WORKSHOP
SUMMARY**

August 18, 2003

The City Council of the City of Grand Junction, Colorado met on Monday, August 18, 2003 at 7:01 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. **YOUTH COUNCIL:** Dave Varley, Assistant City Manager, advised Council that the Youth Council idea was introduced from the Strategic Plan and the students are here to discuss this with Council. Heather Aheuro and Brian Brady spoke to Council on behalf of a Youth Council. Their mission is to create structured opportunities for youth to be heard, valued and engaged in local government to change the community. Brian Brady said they looked at Greeley as a model for Youth Councils. Greeley's Youth Council is a commission and talks directly to Council and was created by an ordinance. He stated their vision, how they will get members, what function they will have and what support they will need from the City. Councilmember Kirtland asked how long Greeley has had a Youth Council. Mr. Brady stated that in 1989 or 1990 Greeley had just a Youth Advisory until 1994.

Action summary: President of the Council Spehar suggested they wait until they select a full council/commission and have all the members on board for input. He also suggested they work with Dave Varley, Assistant City Manager, and Kelly Arnold, City Manager, regarding secretarial staff and financial planning. He cautioned them to really think about having Council attend their meetings; perhaps Council would then have too much influence over their ideas.

2. **COLORADO HOUSING AND FINANCE AUTHORITY (CHFA):** Ron Lappi, Administrative Services and Finance Director, introduced Karen Harkin and Jaime Gomez with CHFA. The two reviewed how CHFA has helped Colorado families buy homes. They also addressed the option of using Private Activity Bond funds for manufacturing projects. Mr. Gomez explained that a municipality can bank its allocation, if requested, for up to

2 or 3 years. Mr. Lappi advised Council that this years allocation has already been used by Pyramid Printing.

Action summary: President of the Council Spehar thanked Ms. Harkin and Mr. Gomez for their presentation.

3. **STRATEGIC PLAN REPORT:** Kathy Portner, Planning Manager, on behalf of the Neighborhood Programs Committee, presented recommendations to achieve the Strategic Plan Solution for Vital Neighborhoods. Staff identified four neighborhoods, two of which will qualify for CDBG funds. They planned events for the neighborhoods like ice cream socials. Surveys were conducted. Needs were assessed in the various neighborhoods. The needs in Riverside/El Poso neighborhood: increased police patrol, a formal neighborhood association, the City's assistance in a State Historic Grant for the old riverside school, assistance to El Poso for clean-up of the entry from Hwy. 340 and housing upgrades. Orchard Mesa West: similar issues to Riverside/El Poso, assistance in forming a neighborhood association, code enforcement issues, housing assistance for housing upgrades, redevelopment of Hwy. 50 and assess the need for sidewalks. Sherwood Park neighborhood: assistance in forming a neighborhood association and new signage in their neighborhood to promote their identity. The Redlands/Broadway neighborhood: assistance in coordinating efforts to develop a park and assistance in reclaiming the Bluffs abandoned sewer plant located at the entrance to the Bluffs, they would like to make it safe. Ms. Portner stated that the general recommendation the Committee made is for a job description for a program coordinator. She said that \$84,000 could be used from the CDBG funding for neighborhoods and to be matched from the City's general fund to work on the two areas needing help. She also suggested that the City's tax revenues could be used to fund helping the neighborhood. Councilmember Palmer questioned the need for \$84,000 for each neighborhood when only two neighborhoods had big issues. President of the Council Spehar felt that the City should help out in funding for neighborhood associations and allocate some of the budget for neighborhood improvements. President of the Council Spehar advised that property tax is already allocated, but perhaps another source of funds can be looked at to use instead of property tax. Councilmember Hill suggested that the Sherwood neighborhood signage could be a good project for Youth Council to start on. Community Development Director Bob Blanchard suggested that input come from Community Development and that it be proposed to Council. He suggested anticipating problems in future for neighborhoods and budgeting for it.

Action summary: Council thanked the Neighborhood Programs Committee for their work on these neighborhood issues and felt that the City should proceed forward on working on the signage, sewer plant issue and neighborhood associations.

President of the Council Spehar announced a break at 8:44 p.m. The meeting reconvened at 8:53 p.m.

4. **STRATEGIC PLAN REPORT:** Ivy Williams, Code Enforcement Supervisor, on behalf of the Code Enforcement Review Team presented findings of the review of enforcement methods. The team looked at the sections of the Zoning Code that identified the code enforcement problems. Signs: In need of language that legalizes portable signs on Main Street and other streets but not allowing them in medians, a review fee for temporary signage, allow the realtor's request for open house signs at designated hours, set specific dates for yard sale signs and who is required to remove them, removal of campaign signs and auto dealers flying balloons to advertising sales. Dead landscaping: additional staff needed to research revocable permits for landscaping of right-of-ways. Overnight camping: add a provision to the Code that would allow an extension to the two weeks allowed now for camping if it is for a hospice or other medical care situation. Smoking in public places: Code Enforcement will have the task to implement the new ordinance when put in place. Weeds: confusing for residents because it is an area split between Public Works for City property and Code Enforcement for private property, homeless people camp in weedy areas, facilitate neighborhood groups to clean up nuisances, and the City offer ideas and help replace the weeds with non-weed landscaping. Ms. Williams suggested going to neighborhood watch meetings with police and working with police to let them know of problem areas. She stated that Code Enforcement is short staffed and has requested an extra Code Enforcement Officer in the budget. Councilmember Butler suggested looking at getting an intern to help out. Bob Blanchard, Community Development Director, asked Council for direction on the sign issue.

Action summary: Council thanked the Code Enforcement Review Team for all their work and suggested that all of these matters be brought to Council during the Zoning Code update.

**CONVENE INTO SPECIAL SESSION
EXECUTIVE SESSION: FOR DISCUSSION OF PERSONNEL MATTERS
UNDER C.R.S. 24-6-402(4)(f)(I)**

It was moved by Councilmember Kirtland to go into executive session for discussion of personnel matters under C.R.S. 24-6-402(4)(f)(I) to discuss performance evaluations and not to return to workshop. Councilmember Palmer seconded the motion. The motion carried.

ADJOURN TO EXECUTIVE SESSION

The City Council moved to the Administration Conference Room to convene into executive session at 9:53 p.m. Council announced it would not be returning to open session.

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

AUGUST 20, 2003

The City Council of the City of Grand Junction convened into regular session on the 20th day of August 2003, at 7:31 p.m. in the City Auditorium. Those present were Councilmembers Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer, and President of the Council Pro Tem Harry Butler. Councilmember Bill McCurry and President of the Council Jim Spehar were absent. Also present were City Manager Kelly Arnold, Assistant City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

Mayor Pro Tem Harry Butler called the meeting to order. Councilmember Enos-Martinez led in the pledge of allegiance. The audience remained standing for the invocation by Mark Harris, New Horizon Four Square Church.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO NEWLY AND REAPPOINTED MEMBERS OF THE URBAN TRAILS COMMITTEE

Janet Hollingsworth and Kent Leinbach were present and received their certificates of appointment.

TO NEWLY AND REAPPOINTED MEMBERS OF THE RIVERFRONT COMMISSION

Dennis DeVore, Dustin Dunbar, Dani Weigant Knopp, Michael Kuzminski, and Dan McClean were present and received their certificates of appointment.

SCHEDULED CITIZEN COMMENTS

There were none.

PRE-SCHEDULED CITIZENS COMMENT

Pat McDermott addressed Council regarding home occupations. She asked Council if it was possible to amend the Zoning Code to allow massage therapists to work from home. She said there are many good reasons for home-based businesses with all the economic concerns, and everyone is aware that medical care costs are rising. She stated services provided from a residence reduces the costs of services and benefit the users. She said the supply of and the demand for office space for massage therapists was a problem. She said some therapists have even left the area because it was not financially sound for them to stay. She explained that parking and traffic problems would also be solved by

allowing home occupations and that this type of business should have no impact on neighborhoods at all. In addition, a better quality of service would be provided and the State doesn't require any licensing. She felt this type of business would increase contact with people in the neighborhood. Ms. McDermott next provided statistics regarding massage therapy.

Bob Blanchard, Community Development Director, told Ms. McDermott that he would do some research to see if it is possible to allow massage therapy as an occupation to be performed from one's home.

Councilmember Hill asked Ms. McDermott if the Code would be changed, a) could she meet the requirements to provide massage therapy in her home; and b) how do homeowners associations feel about this kind of home-based business? Ms. McDermott stated that they are currently looking for a new home in an area/subdivision allowing massage therapists working from their residence.

John Shaver, Assistant City Attorney, clarified that covenants of a homeowners' association would override City Code.

Councilmember Palmer explained that the purpose of the Code was to keep certain types of professional services out of residential neighborhoods. He felt an opinion survey of the citizens would be necessary prior to changing the current Code.

Ms. McDermott stated she found out that massage therapy as a home-based business was allowed outside the City limits, i.e. Fruita, Clifton, and Palisade. Ms. McDermott requested Council to consider amending the Code to allow massage therapy as a home-based business.

CONSENT CALENDAR

It was moved by Councilmember Kirtland, seconded by Councilmember Hill, and carried by a roll call vote, to approve Consent Calendar Items #1 through #6.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the August 4, 2003 Noon Workshop, the August 4, 2003 Workshop, and the Minutes of the August 6, 2003 Regular Meeting

2. **Intergovernmental Agreement with Mesa County for Use Tax Audits on Construction Projects**

The County has no internal auditor, and has agreed with the City staff that it is in our best interests to conduct a Mesa County Use Tax audit, in coordination with

the City's own audits of construction projects. The City has had an internal auditor conducting Sales and Use Tax audits since 1991.

Resolution No. 77-03 - A Resolution Authorizing an Intergovernmental Agreement Between the City of Grand Junction and Mesa County Regarding the Performance of Construction Use Tax Audits

Action: Adopt Resolution No. 77-03

3. Setting a Hearing on Lutheran Church Rezone, Located at 628 26 ½ Road and a Portion of 632 26 ½ Road [File #RZ-2003-096]

Petitioner is requesting to rezone approximately 2.37 acres from PD (Planned Development) (.59 acres) and RSF-1 (Residential Single Family not to exceed 1 du/ac) (1.78 acres) to R-O (Residential Office).

Proposed Ordinance Zoning the Property Known as Lutheran Church Located at 628 26 ½ Road and a Portion of 632 26 ½ Road to R-O

Action: Introduction of Proposed Ordinance and Set a Hearing for September 3, 2003

4. FAA Grants for Airport Improvements

AIP-27 is for (1) installation of new electronic access system at the passenger terminal building and air carrier apron, (2) expansion of the air carrier apron, and (3) engineering and design for the relocation of a large water line. Estimated grant amount is \$1,550,000. AIP-28 is for the acquisition of approximately 16 acres of property bordering Landing View Lane as part of future air cargo development. Estimated grant amount is \$565,200. No funds are being requested of the City of Grand Junction.

Action: Authorize the City Manager to Sign FAA AIP Grants 27 and 28 for Capital Improvements at Walker Field and Related Supplemental Co-Sponsorship Agreements for AIP-27 and 28

5. Purchase of Wheeled Loader

This purchase is being requested by the Fleet Department to replace one old outdated wheeled loader with a new wheeled loader in the Streets Department.

Action: Authorize the City Purchasing Manager to Purchase One Volvo Wheeled Loader (L90E) from Power Equipment Company in the Amount of \$81,471.00 Including Trade-In

6. Sole Source and Purchase of Fire Truck Exhaust Filters

This purchase is being requested by the Fire Department to add a diesel exhaust filter on eight fire apparatus.

Action: Authorize the City Purchasing Manager to Purchase Ceramic Diesel Exhaust Filters from Ward Diesel Filter Systems for Eight Fire Apparatus at \$8,408.00 Each for a Total Purchase of \$67,264.00.

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

2004 LEAF Grant for DUI Enforcement and the Local Law Enforcement Block Grant (LLEBG)

The Colorado Department of Transportation is accepting applications for grant funding of DUI enforcement projects. Local governments are allowed to apply for this funding two out of every three years. The Grand Junction Police Department has not applied for this grant the past two years and is eligible in 2004.

The LLEBG Grant Program is an annual grant process in which local jurisdictions receive federal funds based on the three-year average of reported part one violent crimes. These funds when authorized are to be used in support of projects, which reduce crime and improve public safety. The program places a strong emphasis on local decision-making and encourages communities to develop their own responses to local crime and drug problems. The Police Department, in cooperation with the Mesa County Sheriff's Office, plans to purchase tasers to be carried by all on duty patrol personnel.

Lieutenant Michael A. Nordine reviewed the 2004 Leaf Grant for DUI Enforcement and the Local Law Enforcement Block Grant applications in one presentation. He first gave an overview of the 2004 LEAF grant for DUI Enforcement. He stated funds would be used for overtime pay do to DUI enforcement, which is heaviest on Friday and Saturday nights, and usually lasts from three to four hours. He said the funds would also cover overtime due officers working two sobriety checkpoints.

Councilmember Hill asked if overtime was really necessary. Lieutenant Nordine replied that not enough officers are available to enforce the DUI law during regular shifts.

Councilmember Palmer asked Lieutenant Nordine if the Police Department needed matching funds. Lieutenant Nordine said no additional funds are needed at this time.

Councilmember Kirtland asked if the Department received this grant before. Lieutenant Nordine stated that this grant is available to law enforcement every two out of three years. He said the last application was made and received in 1999.

Lieutenant Nordine next gave an overview of the 2003 Local Law Enforcement Block Grant. He explained it was an annual grant available to law enforcement and the Police Department automatically becomes eligible for a certain amount and it does require a 10 percent match. He said the Department plans to purchase tasers with the funds.

Councilmember Hill moved to authorize the Police Department to apply for the 2004 LEAF Grant in the amount of \$35,000, and authorize the City Manager to sign a contract accepting the 2003 LLEBG Grant for \$26,057. Councilmember Palmer seconded the motion. Motion carried.

City Manager Arnold advised Council that City policy authorizes him to sign contracts and applications for grants up to \$50,000. He said these two items were brought before Council so Council would be aware and familiar with these grants. He said he would make the decision administratively in the future and he would keep Council informed.

Public Hearing – Monument Presbyterian Church Annexation No. 1, No. 2, No. 3 and No. 4, and Zoning the Monument Presbyterian Church Annexation Located at 2020 1/2 South Broadway [File #ANX-2003-113]

Hold a public hearing and consider final passage of a Resolution for Acceptance of the Petition to Annex and Annexation Ordinances for the Monument Presbyterian Church Annexation located at 2020 1/2 South Broadway and including a portion of the South Broadway right-of-way. The petitioner is seeking annexation in conjunction with a proposed two-phase development of a new church facility, pursuant to the 1998 Persigo Agreement with Mesa County.

The Monument Presbyterian Church Annexation is a serial annexation comprised of one parcel of land of 9.1711 acres and includes South Broadway right-of-way. The petitioner is requesting a zone of Residential Single Family with a density not to exceed one unit per five acres (RSF-R), which conforms to the Growth Plan Future Land Use Map. Planning Commission recommended approval at its July 22, 2003 meeting.

The public hearing was opened at 7:56 p.m.

Ronnie Edwards, Associate Planner reviewed this item and the zoning request in one presentation. She explained the petitioner wanted to do a two-phase development in the area.

There were no public comments.

The public hearing was closed at 7:59 p.m.

a. Accepting Petitions

Resolution No. 78-03 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Monument Presbyterian Church Annexation, a Serial Annexation Comprising Monument Presbyterian Church Annexation No. 1, Monument Presbyterian Church Annexation No. 2, Monument Presbyterian Church Annexation No. 3 and Monument Presbyterian Church Annexation No. 4, Located at 2020 1/2 South Broadway and Including a Portion of South Broadway Right-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3559 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 1, Approximately 0.0097 Acres, a Portion of South Broadway Right-of-Way

Ordinance No. 3560 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 2, Approximately 0.0474 Acres, a Portion of South Broadway Right-of-Way

Ordinance No. 3561 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 3, Approximately 0.243 Acres, a Portion of South Broadway Right-of-Way

Ordinance No. 3562 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Monument Presbyterian Church Annexation No. 4, Approximately 8.871 Acres, Located at 2020 ½ South Broadway

c. Zoning Ordinance

Ordinance No. 3563 – An Ordinance Zoning the Monument Presbyterian Church Annexation to Residential Single Family with a Density Not to Exceed One Unit per Five Acres (RSF-R) Located at 2020 1/2 South Broadway

Councilmember Kirtland moved to adopt Resolution No. 78-03, and to approve Ordinances No. 3559, 3560, 3561, 3562, and 3563 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

Public Hearing – Rezoning the Fuoco Property from RSF-R to PD, Located East of Dewey Place (East of 25 ½ Road and North of F Road) [File #RZ-2003-028]

Hold a public hearing and consider final passage of a proposed ordinance to rezone the Fuoco property, located east of Dewey Place, from the RSF-R zone district to Planned Development (PD) with the Residential Multi-Family-8, not to exceed 8 units per acre (RMF-8) underlying zone district; and approval of the Preliminary Plan for a 58 lot subdivision known as Fuoco Estates.

The public hearing was opened at 8:00 p.m.

Mayor Pro Tem Butler asked the petitioner to give his presentation first. Ted Ciavonne with Ciavonne and Associates, 844 Grand Avenue, representing Fuoco Estates addressed Council and gave an overview of the site, proposing 58 patio style homes. He said the parcel could and would provide the required densities to fit within the surrounding areas. He said three-and-a-half acres of the property would be designated to the City for storm water drainage and to be used as a park with walking trails and other amenities. He explained that the proposed lots would meet underlying requirements with 4,500 square feet lots. He said the developer would also provided future road connection opportunities.

Councilmember Palmer asked if the property had road access on the south side of the property. Mr. Ciavonne confirmed that. Councilmember Palmer asked what the anticipated depth of the drainage water was. Mr. Ciavonne stated that the park would detain as much as possible, between two and five feet.

Lisa Cox, Senior Planner, reviewed this item and showed various maps (Site Location Map, Arial Photo Map, Future Land Use Map, Existing City and County Zoning Map, and the Preliminary Plan for PD Zone District Map) as part of her presentation. She explained the history of the property and identified the surrounding neighborhoods and their zoned densities. She told Council Staff was not very anxious to give up the opportunity for development at a higher density because very little land in the City is designated for high-density development.

Councilmember Palmer asked if the City would own the park. Ms. Cox stated that the City would own the park. She said the area would be designed for two purposes, a) as a regional storm water detention facility, and b) as neighborhood a park with amenities.

Councilmember Hill asked if a barrier would be constructed between the two park areas to divide this park from the park owned by the Fall Valley Subdivision north of the property. Ms. Cox stated a barrier is not required.

Councilmember Palmer asked if the size of the designated area is adequate supporting and stopping storm water and also be used as a park. Ms. Cox replied that the area should be sufficient for these purposes. She said the developer has met the rezone criteria, the request is consistent with the goals and policies of the Growth Plan, and all applicable sections of the Zoning and Development Code have been met.

Councilmember Hill asked if the density of 5.5 dwellings per acre excludes the 3.5 acres designated for the park/retention facility. Ms. Cox said it does not include park. She then explained the City's policy requiring either ten percent of land dedication or the equivalent monetary value of the land in lieu of a dedication. She stated in this case the City chose the land dedication.

Councilmember Kirtland asked if the construction of the detention area would be performed in Phase One. Ms. Cox said the construction of the retention facility/park would be done in Phase One. He then asked Ms. Cox if the water would just percolate on site and would not be connect to another facility. Ms. Cox replied that it would percolate.

City Manager Kelly Arnold requested clarification of the total park area and if the developer would also take care of the area to the east adjacent to dedicated park area. Mr. Ciavonne responded that for the interim the area in question would be landscaped with grass until road access to the east becomes necessary. He said the developer plans to install a fence at the rear of the property and along the walking paths.

Councilmember Kirtland asked if a fence or a barrier would be erected between the high-density apartment buildings and the cell tower property. Mr. Ciavonne stated the developer would build fences where applicable. He said he wanted to clarify for Council that the detention area will not percolate water, instead would hold the water for a few hours and as soon as possible the accumulated water would drain into the beehive drain. He reiterated that the developer would provide fencing along the pedestrian path and on the rear lot lines of the 11 lots that back up to the park and an irrigation system. He said since the fences are on private lots they would become the homeowner's responsibility to maintain.

Councilmember Hill was concerned that the fences adjacent to the park would only be three feet tall and felt fencing heights needed to be consistent.

City Manager Arnold stated that homeowners/buyers would be informed, and it would be stated in the subdivision's covenants, that the fence along their property line is three feet tall rather than 6 feet.

Councilmember Kirtland asked what would happen if the homeowners association wanted to change the fence heights, would that change require Council's approval?

Assistant City Attorney John Shaver explained the various options available to Council:

- a) Council could require to add to the ordinance that the Homeowners Association cannot make that change without Council's approval; or
- b) The requirements could be incorporated into the covenants, and then the City could not enforce the issue; and
- c) The type of fence could be written into the ordinance.

Mr. Mike Joyce, Development Concepts, the developer, told Council that they are placing the type of fence into the ordinance. Mr. Ciavonne stated that the covenants would allow homeowners to have certain privacy fences within their property.

Councilmember Hill asked for clarification regarding fencing on the City's property. Mr. Ciavonne identified the area on the map. He explained that it is common to combine detention facilities and recreation areas. He asked Council to approve the rezoning request.

There were no public comments.

The public hearing was closed at 8:52 p.m.

Councilmember Kirtland felt it was a creative plan and an appropriate use for the parcel.

Councilmember Enos-Martinez agreed with Councilmember Kirtland.

Councilmember Palmer said he was impressed with the site after viewing it personally.

Councilmember Hill said the Fall Valley Subdivision was a great development and the proposed development would blend in well and create a perfect transition between the surrounding high and low density properties. He felt the Fuoco Estates were a nice enhancement to the area.

John Shaver, Assistant City Attorney, informed Council that the current ordinance does not specify fencing, therefore the ordinance needs to be amended to include fencing, if Council so desires.

Ordinance No. 3564 – An Ordinance Rezoning the Fuoco Property Located East of Dewey Place Identified as Tax Parcel No. 2945-034-00-067 from Residential Single Family Rural (RSF-R) to Planned Development District (PD) with the Residential Multi-Family-8, not to Exceed 8 Units Per Acre (RMF-8) Underlying Zone District

Councilmember Kirtland moved to approve Ordinance No. 3564 on Second Reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote. (No amendments were made to the ordinance.)

Councilmember Hill requested a short recess.

Mayor Pro Tem Butler granted the request at 8:56 p.m.

The meeting was back in session at 9:03 p.m.

Public Hearing – Zoning the Marchun Annexation No. 1 and No. 2, Located at 2925 F 1/2 Road [File #ANX-2003-093]

Hold a public hearing and consider final passage of a proposed ordinance to zone the Marchun Annexations No. 1 and No. 2 to Residential Multi-Family-5 (RMF-5), located at 2925 F 1/2 Road.

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

Lisa Cox, Senior Planner, reviewed this item explaining the petitioner's request for zoning to four to eight units per acre. She displayed various maps identifying the surrounding properties and the zoning of RSF-4. She said Staff recommends approval of the Residential Multi-Family, RMF-5 (five dwelling units per acre) zoning request, with the finding that the proposed zoning was consistent with the Growth Plan land use designation, and with Section 2.6(a) of the Zoning and Development Code.

Councilmember Palmer asked about access to the property and if access would be from F ½ Road and F ¼ Road. Councilmember Hill asked if the property was also accessible from the east. Ms. Cox said that it would require stub streets to interconnect the property to surrounding areas.

Mike Joyce, Development Concepts, representing the applicant said the biggest concern was irrigation water, and that the surrounding neighborhoods weren't concerned about access.

There were no public comments.

The public hearing was closed at 9:08 p.m.

Ordinance No. 3565 – An Ordinance Zoning the Marchun Annexations No. 1 and No. 2 to Residential Multi-Family-5 (RMF-5), Located at 2925 F 1/2 Road

Councilmember Kirtland moved to approve Ordinance No. 3565 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

Public Hearing – Disconnecting the Files Property Located on Monument Road from the City and Ridges Metropolitan District [File #MSC-2003-154]

A request to de-annex the Files property from the City of Grand Junction and remove the property from the Ridges Metropolitan District. The 38.9-acre Files property consists of one parcel bisected by Monument Road, with .5 acres on the north side of Monument Road and the remainder on the south side of Monument Road.

Hold a public hearing and consider final passage of a proposed ordinance disconnecting the Files property, located along Monument Road.

The Files property has been a part of the District since its creation and has always been assessed a property tax to assist the payment of outstanding debt and operation of the district prior to 1992. With the removal of the parcel from the City it is staff's recommendation to also remove the parcel from the District.

The public hearing was opened at 9:09 p.m.

Kathy Portner, Planning Manager, reviewed this item. She gave a history of the property. She said the property was annexed to the City with the Ridges development and was a part of the original Ridges development property, but did not have a defined plan approved for it. Ms. Portner said the parcel was currently zoned PD (Planned Development) and is approved for a single family home within a defined building envelope on the hill. She explained that approval of the disconnection would allow the home to be served by septic and a well. Ms. Portner said the portion of the Files' property south of Monument Road was outside the sewer service area and that the property's felt the property should not be in a sewer service area. Ms. Portner said the City talked to the owner about either annexing the adjoining thirty-eight acres into the City limits or to de-annex the 38.9 acres since it was not feasible to meet the City's requirements. She said Staff recommends de-annexation from the Ridges Metro District and recommends approval of the ordinance and resolution.

Mayor Pro Tem Butler asked if the owner offered to dedicate property to the City for easements. Ms. Portner stated that the City is not likely to entertain a request for easements.

There were no public comments.

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

Ordinance No. 3566 – An Ordinance Disconnecting Certain Lands, Referred to as the Files Property, Files De-Annexation, Approximately 38.9 Acres, Located on Monument Road, West of Mariposa Drive

Resolution No. 79-03 – A Resolution Authorizing the Removal of the Files Parcel from the Ridges Metropolitan District as Part of the De-annexation Action of the City Council

Councilmember Hill moved to approve Ordinance No. 3566 on Second Reading and ordered it published, and to adopt Resolution No. 79-03. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

Public Hearing – Vacation of Excess Right-of-Way Along UnawEEP Avenue and Rocky Pitch Road [File #PP-2003-022]

Hold a public hearing and consider the final passage of two proposed ordinances to vacate excess right-of-way along UnawEEP Avenue and Rocky Pitch Road.

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

Lori Bowers, Senior Planner, reviewed this item and identified the area on various maps. She said UnawEEP Avenue was recently realigned and improved. During that process, excess land was obtained along the eastern section of the road, and Rocky Pitch Road in the northwest corner of UnawEEP Heights Subdivision, exists but does not correspond with the legal description. She said by vacating the excess right-of-way, the new plat would reflect the correct alignment of Rocky Pitch Road and allow the backyard property lines to extend to the edge of the Homeowners Association's landscape tract along the eastern section of UnawEEP Avenue. Ms. Bowers said vacating the excess right-of-way would not vacate the multi-purpose easement for utilities in these areas. She said the Planning Commission at its regularly scheduled meeting on July 22nd, 2003 recommended approval of the request finding the request to be consistent with Section 2.11 of the Zoning and Development Code.

There were no public comments.

The public hearing was closed at 9:20 p.m.

Ordinance No. 3567 – An Ordinance Vacating a Portion of Undeveloped Right-of-Way Along the Northern Edge of UnawEEP Avenue

Ordinance No. 3568 – An Ordinance Vacating a Portion of Right-of-Way Along a Portion of UnawEEP Avenue, Known as Rocky Pitch Road

Councilmember Enos-Martinez moved to approve Ordinances No. 3567 and 3568 on Second Reading and ordered them published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

Public Hearing – Zoning the Carville Annexation Located at 2675 Hwy. 50 [File #ANX-2003-116]

Hold a public hearing and consider final passage of the zoning ordinance to zone the Carville Annexation C-1 and RSF-4, located at 2675 Hwy 50. The property is 19.93 acres and has a current Simple Subdivision application in the process of being reviewed.

The public hearing was opened at 9:21 p.m.

Senta Costello, Associate Planner, reviewed this item. She said the annexation request was presented to Council two weeks ago. She said the requested zoning would be consistent with the Growth Plan density.

Councilmember Enos-Martinez asked if part of the property was facing Dos Rios School and what type of traffic would be generated. Ms. Costello stated the traffic question could only be answered once the developer presents a development plan for the site. She said access would be either from Palmer Street or Aspen Street or from a new subdivision being built to the south of the property.

Mayor Pro Tem Butler asked if a zoning of RSF-4 was right for this parcel and how traffic would access the school behind the property. Ms. Costello said RSF-4 was the correct zoning for this parcel and the school area would be accessed off of Palmer Street.

Councilmember Hill asked if there was another development across Highway 50. Ms. Costello replied there was.

Pat Edwards, representing Royce Carville, told Council that the property would be split and would be sold off separately. He said the commercial site would be part of the overall plan. He said he was aware of the Highway situation and access would be most likely off of Palmer Street.

There were no public comments.

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

Ordinance No. 3569 – An Ordinance Zoning the Carville Annexation to C-1 and RSF-4
Located at 2675 Hwy 50

Councilmember Palmer moved to approve Ordinance No. 3569 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

Eric Niederkruger of the Chapter of the local Bill of Rights Committee addressed Council. He said he has had conversations with Council and he wanted an opportunity to publicly state why the Patriot Act was a City issue. He said the Patriot Act infringes civil liberties and he is asking Council to oppose the Act and help to defend and uphold the Constitution.

Mark Scofield, 1844 North 18th Street, said he appreciates Council's willingness to give the request thoughtful consideration. He asked Council to consider the concerns of the USA Patriot Act and that the Act does have ramifications to the City's residents.

Sid Siddeek said he just wants to make the following quote: "It is dangerous to be right on matters on which the establishment is wrong."

Eric Rechel, 515 Orchard Avenue, spoke about the Declaration of Independence and the symbolic act it did in 1776 for the country. He asked that the City send a message to the world that shows the City supports the Bill of Rights.

Carol Greenhill, Loma, asked Council to give time to present the Patriot Act and concerns within the Act. She said, "Please give us a voice." The Act is of concern to everyone. She reminded Council that its members are elected servants and the people would appreciate if Council would listen to its constituents.

Mayor Pro Tem Butler thanked everyone for their comments and asked if there were any other non-scheduled citizens or visitors who would like to discuss a different concern.

There were none.

OTHER BUSINESS

Councilmember Kirtland explained that, "If Council were to open its chambers to everyone, Council would be dealing with Roe versus Wade, gay marriages, and everything under the sun." Council then would have to grant that option to all groups, and he felt that this was not a part of official business.

Councilmember Enos-Martinez clarified that per policy those matters couldn't be discussed.

Councilmember Hill stated that the talks raised his level of awareness, but agrees with Council and on its level of support.

Sid Siddeek addressed Council again arguing Roe vs. Wade, the gay community, etc. are only concern specific segments of society, while the Bill of Rights concerns every person.

ADJOURNMENT

Councilmember Palmer moved to adjourn. Councilmember Enos-Martinez seconded the motion. Motion carried.

The meeting was adjourned at 9:41 p.m.

Debbie Kemp
Deputy City Clerk

Attach 2
Setting a Hearing on Zoning the Antietam Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject		Setting a Hearing for Zoning the Antietam Annexation located at 260 & 262 26 ¼ Road						
Meeting Date		September 3, 2003						
Date Prepared		August 27, 2003			File #ANX-2003-122			
Author		Scott D. Peterson		Associate Planner				
Presenter Name		Scott D. Peterson		Associate Planner				
Report results back to Council		X	No		Yes	When		
Citizen Presentation			Yes	X	No	Name		
	Workshop	X	Formal Agenda			X	Consent	Individual Consideration

Summary: The Antietam Annexation consists of 9.146 acres of land that is located at 260 & 262 26 ¼ Road and currently consists of two (2) parcels of unplatted land that each contains a single family home. The petitioner's intent is to annex and then develop the property as a 25 lot residential subdivision with a density of less than four (4) dwelling units per acre.

Budget: N/A

Action Requested/Recommendation: Introduce and approve a proposed zoning ordinance on First Reading to zone the Antietam Annexation to RSF-4 and set a hearing for September 17, 2003.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. General Location Map
3. Aerial Photo
4. Future Growth Plan Land Use Map
5. Existing City and County Zoning Map
6. Annexation map
7. Zoning Ordinance for City Council action

STAFF REPORT / BACKGROUND INFORMATION				
Location:		260 & 262 26 ¼ Road		
Applicant:		Dale G. Cole, Owner		
Existing Land Use:		Two (2) single family homes		
Proposed Land Use:		25 lot residential subdivision		
Surrounding Land Use:	North	Calvary Cemetery		
	South	Residential		
	East	Residential (Cimarron Mesa)		
	West	Cemetery & Residential		
Existing Zoning:		RSF-4 (County)		
Proposed Zoning:		RSF-4		
Surrounding Zoning:	North	CSR		
	South	CSR and RSF-4 (County)		
	East	RSF-4		
	West	CSR, RSF-4 and RSF-4 (County)		
Growth Plan Designation:		Residential Medium Low (2 – 4 DU/Ac.)		
Zoning within density range?		X	Yes	No

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 zone district of RSF-4 would be in keeping with the Persigo Agreement and the Growth Plan Future Land Use Map.

RSF-4 ZONE DISTRICT

- The proposed RSF-4 zoning is consistent with the Growth Plan Future Land Use Map for this area. Currently, the Growth Plan Future Land Use Map indicates this area east of 26 ¼ Road to be residential medium low (2 -4 DU/Ac.) in character.
- Zoning this annexation as RSF-4, 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 either City or County RSF-4 and City CSR zoning. The proposed annexation is consistent with recent annexations in the area of Cimarron Mesa to the east of RSF-4.

ZONING AND DEVELOPMENT CODE CRITERIA:

Section 2.14 F. of the Zoning & Development Code: “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:

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

N/A. The proposed zoning of RSF-4 upon annexation is equivalent to the current County zoning and is also consistent with Growth Plan Future Land Use Map.

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

The property is located in an area that is currently being developed and zoned in a four (4) dwelling unit per acre density. All public utilities are available in the area and will be extended to serve the proposed development.

- 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 zoning of RSF-4 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the RSF-4 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 proposed zoning is equivalent to the existing land uses in the area and meets the requirements of the Zoning and Development Code and Growth Plan.

- 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-4 zone district.

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

N/A. This proposal is to zone property to be in conformance with current and proposed land uses in the area.

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

The proposed zone will benefit the area as it is allowing the property to be developed in an equivalent manner with the other proposed subdivisions in the surrounding area.

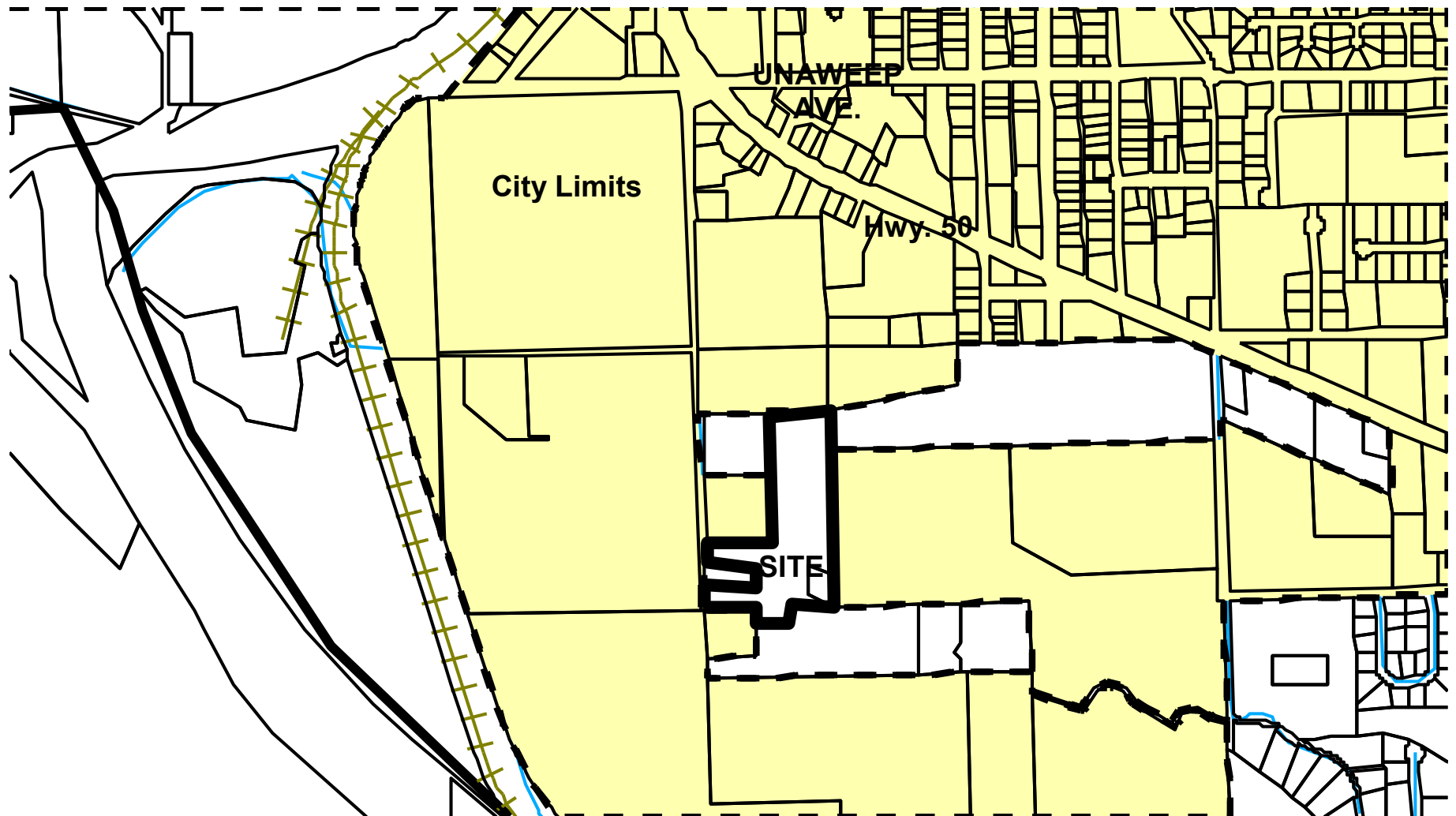
FINDINGS AND CONCLUSIONS:

1. The zone of annexation is consistent with the Growth Plan Future Land Use Map as allowed under the Persigo Agreement.
2. The zone of annexation is consistent with Sections 2.6 and 2.14 of the Zoning and Development Code.

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

Site Location Map – Antietam Annexation

Figure 1



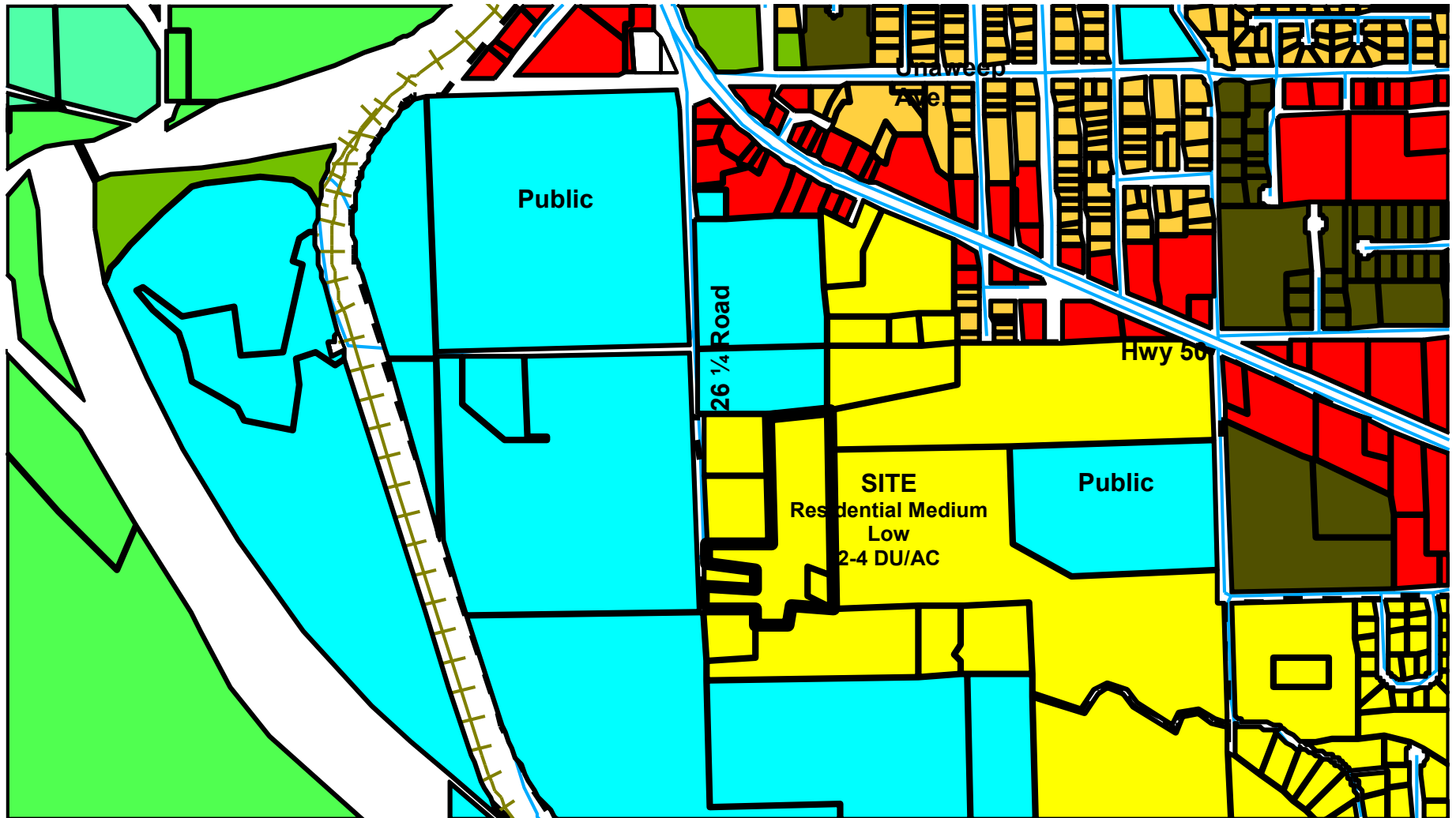
Aerial Photo Map – Antietam Annexation

Figure 2



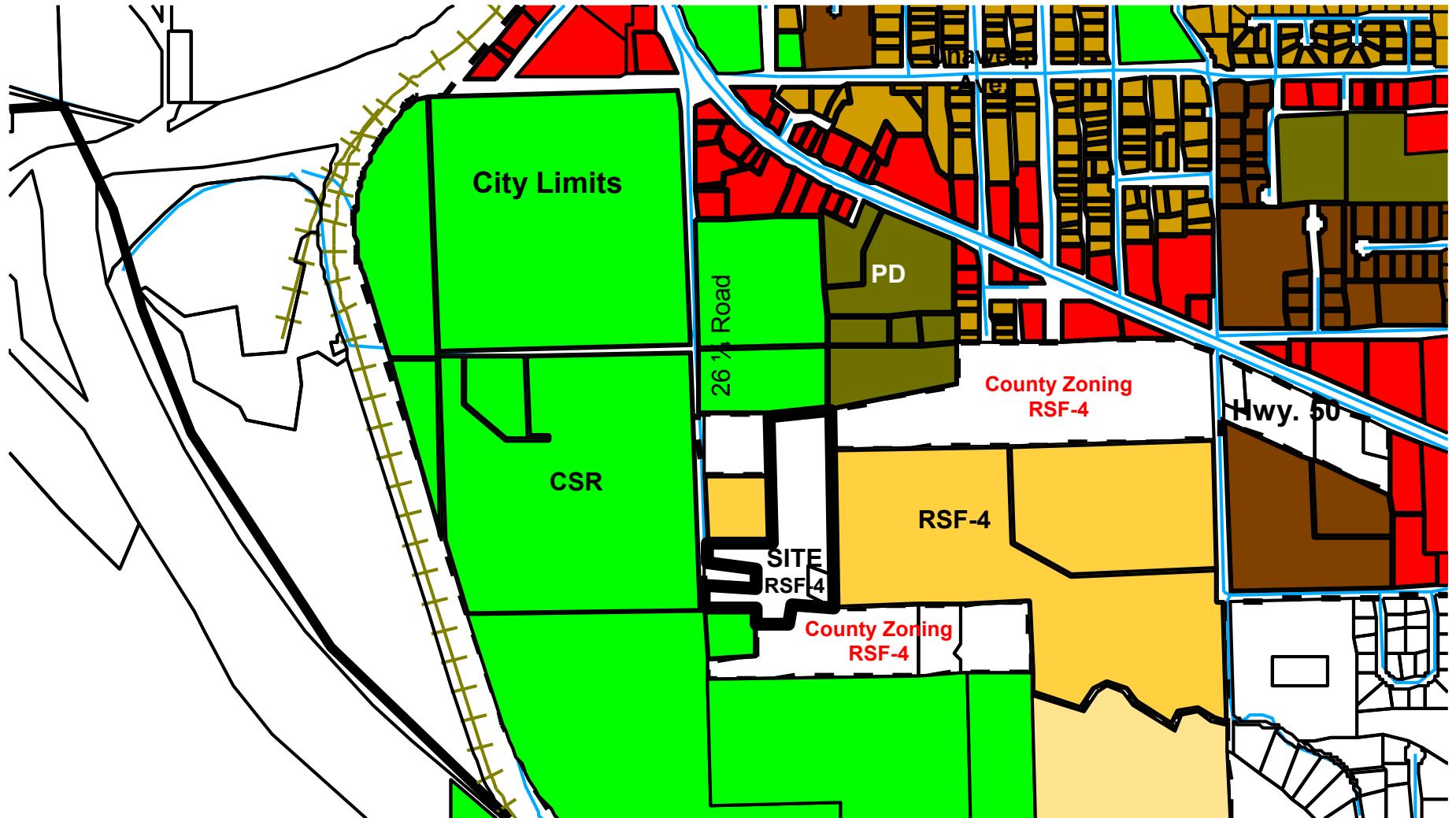
Future Land Use Map – Antietam Annexation

Figure 3



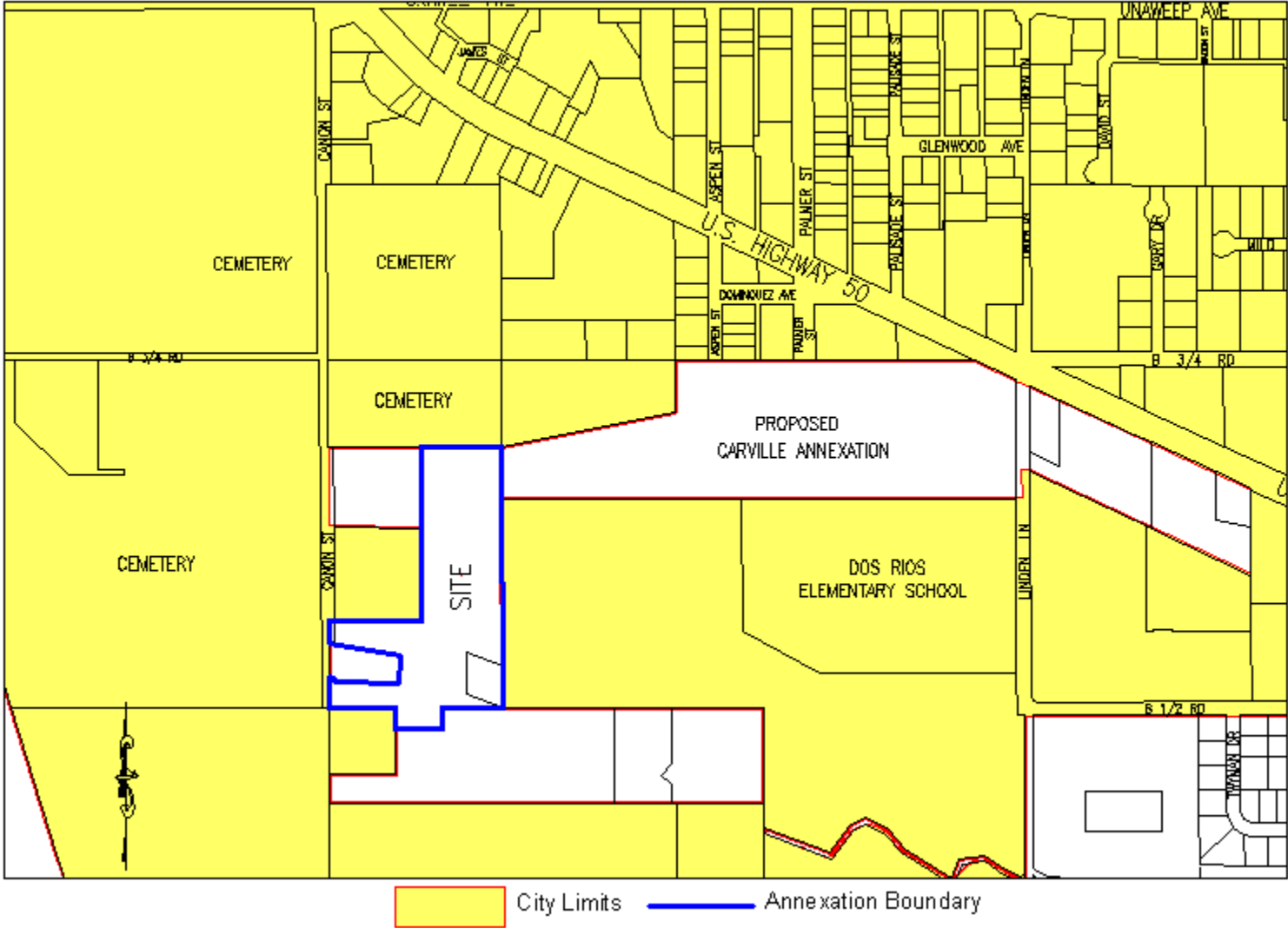
Existing City and County Zoning – Antietam Annexation

Figure 4



Anteitam Annexation

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE ZONING THE ANTIETAM ANNEXATION

TO RESIDENTIAL SINGLE FAMILY – 4 (RSF-4)

LOCATED AT 260 & 262 26 ¼ 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 the public notice and public hearing before the Grand Junction City Council, City Council finds that an RSF-4 zone district be established for the following reasons:

- The zone district meets the criteria of Section 2.14. F. of the Zoning and Development Code by conforming to the current 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 – 4 (RSF-4) with a density not to exceed 4 units per acre.

ANTIETAM ANNEXATION

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 26, Township 1 South, Range 1 West of the Ute Principal Meridian, State of Colorado, County of Mesa, being more particularly described as follows:

BEGINNING at the Southwest corner of the SE 1/4 NW 1/4 of Section 26, Township 1 South, Range 1 West of the Ute Principal Meridian and assuming the West line of the SE 1/4 NW 1/4 of said Section 26 bears N 00°00'00" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°00'00" E along the West line of the SE 1/4 NW 1/4 of said Section 26, being the East line of the

Western Cemetery Annexation, Ordinance Number 1371, City of Grand Junction, Colorado, a distance of 127.35 feet; thence S 56°32'14" E, along the South line of that certain parcel of land described in a Quit Claim Deed recorded in Book 2403, Page 937, Public Records of Mesa County, Colorado, a distance of 36.53 feet; thence continuing along said South line, S 87°55'00" E a distance of 234.00 feet; thence N 02°50'00" E a distance of 103.50 feet; thence N 81°00'00" W along the North line of that said parcel of land, a distance of 272.80 feet to a point on the West line of the SE 1/4 NW 1/4 of said Section 26; thence N 00°00'00" E along the West line of the SE 1/4 NW 1/4 of said Section 26, a distance of 82.97 feet; thence S 89°41'17" E, along the South line of the Floral Annexation, Ordinance Number 2948, City of Grand Junction, Colorado, a distance of 357.93 feet; thence N 00°04'48" W, along the East line, and the Northerly projection thereof of said Floral Annexation, a distance of 659.76 feet to a point on the South line of the Easter Cemetery Annexation, Ordinance Number 1373, City of Grand Junction, Colorado; thence S 89°53'20" E along said South line, a distance of 302.00 feet to a point on the East line of the West Half (W 1/2) of the SE 1/4 NW 1/4 of said Section 26; thence S 00°04'48" E along the East line of the W 1/2 of the SE 1/4 NW 1/4 of said Section 26, also being the West line of Lot 2, Miles Craig Minor Subdivision, as same is recorded in Plat Book 16, Page 38, Public Records of Mesa County, Colorado, a distance of 989.48 feet to a point being the Southwest corner of said Lot 2; thence N 89°36'24" W along the South line of the SE 1/4 NW 1/4, a distance of 236.42 feet; thence S 00°00'00" E a distance of 80.00 feet; thence N 89°36'24" W a distance of 174.34 feet to a point on the East line of the Reservoir Hill Annexation, Ordinance Number 1445, City of Grand Junction, Colorado; thence N 00°00'00" E a distance of 80.00 feet to a point on the South line of the SE 1/4 NW 1/4 of said Section 26; thence N 89°36'24" W along the South line of the SE 1/4 NW 1/4 of said Section 26, a distance of 249.64 feet, more or less, to the Point of Beginning.

CONTAINING 9.146 Acres (398,419.80 Sq. Ft.), more or less, as described

Introduced on first reading this 3rd day of September, 2003 and ordered published.

Adopted on second reading this _____ day of _____, 2003.

Mayor

ATTEST:

City Clerk

Attach 3
Setting a Hearing on Zoning the Elliott Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Zoning the Elliott Annexation located at 3082 D 1/2					
Meeting Date		September 3, 2002					
Date Prepared		August 25, 2003			File #ANX-2003-156		
Author		Senta Costello		Associate Planner			
Presenter Name		Senta Costello		Associate Planner			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: Introduction of a proposed zoning ordinance to zone the Elliott Annexation, located at 3082 D ½ Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for September 17, 2003.

Background Information: See attached Staff Report/Background Information

Attachments:

- 8. Staff report/Background information
- 9. General Location Map
- 10. Aerial Photo
- 11. Growth Plan Map
- 12. Zoning Map
- 13. Annexation map
- 14. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		3082 D ½ Road		
Applicants:		Owners: Walter Lee Elliott, Analee C. Elliott, John Albert Iles, Katherine Lee Iles; Representative: Dan Holycross		
Existing Land Use:		Residence		
Proposed Land Use:		Residence		
Surrounding Land Use:	North	Proposed Single Family subdivision for 23 lots in a RMF-5 zone district		
	South	Residence & Agricultural		
	East	Residence		
	West	Proposed Single Family subdivision for 23 lots in a RMF-5 zone district		
Existing Zoning:		RMF-5 (Residential Multi-Family not to exceed 5 du/ac)		
Proposed Zoning:		RMF-5 (Residential Multi-Family not to exceed 5 du/ac)		
Surrounding Zoning:	North	RMF-5 (Residential Multi-Family not to exceed 5 du/ac)		
	South	PUD (5.8 du/ac) & RSF-R		
	East	RSF-4		
	West	RMF-5 (Residential Multi-Family not to exceed 5 du/ac)		
Growth Plan Designation:		Residential Medium 4-8 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

Rezoning: The requested zone of annexation to the RMF-5 (Residential Multi-Family not to exceed 5 du/ac) 5 district is consistent with the Growth Plan density of Residential Medium 4-8 du/ac. The existing County zoning is RMF-5 (Residential Multi-Family not to exceed 5 du/ac). Section 2.14 of the Zoning and Development Code

states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

Response: The requested zoning is to place the property into an appropriate City zoning designation due to the annexation request. Therefore, this criteria is not applicable.

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.;

Response: The zoning request is in conjunction with an annexation request. Therefore this criteria 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 nuisances;

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

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

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

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

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

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

Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

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

Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

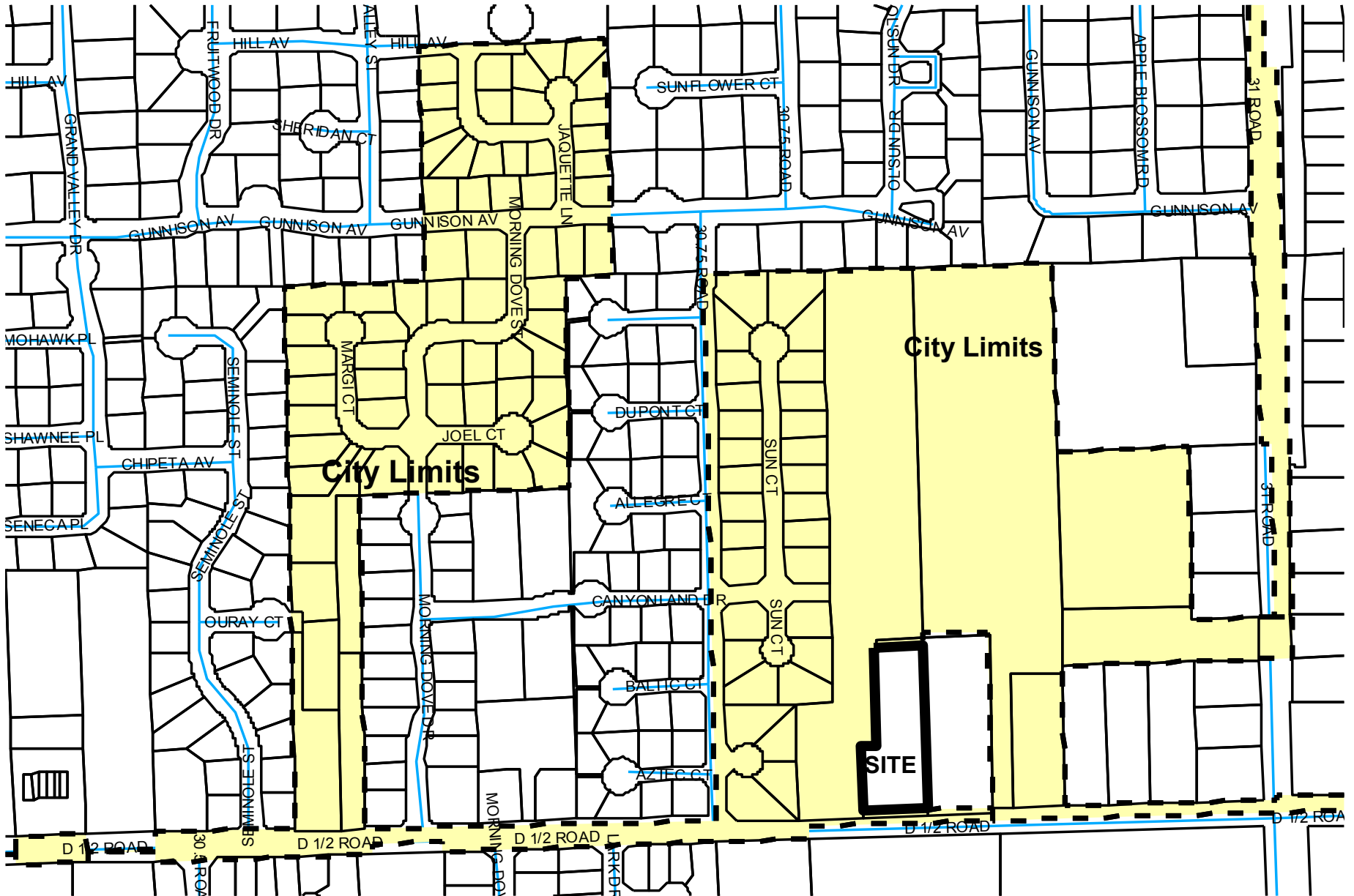
STAFF RECOMMENDATION

Staff recommends approval of the RMF-5 (Residential Multi-Family not to exceed 5 du/ac) zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-5 (Residential Multi-Family not to exceed 5 du/ac district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



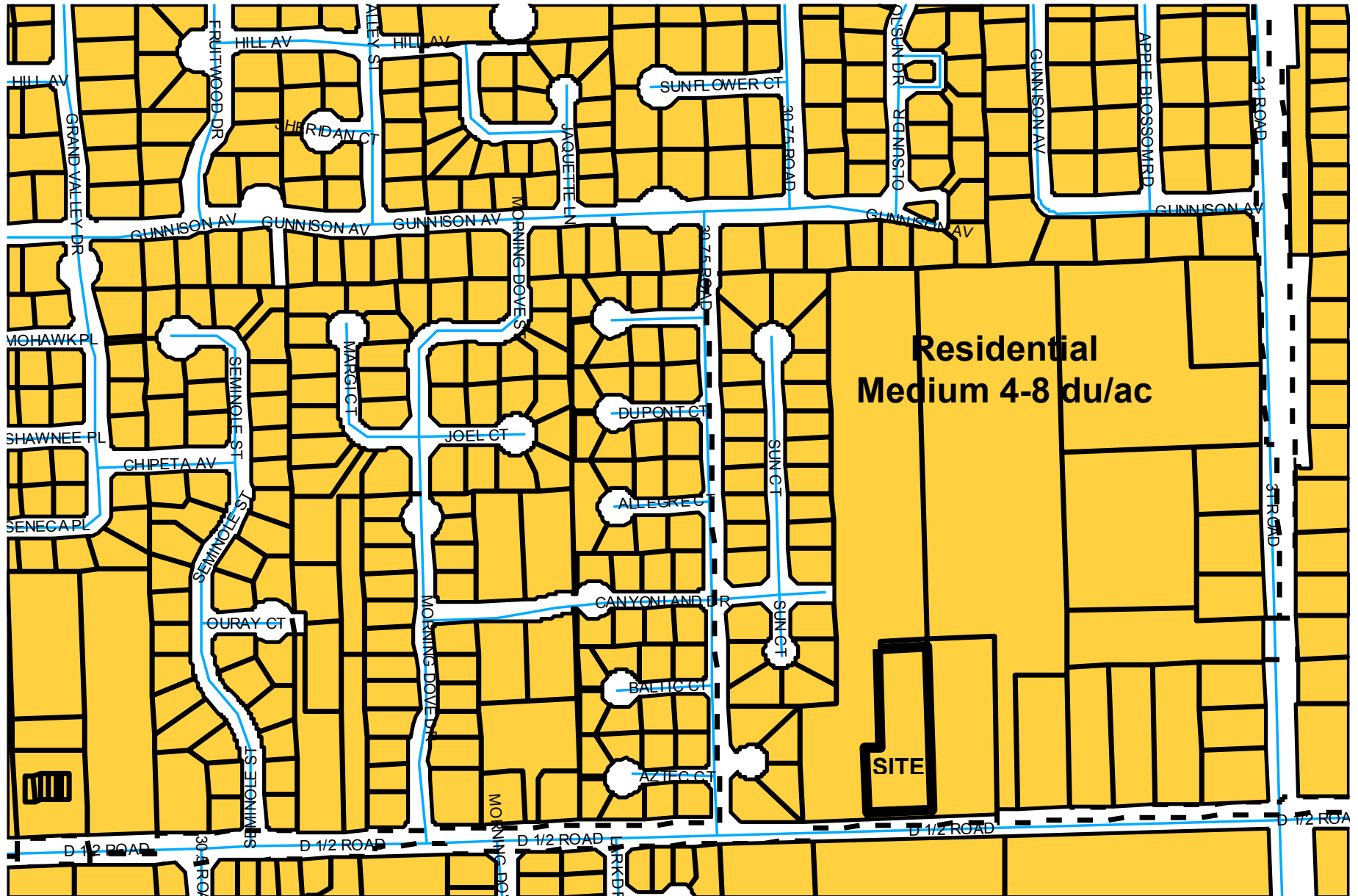
Aerial Photo Map

Figure 2



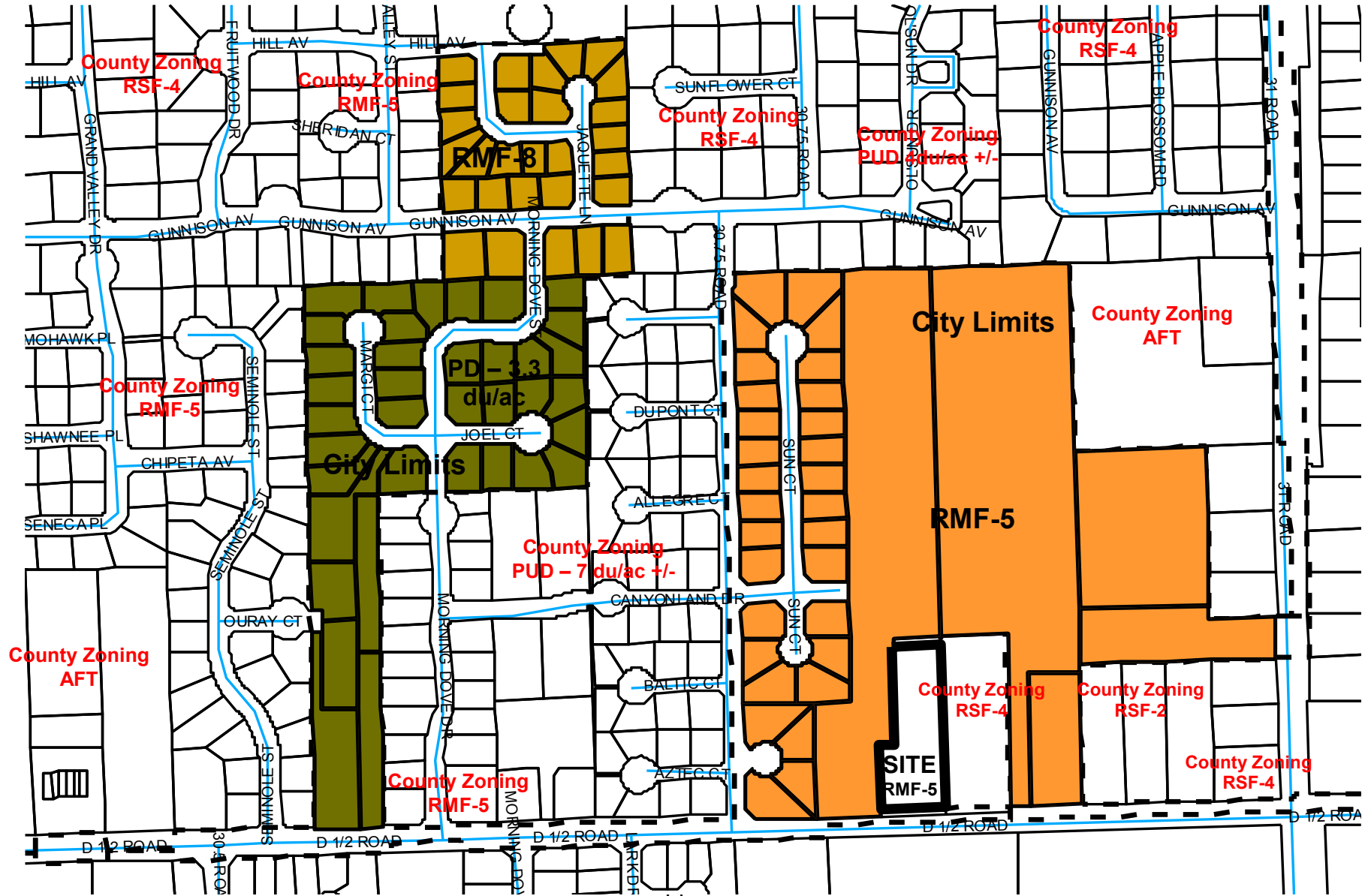
Future Land Use Map

Figure 3



Existing City and County Zoning

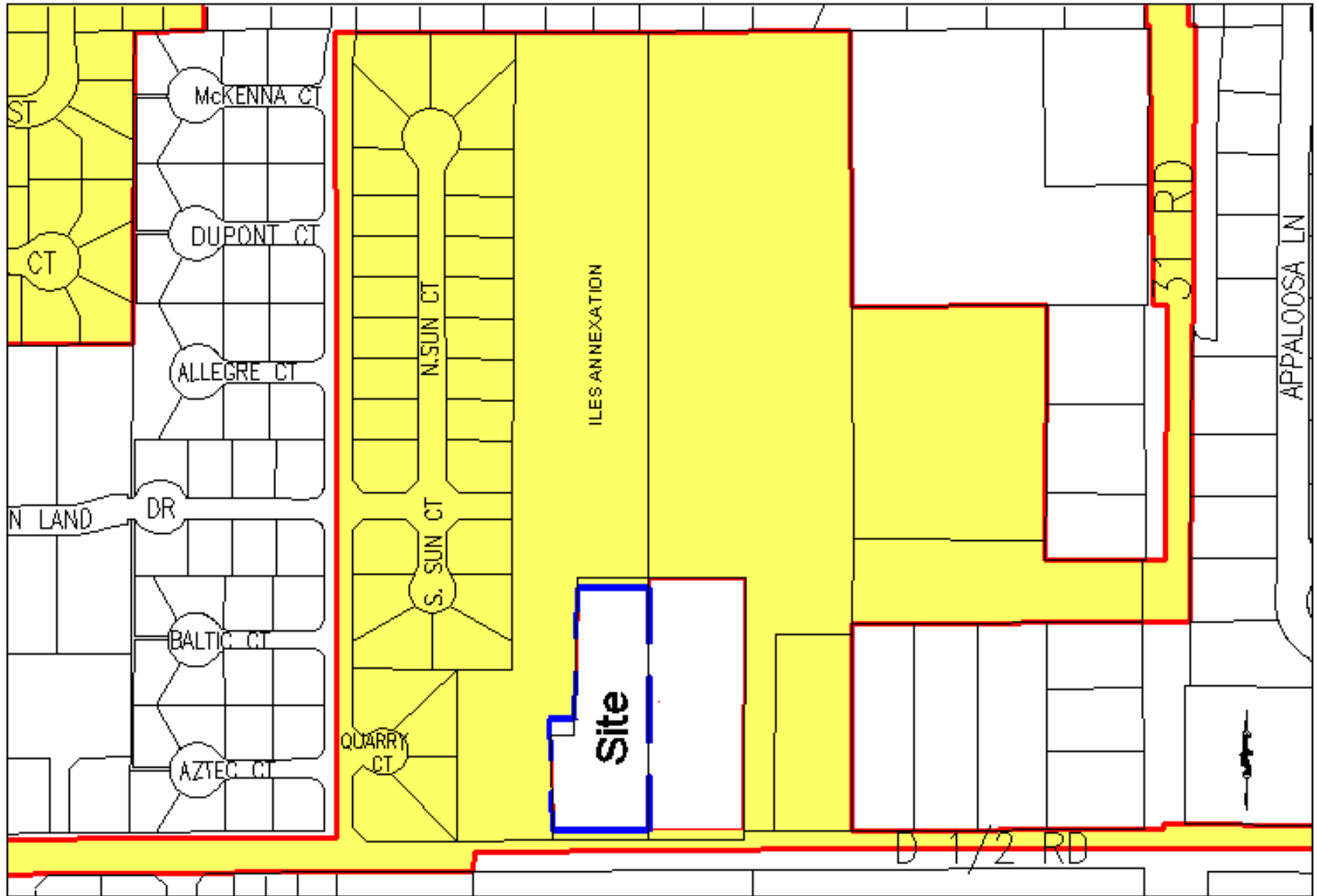
Figure 4



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."

Elliott Annexation

Figure 5



City Limits Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE ELLIOTT ANNEXATION TO
RMF-5**

LOCATED AT 3082 D ½ 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 rezoning the Elliott Annexation to the RMF-5 (Residential Multi-Family not to exceed 5 du/ac) zone district for the following reasons:

The zone district meets the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and/or are generally compatible with appropriate land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 (Residential Multi-Family not to exceed 5 du/ac) zone district be established.

The Planning Commission and City Council find that the RMF-5 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned RMF-5 with a density not to exceed 5 units per acre.

ELLIOTT ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 16, Township 1 South, Range 1 East of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest Corner of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 16, and considering the South line of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of said Section 16 to bear

N 89°51'59" E with all bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°51'59" E along the South line of the SE 1/4 NE 1/4 of said Section 16, a distance of 190.00 feet; thence N 00°22'49" E a distance of 30.00 feet to a point being the Southeast Corner of Fruitvale Meadows Amended, as same is recorded in Plat Book 18, Page 132, Public Records of Mesa County, Colorado; thence N 89°51'59" E along the North right of way for D 1/2 Road, being a line 30.00 feet North of and parallel to, the South line of the SE 1/4 NE 1/4 of said Section 16, a distance of 155.89 feet to a point being the Southeast corner of the Iles Annexation, City of Grand Junction Ordinance No. 3461 and the POINT OF BEGINNING; thence from said Point of Beginning, N 00°10'50" E along the East line of said Iles Annexation, a distance of 178.00 feet; thence N 89°51'59" E along a Southerly line of said Iles Annexation, a distance of 37.00 feet; thence N 00°10'50" E along the Easterly line of said Iles Annexation, a distance of 209.00 feet; thence N 89°51'59" E along the Southerly line of said Iles Annexation, a distance of 113.00 feet; thence S 00°10'50" W a distance of 387.00 feet; thence S 89°51'59" W, along the North line of said D 1/2 Road, a distance of 150.00 feet, more or less, to the Point of Beginning.

CONTAINING 1.1551 Acres (50,317.0 square feet)

Introduced on first reading this 3rd day of September, 2003 and ordered published.

Adopted on second reading this _____ day of _____, 2003.

Mayor

ATTEST:

City Clerk

Attach 4
Setting a Hearing on the Holton Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Referring Petition to Annex, First reading of Annexation Ordinance, Exercising land use jurisdiction, and Setting a Hearing for the Holton Annexation, located at 641 29 1/2 Road					
Meeting Date	September 3, 2003					
Date Prepared	August 27, 2003				File # ANX-2003-169	
Author	Lisa E. Cox, AICP			Senior Planner		
Presenter Name	As above			As above		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: The 6.2142 acre Holton Annexation is located at 641 29 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.

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 October 15, 2003.

Background Information: See attached staff report

Attachments:

1. Staff Report
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning Map (Figure 4)
6. Annexation Map (Figure 5)
7. Resolution of Referral
8. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		641 29 1/2 Road	
Applicants:		James and Rosalee Holton	
Existing Land Use:		Single Family Residence/Agricultural	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential/Agricultural	
	South	Residential	
	East	Agricultural	
	West	Residential	
Existing Zoning:		RSF-4 (Mesa County)	
Proposed Zoning:		RMF-5 (Residential Multi-Family, not to exceed 5 units/acre)	
Surrounding Zoning:	North	RSF-R (MesaCounty)	
	South	RSF-4 (Mesa Cty), PD approx. 4 du/ac	
	East	RSF-4 (Mesa County), RMF-5 (City)	
	West	RMF-5 (City)	
Growth Plan Designation:		Residential Medium, 4-8 units/acre	
Zoning within density range?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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.

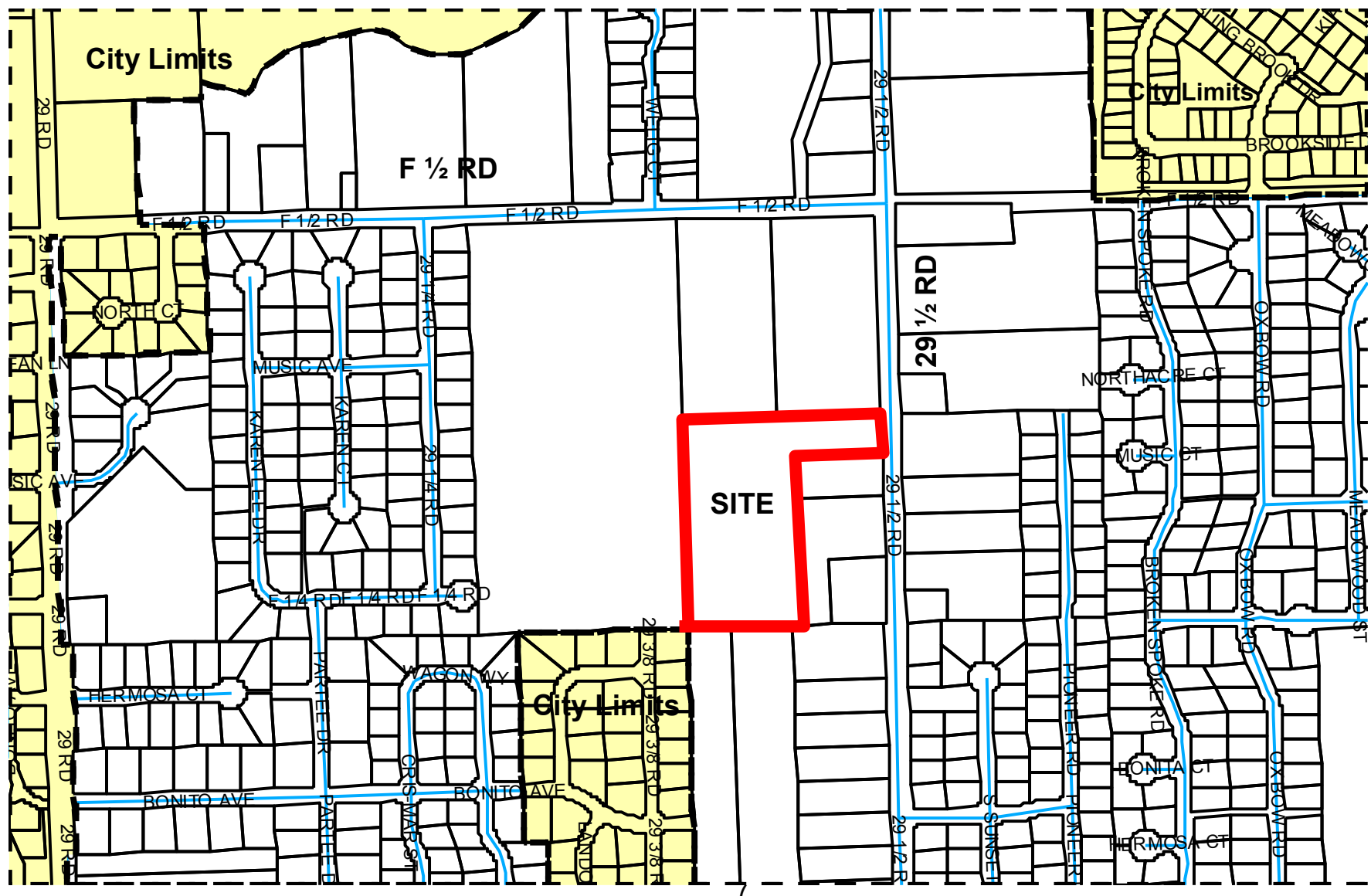
The following annexation and zoning schedule is being proposed.

ANNEXATION SCHEDULE	
9-03-03	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
9-23-03	Planning Commission recommendation for City zone district
10-01-03	First Reading of Zoning Ordinance by City Council
10-15-03	Acceptance of Petition and Public hearing on Annexation and Second Reading of Zoning Ordinance by City Council
11-16-03	Effective date of Annexation and City Zoning

SUMMARY		
File Number:		ANX-2003-169
Location:		641 29 1/2 Road
Tax ID Number:		2943-053-56-001
Parcels:		1
Estimated Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		6.2142 acres for annexation area
Developable Acres Remaining:		0 acres
Right-of-way in Annexation:		Approx. 4290 sf
Previous County Zoning:		RSF-4 (Mesa County)
Proposed City Zoning:		RMF-5, Residential Multi-Family not to exceed 5 units/acre
Current Land Use:		Single Family Residence/ Agricultural
Future Land Use:		Residential
Values:	Assessed:	\$ 4,590
	Actual:	\$ 57,700
Census Tract:		n/a
Address Ranges:		West to East: North to South:
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley Sanitation
	Fire:	Grand Junction Rural Fire
	Drainage:	Grand Junction Drainage
	School:	District 51
	Pest:	n/a

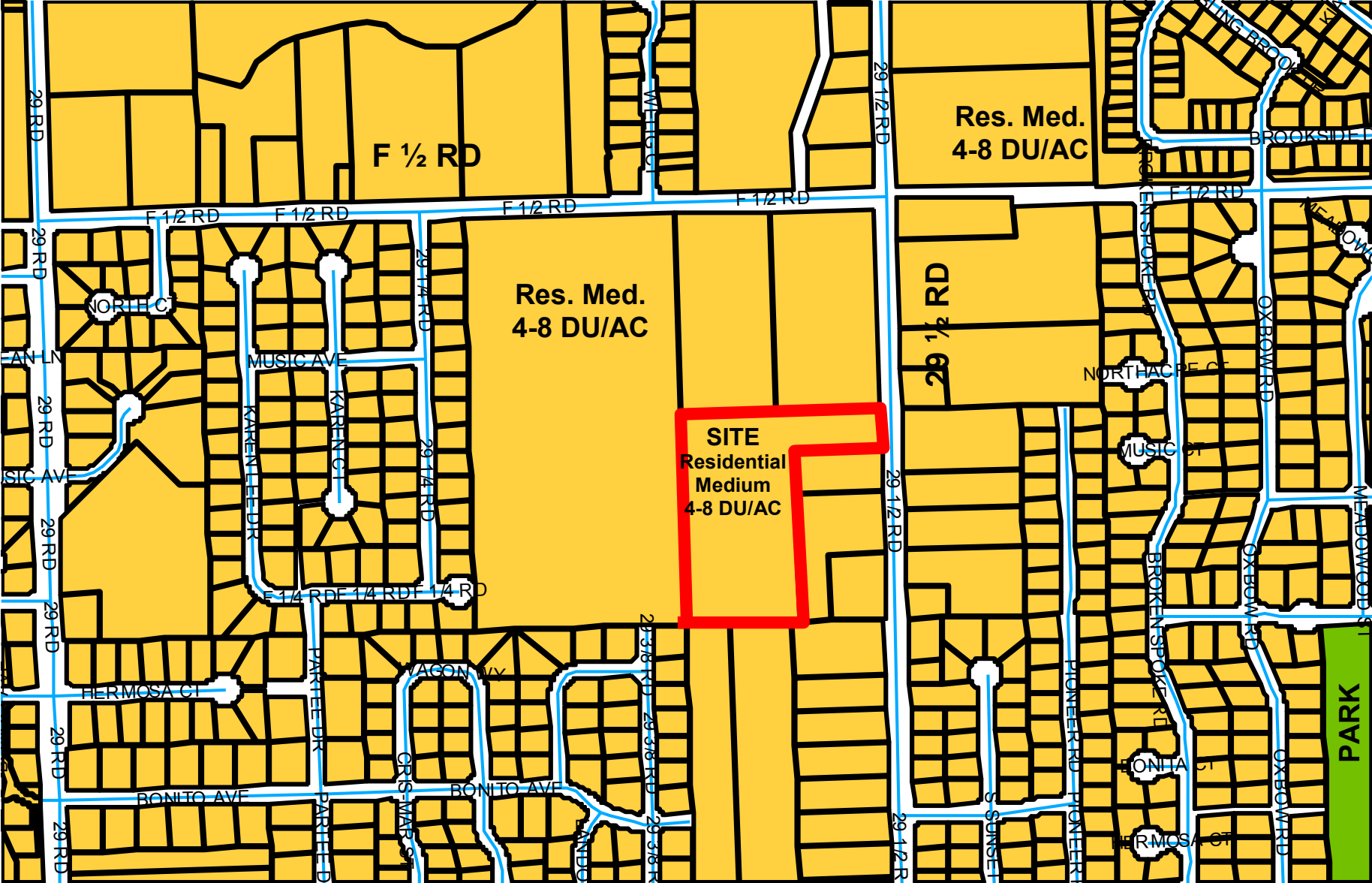
Site Location Map

Figure 1



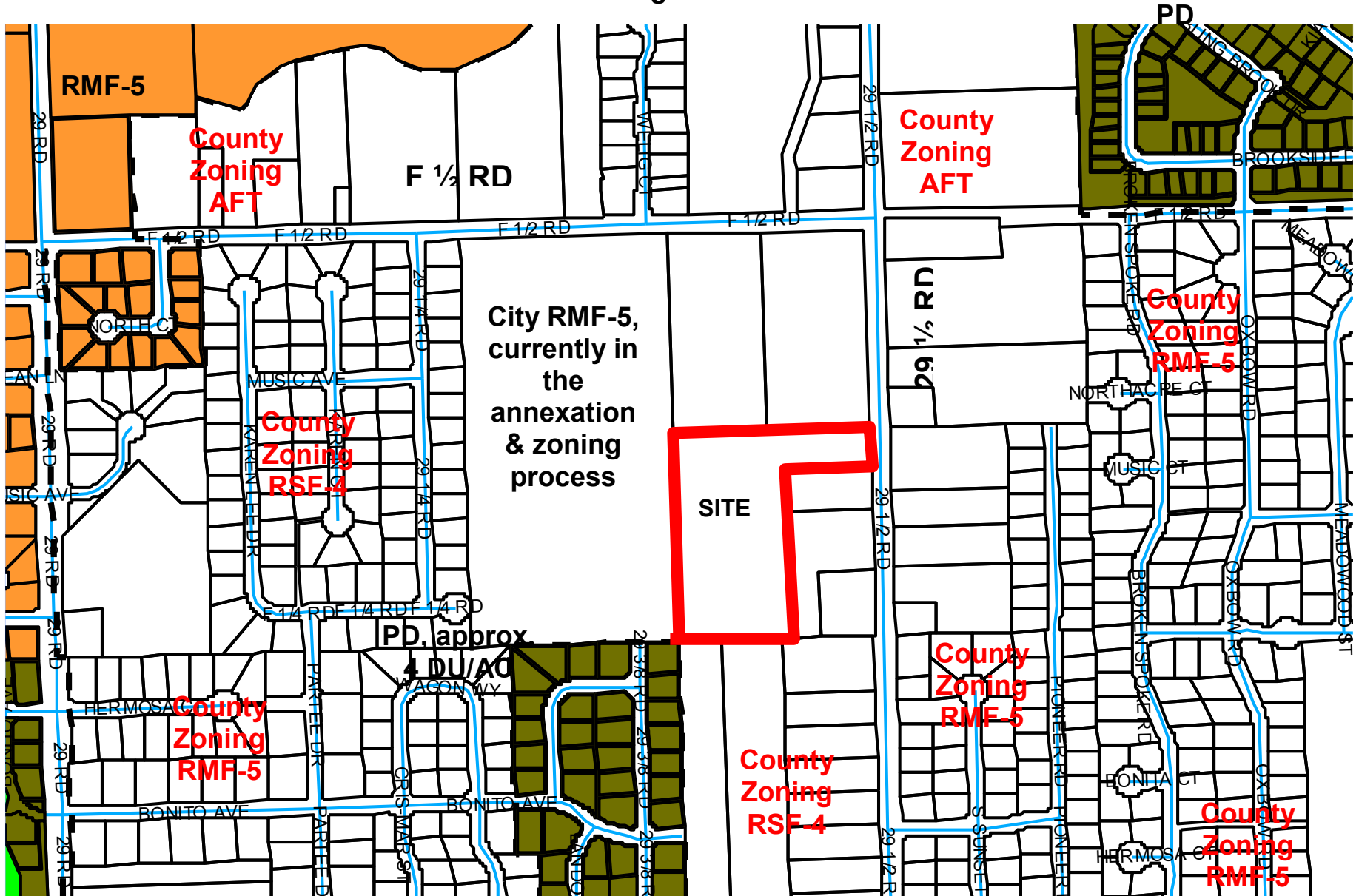
Future Land Use Map

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."

**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 3rd day of September, 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**

Holton Annexation

LOCATED AT 641 29 1/2 Road

WHEREAS, on the 3rd day of September, 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:

HOLTON ANNEXATION

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:

ALL of Lot 1, Plat of Holton's Hacienda, as same is recorded in Plat Book 13, Page 485, Public Records of Mesa County, Colorado, TOGETHER WITH, that certain portion of the 29-1/2 Road right of way, being described as the East 33.00 feet of the NE 1/4 SW 1/4 of said Section 5 lying between the Easterly extension of the North line of said Lot 1 and the Easterly extension of the North line of Lot 2, said Plat of Holton's Hacienda.

CONTAINING 6.2142 Acres (270,689.935 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 15th day of October, 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:

September 5, 2003
September 12, 2003
September 19, 2003
September 26, 2003

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

HOLTON ANNEXATION

APPROXIMATELY 6.2142 ACRES

LOCATED AT 641 29 1/2 Road

WHEREAS, on the 3rd day of September, 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 15th day of October, 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:

HOLTON ANNEXATION

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:

ALL of Lot 1, Plat of Holton's Hacienda, as same is recorded in Plat Book 13, Page 485, Public Records of Mesa County, Colorado, TOGETHER WITH, that certain portion of the 29-1/2 Road right of way, being described as the East 33.00 feet of the NE 1/4 SW 1/4 of said Section 5 lying between the Easterly extension of the North line of said Lot 1 and the Easterly extension of the North line of Lot 2, said Plat of Holton's Hacienda.

CONTAINING 6.2142 Acres (270,689.935 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 3rd day of September, 2003.

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

Attest:

President of the Council

City Clerk

Attach 5

Right-of-Way Vacation for 24 ¾ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Vacation of a portion of the right-of-way for 24 ¾ Road					
Meeting Date	September 3, 2003					
Date Prepared	August 25, 2003			VR-2003-162		
Author	Pat Cecil		Development Services Supervisor			
Presenter Name	Pat Cecil		Development Services Supervisor			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop		Formal Agenda	X	Consent	Individual Consideration

Summary: The petitioner is requesting approval of a vacation of a portion of the dedicated right-of-way for 24 ¾ Road, located between River Road and the Blue Heron Trail. The Planning Commission reviewed the request on August 26, 2003, and recommended approval of the vacation to the City Council.

Budget: N/A

Action Requested/Recommendation: Conduct the first reading of the vacation ordinance and schedule the public hearing and the second reading of the ordinance for September 17, 2003.

Attachments:

9. Staff Report/Background Information
10. General Location Map
3. Aerial Photo
4. Growth Plan Map
5. Zoning Map
6. Boundary Adjustment Plat showing building encroachment
7. Ordinance with Exhibit A

Background Information: See attached Staff Report/Background Information

BACKGROUND INFORMATION			
Location:		South of the junction of 24 3/4 Road and River Road	
Applicants:		Hytech Hydronics Systems, Inc. - Petitioner	
Existing Land Use:		City road right-of-way with a commercial building encroachment	
Proposed Land Use:		Vacate right-of-way and deed vacated right-of-way to adjacent property owners.	
Surrounding Land Use:	North	River Road and the railroad	
	South	<u>The Blue Heron Trail and the river</u>	
	East	<u>Industrial uses</u>	
	West	<u>Industrial uses</u>	
Existing Zoning:		Light Industrial (I-1)	
Proposed Zoning:		Same	
Surrounding Zoning:	North	Light Industrial (I-1)	
	South	Light Industrial (I-1)	
	East	Light Industrial (I-1)	
	West	Light Industrial (I-1)	
Growth Plan Designation:		Commercial-Industrial (east side) and Industrial (west side)	
Zoning within density range? N/A		Yes	No

PROJECT DESCRIPTION: The petitioner is requesting City approval of a vacation of a portion of 24 3/4 Road that lies south of River Road and north of the Blue Heron Trail. The area requested to be vacated is comprised of 13,154.21 square feet of area.

RECOMMENDATION: The Planning Commission recommends that the City Council approve of the right-of-way vacation with the findings of fact and conclusions listed in the staff report.

ANALYSIS:

1. Background: The portion of right-of-way that is being requested to be vacated has an industrial building encroaching within the right-of-way that was constructed in 1982.

The City had agreed in 1997 to vacate this portion of 24 ¾ Road in exchange for the petitioner's dedication of the Blue Heron Trail that crossed his land. The proposed vacation implements that agreement.

The proposed right-of-way to be vacated does not serve any other properties. The vacated right-of-way will be deeded to the two properties adjacent to the right-of-way. Net value of the right-of-way area is estimated to be \$10,000 once the value of the easements are deducted.

A 25' utility easement is proposed to be reserved on the west side of the vacated right-of-way, along with a 14' multi-purpose easement along the River Road frontage.

2. Consistency with the Growth Plan: The proposed right-of-way vacation does not conflict with any goals and policies of the Growth Plan or with the Grand Valley Circulation Plan therefore would be consistent with the Growth Plan.

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

Requests 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.

The portion of right-of-way requested to be vacated is not a component of the Grand Valley Circulation Plan or other plans adopted by the City of Grand Junction. There does not appear to be any conflicts with the Growth Plan.

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

No parcels will be vacated as a result of the right-of-way vacation.

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

Access to any parcels will not be affected by the vacation.

- 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 affects to public services.

- 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 vacation will not have any affect on public facilities or services.

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

The vacation has no impacts on maintenance requirements since it is unimproved right-of-way.

FINDINGS OF FACT/CONCLUSIONS: After reviewing the 24 ¾ Road right-of-way vacation application, (VR-2003-162) for the vacation of a portion of public right-of-way the Planning Commission made the following findings of fact and conclusions:

1. The requested right-of-way 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.

GENERAL PROJECT REPORT

A. Project Description

1. Location – 24³/₄ Road south of River Road and north of the river.
Address: 2475 River Road, Grand Junction, CO 81505
2. .164 acres
3. Vacating right-of-way, except for 14 foot multi-purpose reservation.

B. In May 1994, the City and the Riverfront Foundation entered into an agreement with Hytech Hydronics Systems, Inc. The agreement included the City vacating this right-of-way in exchange for an easement for the Blue Heron II Trail over Hytech Hydronics Systems, Inc. The public is benefiting from the trail today due to said exchange.

C. Not applicable.

D. 1. Vacating this right-of-way has no growth plan implications.

2. Industrial use and park.

3. No parcel shall be landlocked. Access to any parcel shall not be restricted unreasonably, economically prohibitive, nor will it reduce or devalue any property affected by the proposed vacation.

4. Not applicable.

5. Not applicable.

6. There shall be no adverse impacts on 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. There will be no impact.

7. Not applicable.

8. Not applicable.

9. Not applicable.

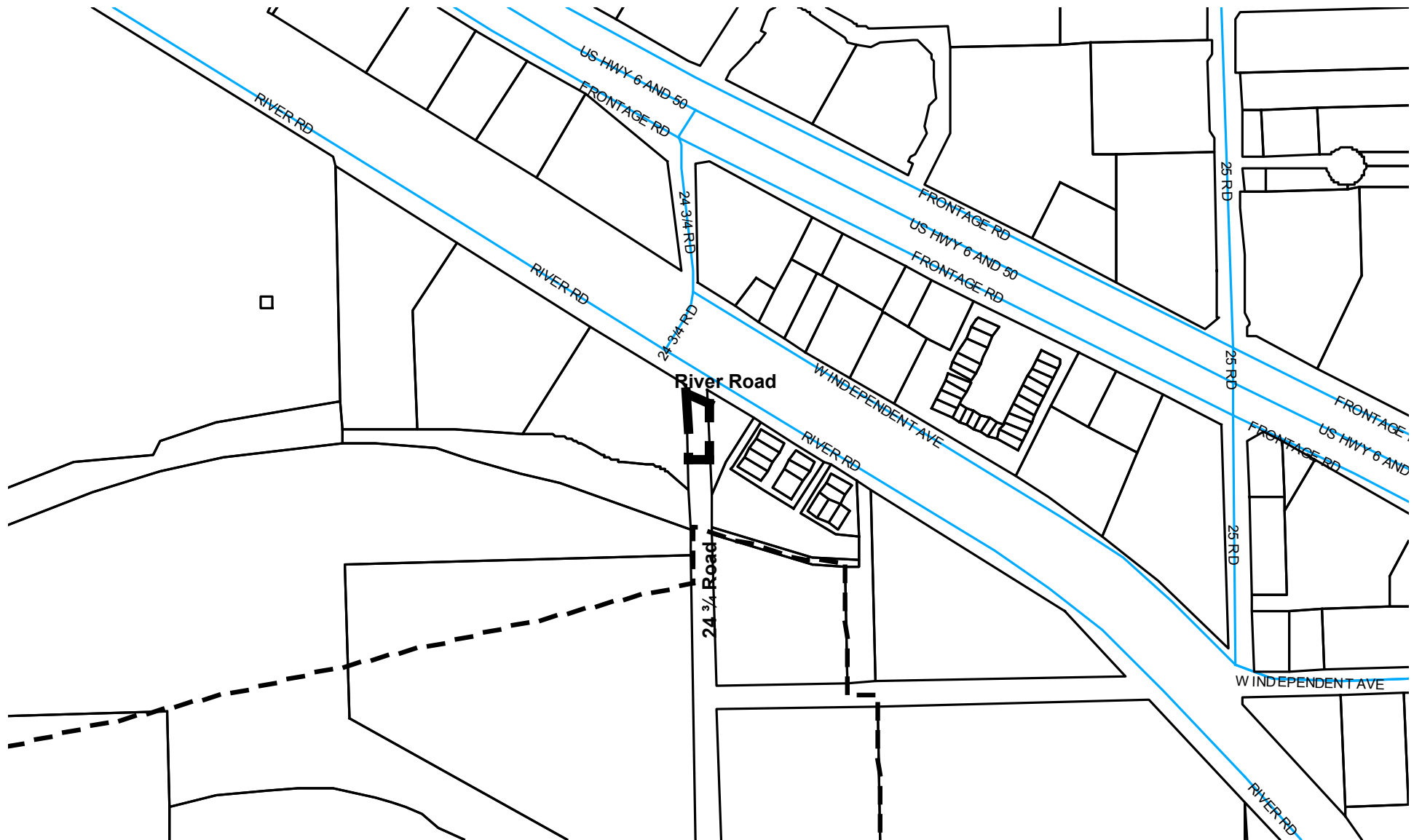
10. Not applicable.

11. Not applicable.

E. Not applicable.

Site Location Map

Figure 1

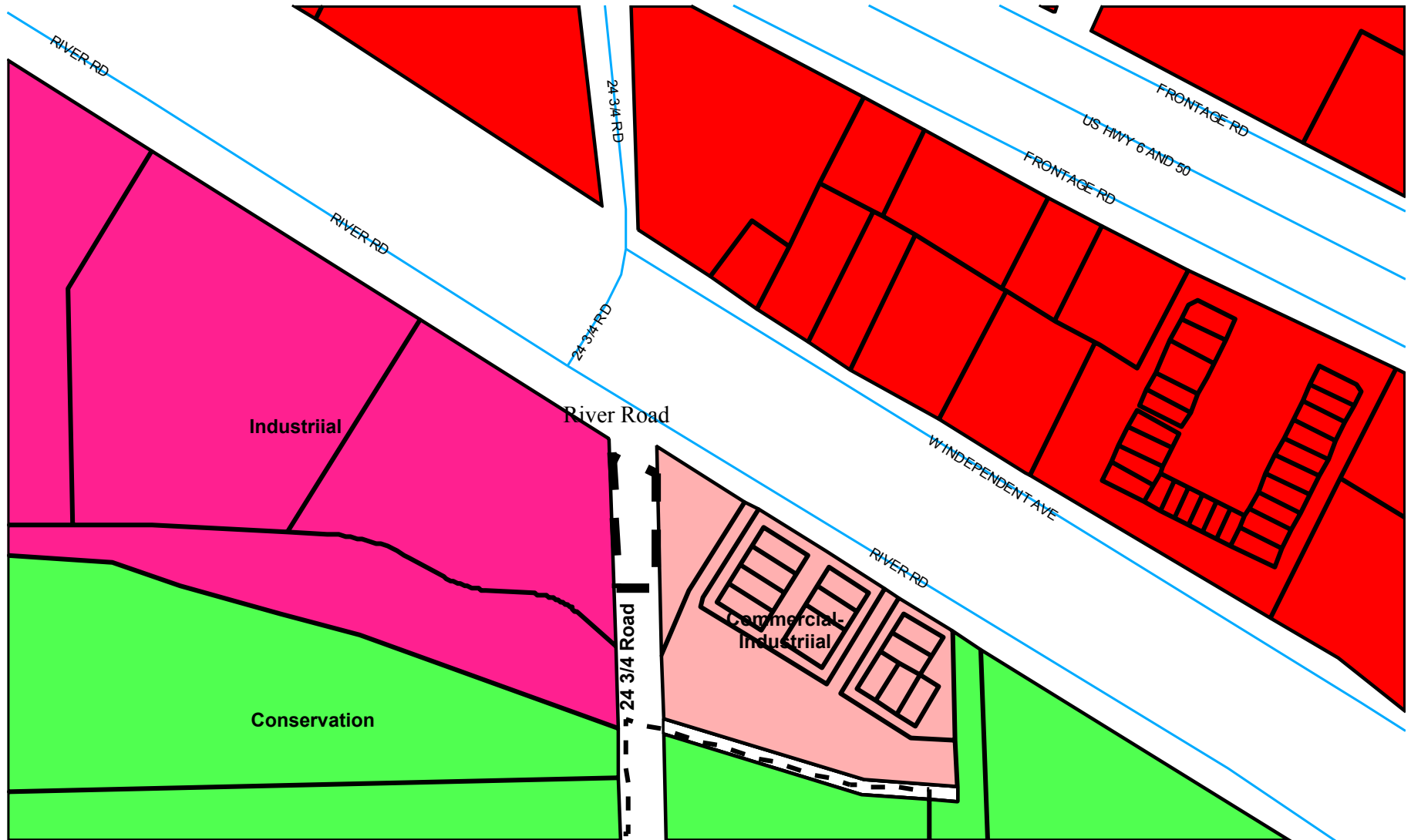


Aerial Photo Map



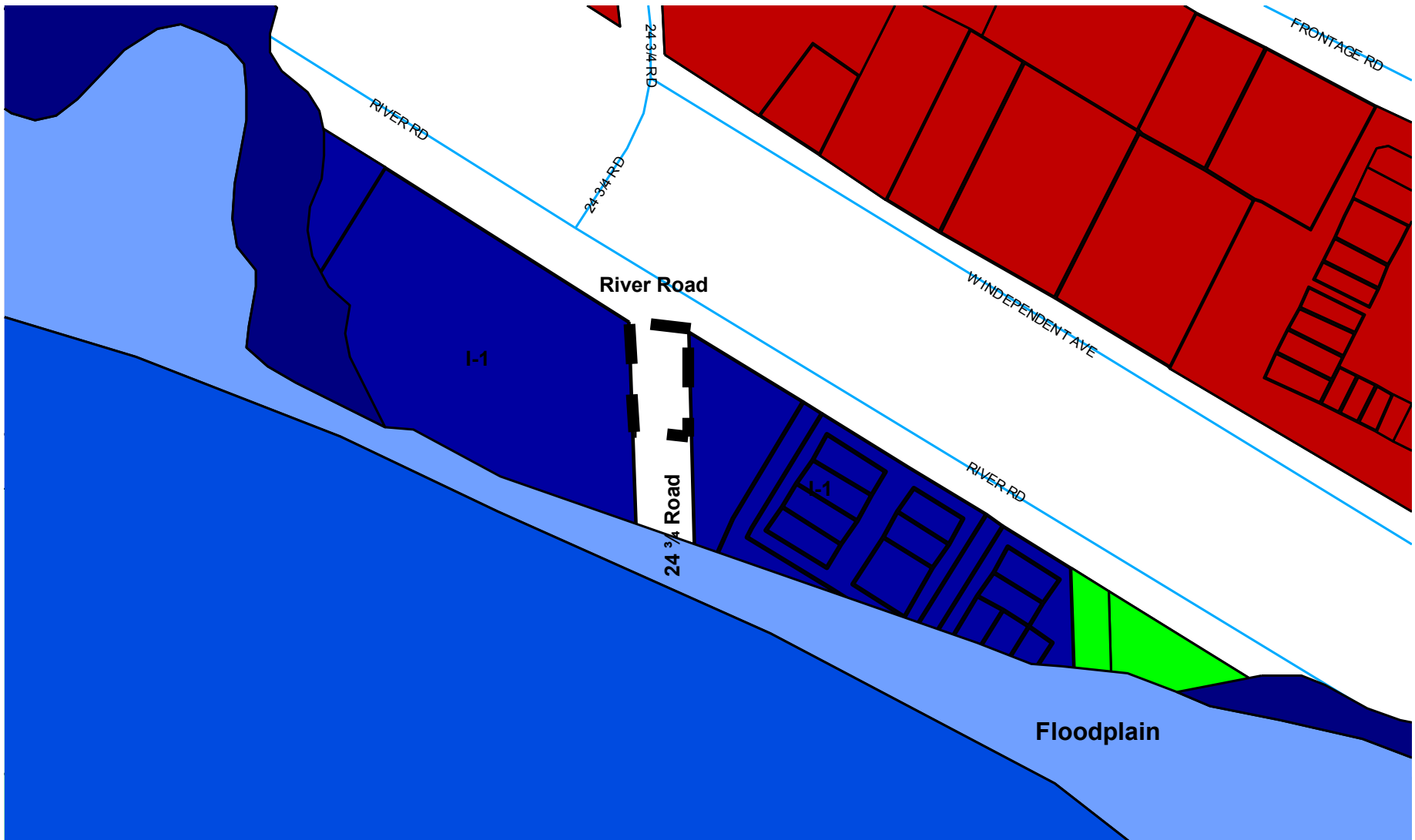
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



LOCATED

BOUNDARY LINE ADJUSTMENT PLAT

LOT 10, RIVERSIDE SUBDIVISION SE 1/4 SECTION 9, T.1 S., R.1 W., UTE MERIDIAN MESA COUNTY, COLORADO

C-6 1/2 CONVEY
SECTION 9
T.1 S. R.1 W.
POSITION RE-ESTABLISHED FROM 1955
SET BY F. W. HERRMAN, JR., SURV. CAP.
THOMPSON-LANGFORD CORP. P.L.S. 1848



0 50 FEET 100 150
GRAPHIC SCALE
1 INCH = 50 FEET

BASES OF BEARINGS 360 40 30 S. BETWEEN THE BLM MONUMENT FOR THE WEST ONE-SIXTEENTH CORNER AND THE MESA COUNTY SURVEY MONUMENT FOR THE ONE-QUARTER CORNER COMMON TO SECTIONS 10 AND 15 OF TOWNSHIP 1 SOUTH RANGE 1 WEST OF THE UTE MERIDIAN

PROPERTY DESCRIPTION

PARCEL 1
A portion of Lot 10 of Riverside Subdivision as recorded in Plat Book 1 at Page 28 of the records of the County of Mesa State of Colorado said parcel being more particularly described as follows:
NOTE All bearings cited herein are relative to 329°48'18"E between the BLM monument for the West one-sixteenth corner and the Mesa County Survey Monument for the one-quarter corner common to Sections 10 and 15 of Township 1 South Range 1 West of the Ute Meridian

Beginning at the Northeast corner of Matthews Subdivision as marked by a number five rebar said corner being on the North line of said Lot 10
Thence along the North line of said Lot 10 S 56°33'00" E a distance of 124.55 feet
Thence continuing along the North line of said Lot 10 107.76 feet along the arc of a 3711.12 foot radius curve to the right through a central angle of 01°39'44" with a chord bearing S 56°43'32" E a distance of 107.76 feet
Thence S 35°08'00" W a distance of 65.71 feet
Thence N 77°20'25" W a distance of 134.37 feet to the East line of the West sixty feet of said Lot 10
Thence N 85°18'35" W a distance of 23.00 feet to the East line of the West sixty feet of said Lot 10
Thence along said East line N 00°00'00" W a distance of 137.72 feet to the Point of Beginning

PARCEL 2
Lots 11 and 12 in Riverside Subdivision as recorded in Plat Book 1 Page 28 of the Mesa County records of Mesa State of Colorado.

EXCEPT That portion of said Lot 10 platted as Matthews Subdivision
AND EXCEPT a portion of said Lot 10 described as follows

NOTE All bearings cited herein are relative to 329°48'18"E between the BLM monument for the West one-sixteenth corner and the Mesa County Survey Monument for the one-quarter corner common to Sections 10 and 15 of Township 1 South Range 1 West of the Ute Meridian

Beginning at the Northeast corner of the West sixty feet of said Lot 10
Thence along the North line of said Lot 10 S 56°33'00" E a distance of 95.89 feet
Thence continuing along the North line of said Lot 10 107.76 feet along the arc of a 3711.12 foot radius curve to the right through a central angle of 01°39'44" with a chord bearing S 56°43'32" E a distance of 107.76 feet
Thence S 35°08'00" W a distance of 65.71 feet
Thence N 77°20'25" W a distance of 134.37 feet to the East line of the West sixty feet of said Lot 10
Thence along said East line N 00°00'00" W a distance of 137.72 feet to the Point of Beginning

NOTES

- This survey was performed without benefit of a current title commitment and does not constitute a title search by the surveyor of Thompson-Langford Corp. Except as addressed in Note 3 below the client did not request that easements or rights-of-way be researched or shown
- Line shown as approximate bank Colorado River was digitized from aerial photography
- Fifty foot road right-of-way for 24-3/4 Road shown as platted by Riverside Subdivision. Parcel adjoining to west is described by notes and bounds which runs approximately to the centerline of the right-of-way. Parcel adjoining to east is described as a portion of Lot 9 of Riverside Subdivision. No record of right-of-way. Parcel adjoining to north was discovered in the course of this survey. Right-of-way is currently being occupied as shown. It should be noted that any violation of this right-of-way may have the potential to landlock the parcel being the remainder of Lot 9 of Riverside Subdivision
- Matthews Subdivision a replat of part of Lots 9 and 10 of Riverside Subdivision is described by its plat found at the approximate centerline of 24-3/4 Road was apparently accepted as the Northwest corner of the parcel. The boundaries as staked were considered to be the best evidence of the intent of the parties to the plating of Matthews Subdivision as to its location

SURVEYOR'S STATEMENT

I, Kenneth Scott Thompson, a registered Professional Land Surveyor in the State of Colorado do hereby state that the Survey shown herein was prepared under my supervision and that the descriptions and plat hereon are accurate representations of said survey

Kenneth Scott Thompson
Surveyor
P.L.S. 18480
Date _____

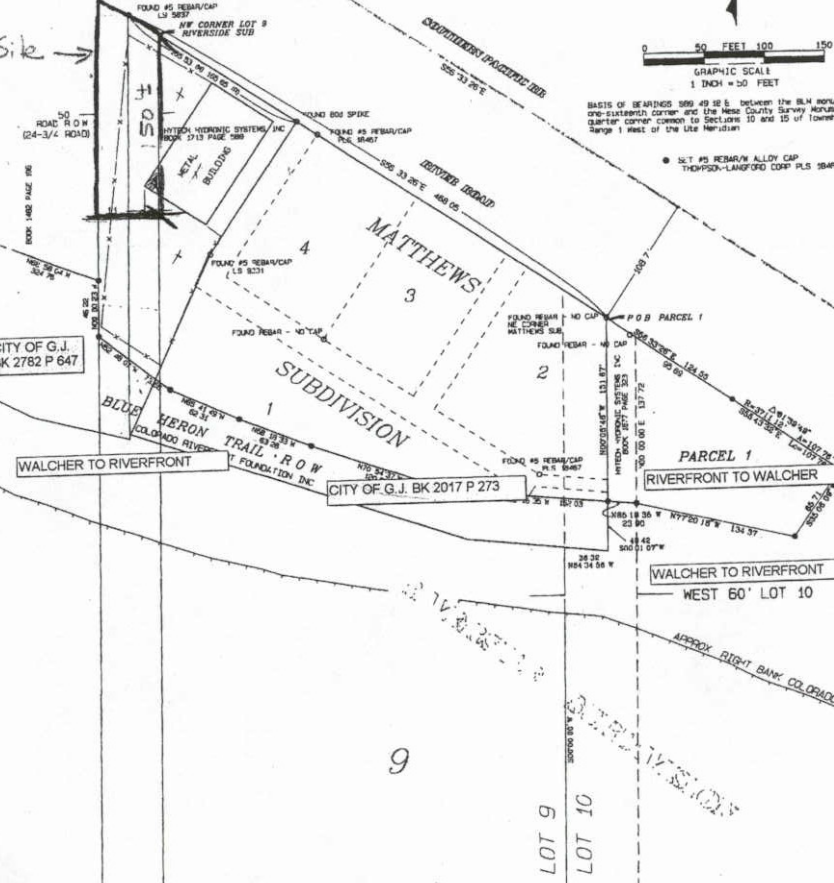
COLORADO RIVERFRONT FOUNDATION
HYTECH HYDRONIC SYSTEMS
BOUNDARY LINE ADJUSTMENT

SECTION NE/4 SE/4 S 9 TOWNSHIP 1 S RANGE 1 W MERIDIAN
THOMPSON-LANGFORD CORPORATION
529 25 1/2 ROAD - # B-210
Grand Junction CO 81505 (970) 243-60

Designed By DKS Checked By KST Job No 0006-0
Drawn By TERNAMUDEL Date March 14 1997 Sheet 1 of 1

LAND SURVEY DEPOSITS

Mesa County Surveyor's Office
Date 03-25-97
Book 1 Page 42
Reception No 1531-97



NOTICE: According to Colorado law you must commence any legal action based upon this plat within three years after you first discover such defect. In no event shall this notice be a bar to any action based upon this survey. The date of the certification shown hereon commences the time for filing from the date of the certification shown hereon.

CITY OF GRAND JUNCTION

Ordinance No.

**AN ORDINANCE VACATING A PORTION OF THE 24 ¾ ROAD RIGHT-OF-WAY
LOCATED BETWEEN RIVER ROAD AND THE BLUE HERON TRAIL**

RECITALS:

A vacation of a portion of the dedicated right-of-way for 24 ¾ Road has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

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

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

The following described dedicated right-of-way for 24 ¾ Road is hereby vacated subject to the listed conditions:

- 1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.**

The following right-of-way is shown on "Exhibit A" (Sheet 1 & 2) as part of this vacation of description.

Dedicated right-of-way to be vacated:

A portion of the following described public right-of-way for 24 ¾ Road, situate in the Southeast 1/4 of Section 9, Township 1 South, Range 1 West of the Ute Meridian, County of Mesa, State of Colorado, as dedicated with the plat of Riverside Subdivision, recorded in Plat Book 1 at Page 28 in the office of the Mesa County Clerk and Recorder, said right-of-way being more particularly described as follows, to wit:

Commencing at the Northwest Corner of Lot 9 of said Riverside Subdivision, and considering the West line of said Lot 9 to bear S 00°00'39" W with all bearings contained herein being relative thereto; thence along a line which is common with

the West boundary line of said Lot 9 and the East right-of-way line for 24 3/4 Road, S 00°00'39" W a distance of 23.95 feet to the True Point of Beginning;

Thence along said common line, S 00°00'39" W a distance of 263.56 feet to Northerly, whose long chord bears N 60°17'39" W with a long chord length of 19.60 feet; thence leaving said common line, Westerly along the arc of said curve, through a central angle of 10°50'39", a distance of 19.63 feet to a point of compound curvature of a 11,794.87 foot radius non-tangent curve, concave Northeasterly, whose long chord bears N 50°17'22" W with a long chord length of 42.85 feet; thence Northwesterly along the arc of said curve, through a central angle of 00°12'29", a distance of 42.85 feet to a point being the Southeast corner of Lot 3 of Barmac Subdivision as recorded in Plat Book 18 at Page 84 in the office of the Mesa County Clerk and Recorder;

Thence along a line which is common with the East boundary of said Lot 3 and the West right-of-way line for B 3/4 Road, N 00°00'39" E a distance of 259.44 feet to the Northeast corner of Lot 3 of said Barmac Subdivision;

Thence leaving said common line, S 56°35'44" E a distance of 59.89 feet to the Point of Beginning,

EXCEPTING THEREFROM the reservation by the City of a 14-foot wide Multi-Purpose Easement for the use and benefit of the City and for the use and benefit of the Public Utilities, as approved by the City, as Perpetual Easements for the installation, operation, maintenance, repair and replacement of utilities and appurtenances related thereto, as approved by the City, including, but not limited to, electric lines, cable television lines, natural gas pipelines, sanitary sewer lines, storm sewers and storm water drainage facilities, water lines, telephone lines, and also of the installation, operation, maintenance, repair and replacement of traffic control facilities, street lighting, landscaping, trees and grade structures, as approved by the City, on, along, over under, through and across the following described portion of the aforescribed right-of-way, to wit:

Commencing at the Northwest Corner of Lot 9 of said Riverside Subdivision; thence along a line which is common with the West boundary line of said Lot 9 and the East right-of-way line for 24 3/4 Road, S 00°00'39" W a distance of 23.95 feet to the True Point of Beginning;

Thence S 00°00'39" W along the West boundary of said Lot 9 a distance of 16.77 feet;

Thence leaving the West boundary line of said Lot 9, N 56°35'44" W a distance of 59.89 feet to a point on the West boundary line of Lot 3 of Barmac Subdivision as recorded in Plat Book 18 at Page 84 in the office of the Mesa County Clerk and Recorder;

Thence N 00°00'39" E along the West boundary line of said Lot 3 a distance of 16.77 feet to the Northeast Corner of said Lot 3;

Thence leaving the East boundary line of said Lot 3, S 56°35'44" E a distance of 59.89 feet to the Point of Beginning.

-AND-

EXCEPTING THEREFROM the reservation by the City of a 25-foot wide Utility and Drainage Easement for the use and benefit of the City and for the use and benefit of the Public Utilities, as approved by the City, as a Perpetual Easement for the installation, operation, maintenance, repair and replacement of utilities and appurtenances related thereto, and for the installation, operation, maintenance, repair and replacement of storm sewers and storm water drainage facilities and appurtenances related thereto, on, along, over under, through and across the following described portion of the aforescribed right-of-way, to wit:

Commencing at the Northwest Corner of Lot 9 of said Riverside Subdivision, and considering the West line of said Lot 9 to bear S 00°00'39" W with all bearings contained herein being relative thereto; thence along a line which is common with the West boundary line of said Lot 9 and the East right-of-way line for 24 3/4 Road, S 00°00'39" W a distance of 40.72 feet; thence leaving said common line, N 56°35'44" W a distance of 29.94 feet to a point on the West line of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of said Section 9 and being the True Point of Beginning; thence S 00°00'39" W along the West line of the NE 1/4 SE 1/4 of said Section 9, a distance of 246.96 feet to a point being the beginning of a 11,794.87 foot radius non-tangent curve, concave Northeasterly, whose long chord bears N 50°15'50" W with a long chord length of 32.50 feet; thence Northwesterly along the arc of said curve, through a central angle of 00°09'31", a distance of 32.50 feet to a point being the Southeast corner of Lot 3 of Barmac Subdivision as recorded in Plat Book 18 at Page 84 in the Office of the Mesa County Clerk and Recorder; Thence along a line which is common with the East boundary of said Lot 3 and the West right-of-way line for B 3/4 Road, N 00°00'39" E a distance of 242.67 feet; Thence leaving said common line, S 56°35'44" E a distance of 29.94 feet to the Point of Beginning.

Said easements shall include the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easements, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery. Further, said Easements shall not be burdened or overburdened by the installation, construction or placement of any structures or any other item or fixture which might be detrimental to the facilities of the City and/or the Public Utilities or which might act to prevent reasonable ingress and egress for workers and equipment on, along, over, under, through and across the Easement areas.

Said parcel containing an area of 0.302 Acres more or less, as described.

Introduced for first reading on this 3rd day of September, 2003

PASSED and ADOPTED this day of , 2003.

ATTEST:

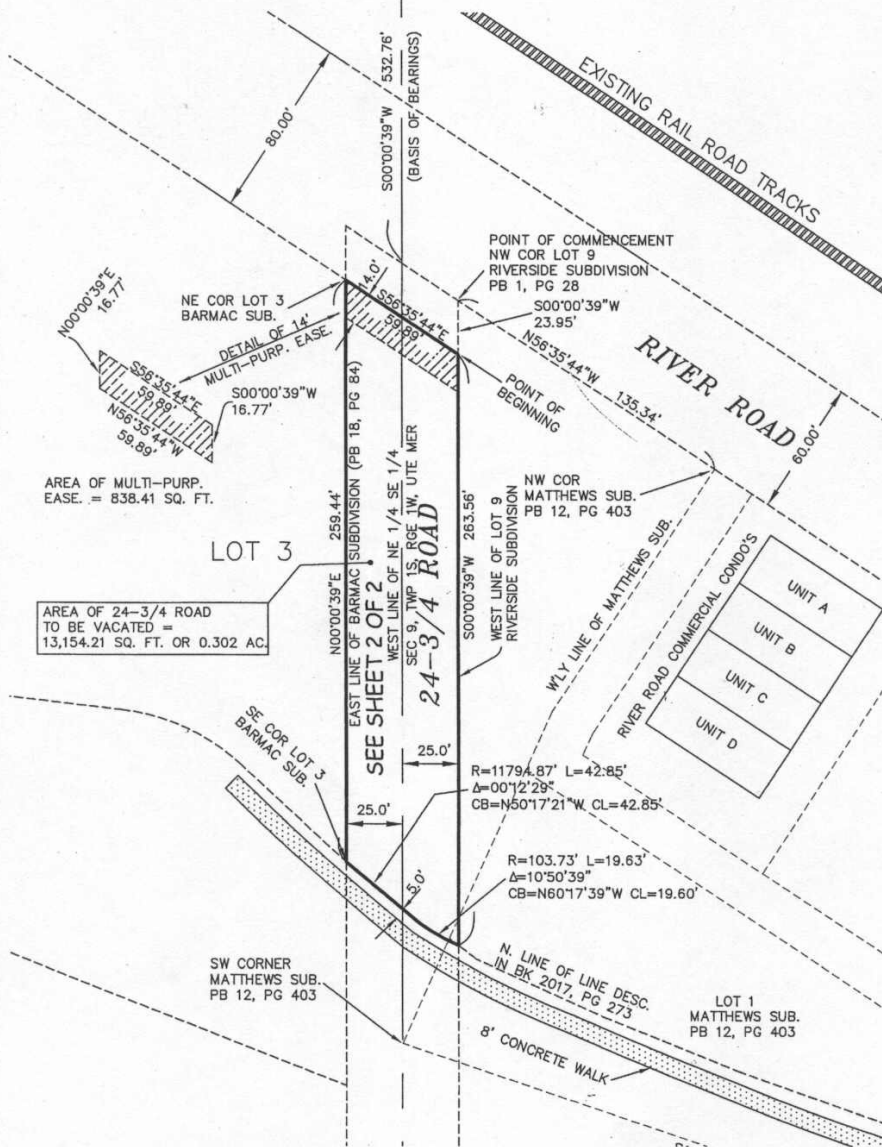
President of City Council

City Clerk

EXHIBIT "A"

REFER TO SHEET 1 OF 2 FOR
DETAIL OF UTILITY AND DRAINAGE EASEMENT

NW COR NE 1/4 SE 1/4
SEC 9, TWP 1S, RGE 1W
UTE MERIDIAN



AREA OF MULTI-PURP. EASE. = 838.41 SQ. FT.

AREA OF 24-3/4 ROAD TO BE VACATED = 13,154.21 SQ. FT. OR 0.302 AC.

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.

Sheet 1 of 2

THIS IS NOT A BOUNDARY SURVEY

REVISED: 8-20-2003

DRAWN BY: P.I.K.
DATE: 8-20-2003
SCALE: 1" = 60'
APPR. BY: TW
FILE NO: 24-3/4 VAC.

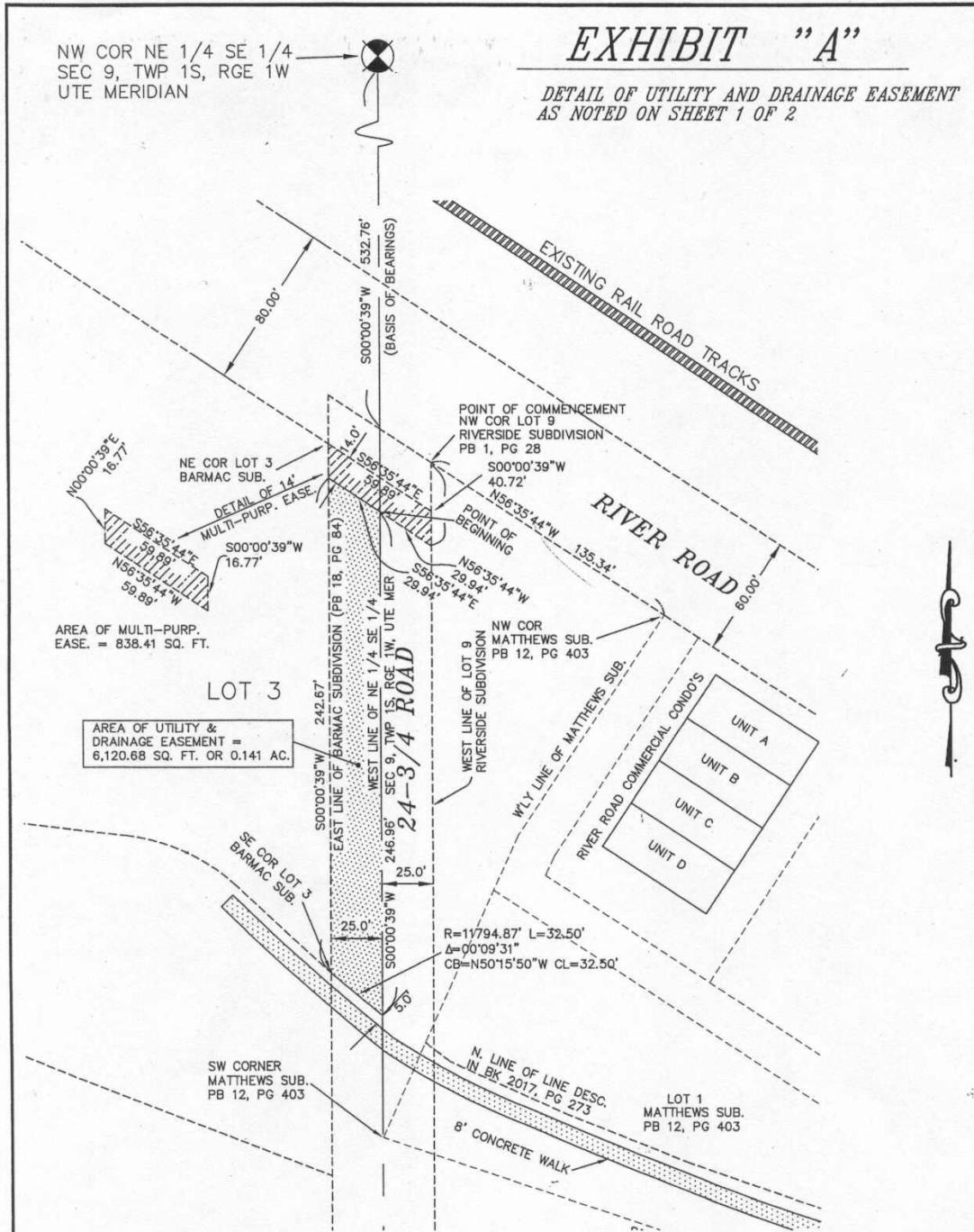
24 3/4 ROAD
RIGHT-OF-WAY VACATION MAP

DEPARTMENT OF PUBLIC WORKS
REAL ESTATE DIVISION
CITY OF GRAND JUNCTION

NW COR NE 1/4 SE 1/4
SEC 9, TWP 1S, RGE 1W
UTE MERIDIAN

EXHIBIT "A"

DETAIL OF UTILITY AND DRAINAGE EASEMENT
AS NOTED ON SHEET 1 OF 2



AREA OF MULTI-PURP. EASE. = 838.41 SQ. FT.

LOT 3
AREA OF UTILITY & DRAINAGE EASEMENT = 6,120.68 SQ. FT. OR 0.141 AC.

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.

Sheet 2 of 2

THIS IS NOT A BOUNDARY SURVEY

DRAWN BY: P.T.K.
DATE: 9-20-2002
SCALE: 1" = 60'
APPR. BY: TW
FILE NO: 24-3/4 VAC.

24 3/4 ROAD
UTILITY AND DRAINAGE EASEMENT

DEPARTMENT OF PUBLIC WORKS
REAL ESTATE DIVISION
CITY OF GRAND JUNCTION

Attach 6
2003 Curb, Gutter and Sidewalk Replacement
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	2003 Curb, Gutter, and Sidewalk Replacement					
Meeting Date	Wednesday September 3, 2003					
Date Prepared	August 20, 2003				File #	
Author	Mike Best			Sr. Engineering Technician		
Presenter Name	Tim Moore			Public Works Manager		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Bids were received and opened on August 19, 2003 for the **2003 Curb, Gutter, and Sidewalk Replacement**. The low bid was submitted by **Vista Paving Corporation** in the amount of **\$136,104.50**.

Budget: The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Total</u>
G & G Paving	Grand Junction, CO	\$160,428.20
Reyes Construction, Inc	Grand Junction, CO	\$145,332.00
BPS Concrete, Inc.	Grand Junction, CO	\$138,657.82
Vista Paving Corporation	Grand Junction, CO	\$136,104.50
Engineer's Estimate		\$152,103.81

Project Costs:

Construction Contract	\$136,104.50
Engineering to date	\$ 9,921.94
City inspection and Admin. (Estimate)	\$ 44,800.00
Total Project Costs	\$190,826.44

Funding:

	<u>2003 Budget</u>	
Water Department	301 -F04823	\$ 4,051.28
Accessibility	2011-F02000	\$ 1,359.00
Insurance Claim	2011-F00900	\$ 2,376.30

Curb, Gutter and Sidewalk	2011-F00900	\$183,039.86
Total		\$190,826.44

Curb Gutter and Sidewalk Repair Budget:

Contract	Paid or Encumbered	Cost
New Sidewalk Improvements	Encumbered	\$ 28,736.00
Concrete for the Overlays	Encumbered	\$ 51,163.00
Accessibility	Encumbered	\$ 12,000.00
Labor to date	Paid	\$ 25,450.00
Repairs paid to date	Paid	\$ 25,000.00
Curb, Gutter & Sidewalk Contract To be encumbered		\$183,039.44
Total		\$325,388.44
Activity Balance		\$ 14,611.56

Action Requested/Recommendation: Authorize the City Manager to execute a construction contract for the **2003 Curb, Gutter, and Sidewalk Replacement** with **Vista Paving Construction** in the amount of **\$136,104.50**.

Background Information: This project replaces broken and non draining curb, gutter and displaced sidewalks along city streets. City staff evaluates citizen calls along, with locations observed by our inspectors. Locations are selected based on a system of 1 to 5. 1 represents a displacement of one quarter of an inch and 5 represents a displacement of 1 ¼ inch or greater. This contract contains locations with 1 to 1 ¼ inch displacements. Vista Paving will be working at the 63 locations listed below.

12th Street West to City Limits / South of North Ave.

- Hwy. 340 @ Viduct (SE end of R/R bridge)
- 1st & Grand - West Island on 1st St.
- 1st & Grand - SW Corner (turn lane)
- 121 W. Rood Ave.
- 3rd & Rood Ave (NE & SW corners)
- 2nd St & Colo. Ave. (@ the Roundabout)
- 445 Pitkin Ave.
- 6th St. - Ute to Pitkin (east alley)
- 201 S. 5th St. (Drivetrain)
- 7th St & Colo. Ave. (NW Corner)
- 7th St & Main. (SW Corner)
- 600 White Ave. - on White side (White Hall)
- 629 Gunnison Ave.
- 625 Gunnison Ave.
- 615 Gunnison Ave.
- 605 Gunnison Ave.

620 & 626 Gunnison Ave.
610 Gunnison Ave.
602 Gunnison Ave.
545 Gunnison Ave.
506 Gunnison Ave.
634 5th St. (SE corner 5th & Gunnison)
200 Grand Ave.
828 Grand Ave.
241 N 4th Street new accessibility ramp

12th Street West to City Limits / North of North Avenue

1st St. & Kennedy
111 Texas Ave.
108 Hall Ave.
1709 W. Sherwood Dr.
121 Orchard Ave.
130 Orchard Ave.
1915 5th St.
1916 5th St.
1917 5th St.
555 Pinyon Ave.
565 Pinyon Ave.
1925 6th St. (on Pinyon side)
Bookcliff Dr. & Bookcliff Ct. (SW corner)
580 Northgate
2520 Weslo (on Commercial Dr.)
3403 Norwalk St.
346 Belaire
343 Mayfair
2537 Mira Vista
2542 Mira Vista
2532 Mira Vista
2557 Mira Vista
790 Wellington Ave.
850 Bookcliff Ave. (on Little Bookcliff -2nd driveway Apt. S-1)
8th St. & Texas Ave. (north intersection)
854 Bunting Ave.

12th St. East to City Limits / North of North Avenue

3201 Primrose Ct
3202 Primrose Ct
3615 Senna Way
3530 Senna Way

2320 Cyprus Ct.

2889 1/2 Kiowa Ct.

28 1/4 Rd. & Orchard (SE Corner)

1360 17th St.

South of North Avenue / East of 12th Street

1361 Main St.

404 25th St. (on Grand Ave.) - also see 405 26th St.

405 26th St. (on Grand Ave.) - also see 404 25th St.

2840 B 1/2 Rd. (Evangelical Church)

Attach 7
North Terrace Drive Sewer Improvement District
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Award of Construction Contract for North Terrace Drive Sewer Improvement District.					
Meeting Date	September 3, 2003					
Date Prepared	August 27, 2003					
Author	Trent Prall		City Utility Engr			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: Award of a Construction Contract for **North Terrace Drive Sewer Improvement District** to MA Concrete Construction in the amount of **\$104,596.00**. Since this district is in the unincorporated area, this award is contingent upon the County Commissioners forming the sewer improvement district on September 4, 2003.

Budget: This project was budgeted for 2003 construction. Sufficient funds have been transferred from fund 902, the sewer system General Fund, to pay for costs associated with this proposed improvement district. Except for the 30% Septic System Elimination contribution, this fund will be reimbursed by assessments to be levied against the 12 benefiting properties, as follows:

Project Costs:

Estimated Project Costs (w/o storm sewer)	\$95,106.00	\$7,925.50 / lot
-30% Septic System Elimination Contribution by City	(\$27,931.00)	(\$2,327.58) / lot
Total Estimated Assessments	\$67,175.00	\$5,597.92 / lot

Total Construction Contract is \$104,596. Mesa County will pay for costs associated with construction of the storm sewer component of the project that total \$27,546.00. The remaining \$77,050 construction cost will be paid for by the improvement district as outlined above.

Action Requested/Recommendation: Authorize the City Manager to execute a Construction Contract for the North Terrace Drive Sewer Improvement District with MA Concrete Construction in the amount of **\$104,596.00** contingent on the formation of the District by the Mesa County Board of County Commissioners

Background Information: This project will be constructed under the Septic System Elimination Program that was adopted by City Council and Mesa County Commissioners in May of 2003. This program encourages neighborhoods to form sewer improvement districts such as this one by providing financing for the project as well as underwriting 30% of the costs to extend sewer service to their property lines. By the end of 2003, the Septic System Elimination Program will have extended sewer to 813 properties over the last three years (not including this district).

The owners of real estate located along North Terrace Drive east of 20½ Road, north of Highway 340, have petitioned the Mesa County Board of County Commissioners to create an improvement district for the installation of sanitary sewer facilities. The BOCC will legally form the sewer improvement district on September 4, 2003 based on bids received. Bids were received and opened on June 24, 2003 for North Terrace Drive Sewer Improvement District.

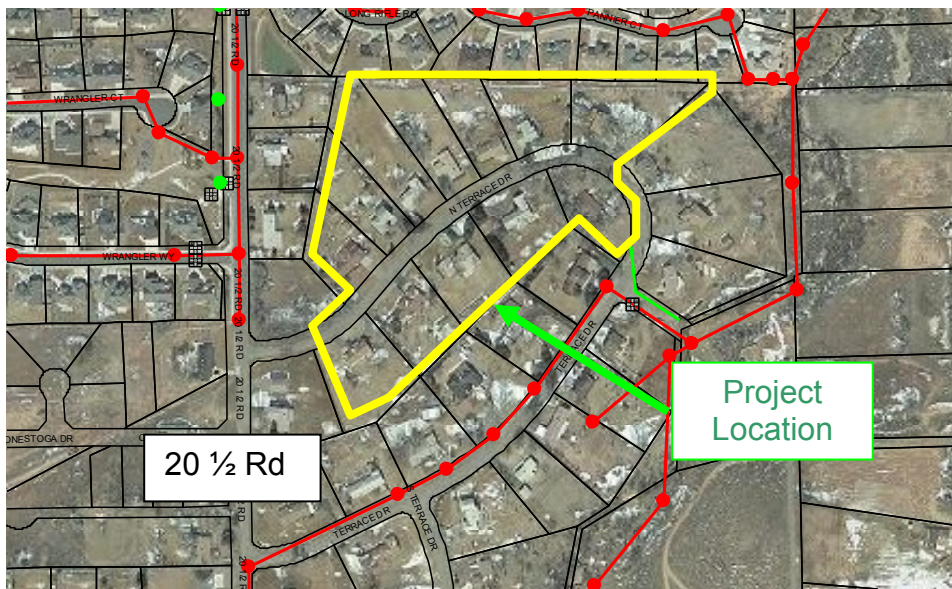
This contract would construct over 1,290 feet of sanitary sewer along North Terrace Drive located north east of the intersection of Highway 340 and 20½ Road. Included in the contract is \$27,546.23 for storm sewer improvements to the neighborhood that will be paid by Mesa County and will not be an assessable cost to the Sewer Improvement District.

Should the District be formed, work is scheduled to begin on or about September 30, 2003 and continue for 30 calendar days with an anticipated completion date of October 29, 2003.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
M.A. Concrete	Grand Jct.	\$104,596.00
Sorter Construction	Grand Jct.	\$131,229.00
Engineer's Estimate		\$126,875.00

Project Location:



Attach 8
Setting a Bond Election for the Riverside Parkway
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Setting a Bond Election for the Riverside Parkway					
Meeting Date	September 3, 2003					
Date Prepared	August 26, 2003				File #	
Author	Ron Lappi		Administrative Services Director			
Presenter Name	Ron Lappi Mark Relph		Administrative Services Director Public Works & Utilities Director			
Report results back to Council		No	X	Yes	When	November 5, 2003
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: A Resolution Calling a Special Election in the City of Grand Junction, Colorado Concerning the Issuance of Bonds to Finance the Riverside Parkway; and Providing Other Details Relating Thereto.

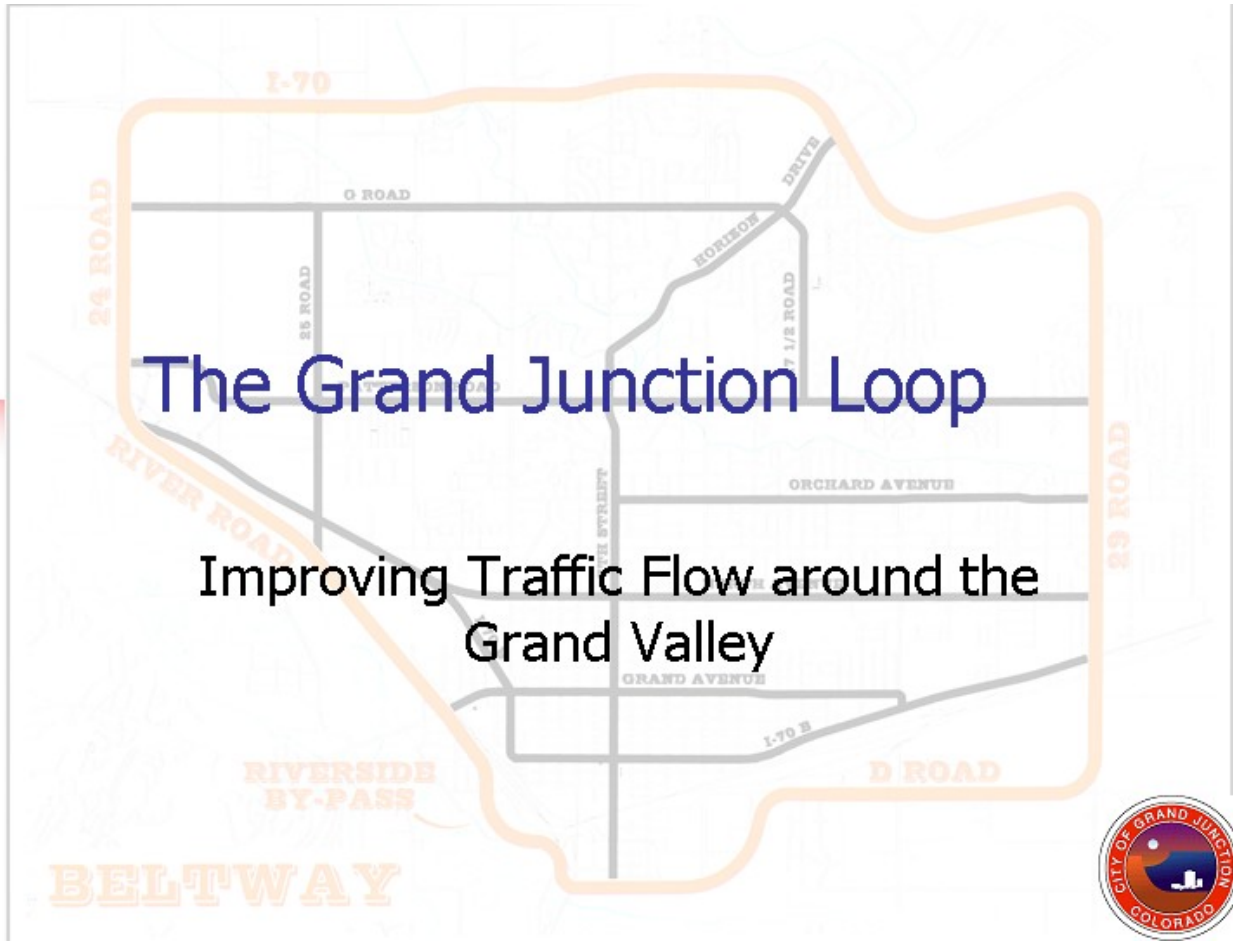
Budget: The bond question asks voters to approve utilizing bonds, not to exceed \$80 million, to build the Riverside Parkway from 24 Road to 29 Road and completion of the 29 Road Corridor. Annual budget impact of borrowing versus cash flowing the project over 20 years is approximately equal.

Action Requested/Recommendation: Approve a Resolution calling for a bond election on November 4, 2003 and setting the bond question.

Attachments: Resolution and PowerPoint presentation.

Background Information: This project has been worked on by the Public Works staff, consultants, and a citizens' advisory group for several years. The project is needed to reduce current and projected traffic congestion along the I-70 business loop and other through-town corridors. The bonds are to be repaid from the City's General Fund Revenues and are expected to be repaid from Sales and Use Taxes of the City's General Fund and Sales Tax Capital Improvement Fund.

The proposed bond question clearly states that the bond approval will not increase any existing tax nor authorize any new taxes. Repayment of the bonds with interest will come from currently authorized taxes and revenue only. Our consultants on this project have advised the City Council that bonding interest rates are at 40 year lows, which makes this financing option extremely attractive to the City. If approved, the first portion of the bonds would be issued in 2004, which will result in the entire project being completed in 6 to 8 years instead of 20 (with no added cost to the taxpayers).



The Grand Junction Loop

Improving Traffic Flow around the Grand Valley



Transportation Challenges

- MPO traffic modeling for future congestion problems
- City of GJ Strategic Plan
 - Citizen Survey – Growth and Traffic
 - Council Identified Priority
- GJ Chamber of Commerce Survey
 - Business Plan identifies acceleration of transportation projects as top priority

Grand Junction's Transportation Goals

- **Provide System Flexibility**
- **Reduce traffic congestion in key corridors**
 - **I-70B (1st & Grand to the Mall)**
 - **Ute and Pitkin**
 - **5th Street**
- **Provide safe and efficient alternative routes**





Grand Junction's Transportation Goals

- **Provide free-flowing, full-movement options at critical connections**
- **Limit access for safety and efficiency**
- **Eliminate at-grade R/R crossings**





Developing New Connections

- 1977, *West of Grand Junction EIS* identified a new corridor in Riverside location
- 1999, *West Metro Transportation Study*
 - GJ & County project managed by the MPO
 - Key goals:
 - Expanded & tested the conclusions of the 1996 North-South Corridor Study
 - Examined the need for the Riverside Parkway
 - Overall cost/benefit & priority approach



West Metro Recommendations

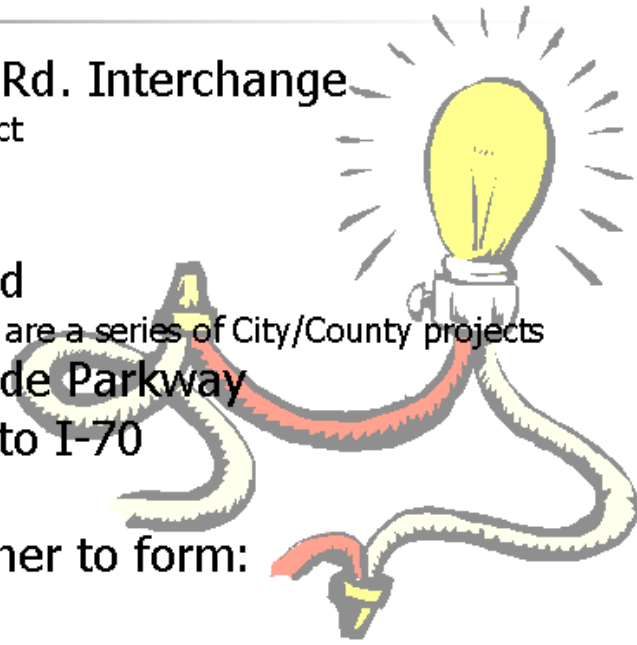
- Final report presented to the GJ Council & County Commissioners
- Four specific project recommendations:
 - Construct the Riverside Parkway
 - Construct 29 Road and I-70 Interchange
 - Construct 29 Road river bridge and I-70B viaduct
 - 24 Road – widening and I-70 improvements
- Need for entire 29 Road corridor confirmed with the 30 Road underpass

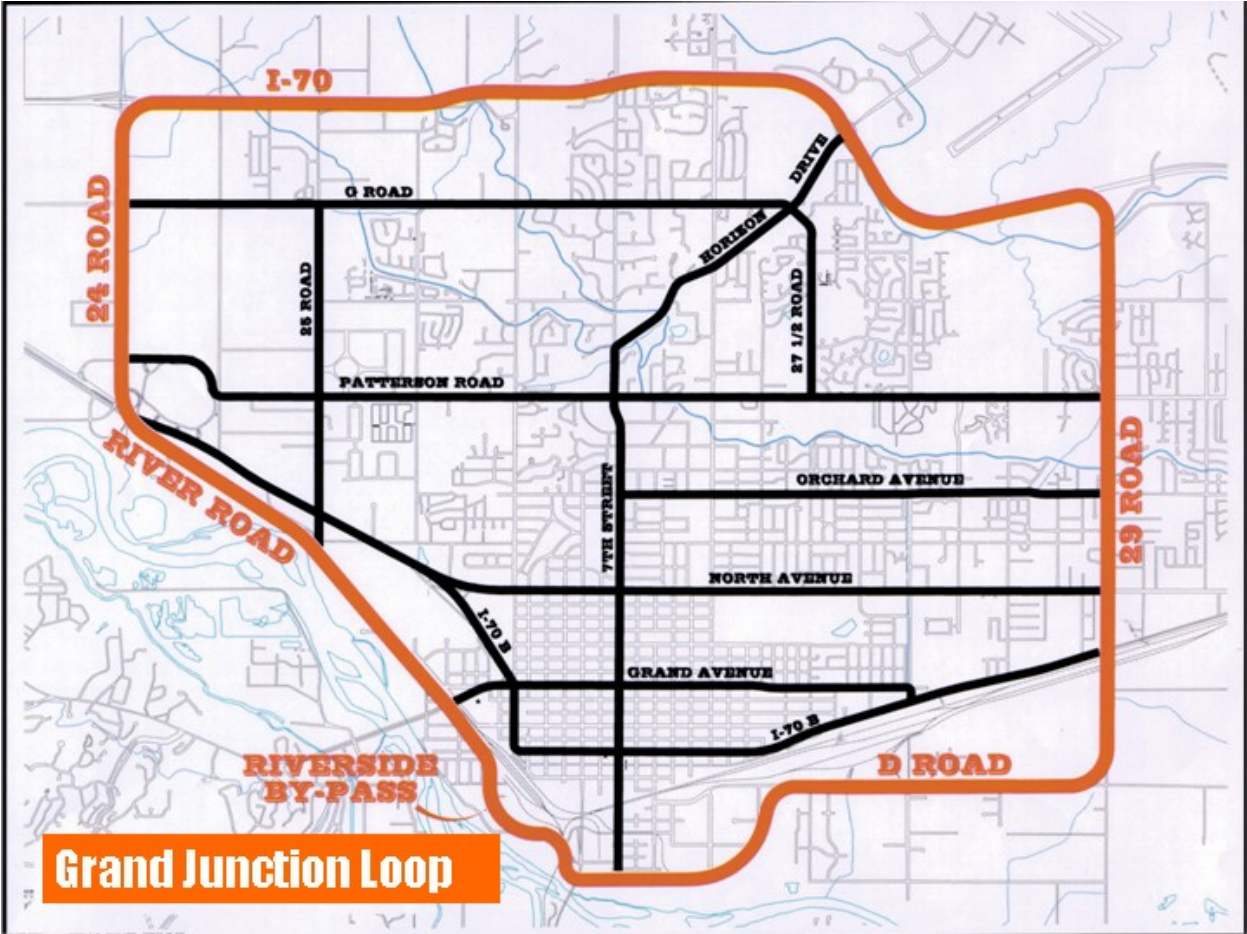


Connecting Corridors

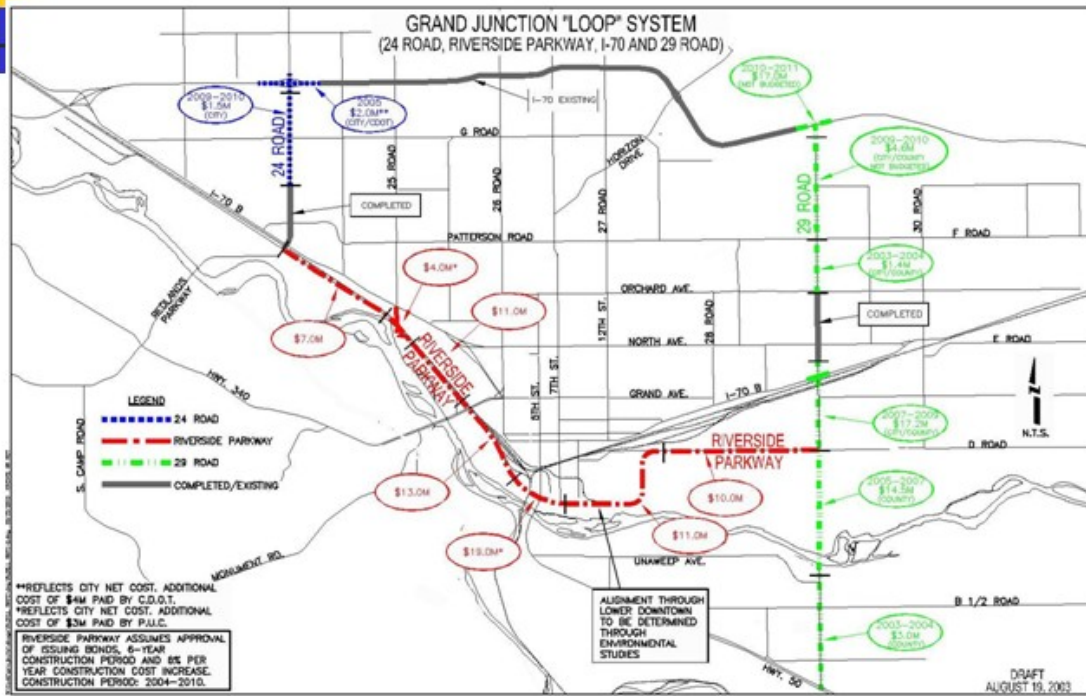
- **Improve the 24 Rd. Interchange**
 - Current STIP project
- **Widen 24 Road**
 - Current City CIP
- **Improve 29 Road**
 - Currently, portions are a series of City/County projects
- **Build the Riverside Parkway**
- **Connect 29 Rd. to I-70**

Put them all together to form:





Estimated Projects & Costs



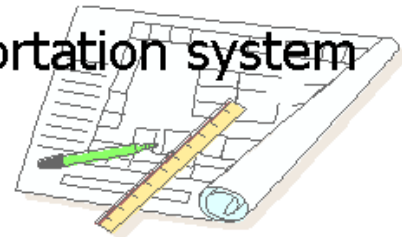
Requires Partnerships

- GVRTC
- City of Grand Junction
- Mesa County
- CDOT
- Union Pacific Railroad



Following the Map to Success

- Community problem, community solution
- Working with all partners
- Bonding to build now, rather than later
 - Timing for construction & bond rates
 - Good public value
- Integral part of transportation system for decades into future

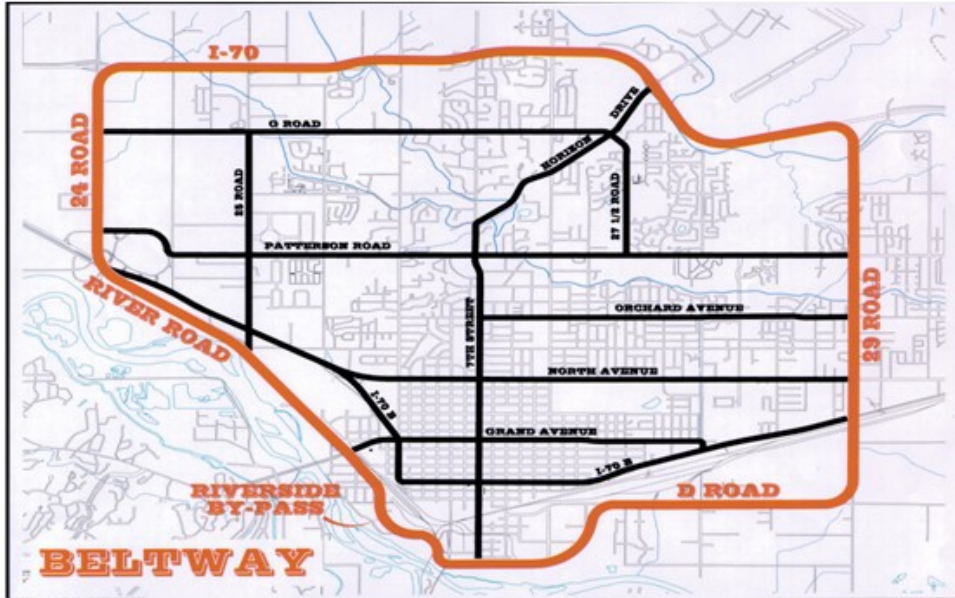


Next Steps

- GJ is requesting:
 - GVRTC support
 - staff provide for the GVRTC policy makers consideration of a schedule and funding plan



Questions?



RESOLUTION NO. ___

Series of 2003

A RESOLUTION CALLING A SPECIAL ELECTION IN THE CITY OF GRAND JUNCTION, COLORADO CONCERNING THE ISSUANCE OF BONDS TO FINANCE THE RIVERSIDE PARKWAY; AND PROVIDING OTHER DETAILS RELATING THERETO

WHEREAS, the City of Grand Junction, in the County of Mesa and State of Colorado (the "City"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter (the "Charter"); and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, the Council hereby finds and determines that it is in the public interest to finance the construction of the Riverside Parkway in the City and that it is necessary to issue bonds for such purpose; and

WHEREAS, Article X, Section 20 of the Constitution ("TABOR") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established by TABOR; and

WHEREAS, TABOR requires the City to submit ballot issues (as defined in TABOR) to the City's electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 4, 2003, is one of the election dates at which ballot issues may be submitted to the City's electors pursuant to TABOR; and

WHEREAS, the County Clerk of Mesa County (the "County Clerk") is conducting a coordinated election on November 4, 2003, pursuant to Section 1-7-116, C.R.S.

WHEREAS, the Council is of the opinion that the City should seek voter approval to issue debt for the purposes provided in this resolution; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

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

All actions heretofore taken (not inconsistent with the provisions of this resolution) by the City and the officers thereof, directed towards the election and the objects and purposes herein stated are hereby ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings defined in Section 1-1-104, C.R.S., and TABOR.

Pursuant to the Uniform Election Code and all other applicable laws of the State of Colorado, the Council hereby determines that an election shall be held on November 4, 2003, at which there shall be submitted to the registered electors of the City the question set forth in Section 3. hereof. The City shall participate in the coordinated election being conducted by the County Clerk on November 4, 2003. The officers of the City are authorized to enter into an intergovernmental agreement with the County Clerk pursuant to Section 1-7-116 of the Uniform Election Code. Any such intergovernmental agreements heretofore entered into in connection with the Election are hereby ratified, approved and confirmed.

The Council hereby authorizes and directs the designated election official to certify to the County Clerk, on or before September 10, 2003, the ballot issue in substantially the form of the following question:

“SHALL CITY OF GRAND JUNCTION DEBT BE INCREASED \$80,000,000, WITH A REPAYMENT COST OF \$134,000,000 (WITHOUT ANY INCREASE OF ANY EXISTING TAXES AND WITHOUT IMPOSING ANY NEW TAXES) TO PROVIDE FINANCING FOR THE PURPOSE OF ACCELERATING AND COMPLETING ROAD IMPROVEMENTS KNOWN AS THE RIVERSIDE PARKWAY (FROM 24 RD. TO 29 RD.) AND THE 29 ROAD TRANSPORTATION CORRIDOR AND PAYING COSTS OF THE FINANCING, INCLUDING RESERVES; PROVIDED THAT THE SPECIFIC TERMS OF THE DEBT, INCLUDING A PROVISION FOR EARLY REPAYMENT WITH OR WITHOUT A PREMIUM, AND THE PRICE AT WHICH IT WILL BE SOLD SHALL BE DETERMINED BY THE CITY AS NECESSARY AND PRUDENT?”

The Council hereby appoints the City Clerk as the designated election official for purposes of performing acts required or permitted by law in connection with the election. Pursuant to Section 1-1-111(2), C.R.S., all powers and authority granted to the Council may be exercised by the designated election official, including but not limited to the power to appoint election judges.

If a majority of the votes cast on the question to authorize the bonds submitted at the election shall be in favor of issuance of the bonds as provided in such question, the City acting through the Council shall be authorized to proceed with the necessary action to issue the bonds in accordance with such question. Any authority to issue the bonds, if conferred by the results of the election, shall be deemed and considered a continuing authority to issue the bonds so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred

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

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

All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

INTRODUCED, READ, APPROVED AND ADOPTED September 3, 2003.

President of Council

ATTEST:

City Clerk

STATE OF COLORADO)
)
COUNTY OF MESA) SS.
)
CITY OF GRAND JUNCTION)

I, the City Clerk of the City of Grand Junction, Colorado, do hereby certify

1. That the foregoing pages are a true, perfect and complete copy of the Resolution adopted by the City Council constituting the governing board of the City of Grand Junction (the ‘City Council’), had and taken at an open, regular meeting of the City Council held at the City Hall, in Grand Junction, Colorado, on September 3 2003, convening at the hour of 7:30 p.m. as recorded in the regular book of official records of the proceedings of said City of Grand Junction kept in my office.

2. That the Resolution was read by title, duly moved and seconded and the Resolution was approved by a vote of ___ to ___ of the members of the City Council, as follows:

Those Voting Yes: _____

Those Voting No: _____

Those Abstaining: _____

Those Absent: _____

3. Notice of the meeting of September 3 2003, in the form attached hereto as Exhibit A was posted at the City Hall, not less than 24 hours prior to each meeting in accordance with law.

WITNESS my hand and the seal of said City affixed this September __, 2003.

City Clerk

(SEAL)

EXHIBIT A
NOTICE OF MEETING

Attach 9
IGA with Mesa County for Participating Coordinated Election
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Intergovernmental Agreement with Mesa County for Participating in the November 4, 2003 Coordinated Election							
Meeting Date		September 3, 2003							
Date Prepared		December 16, 2011							
Author		Stephanie Tuin			City Clerk				
Presenter Name		Stephanie Tuin			City Clerk				
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When			
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name			
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Individual Consideration

Summary: Approve an Intergovernmental Agreement with the Mesa County Clerk for the City to participate in the Coordinated Election scheduled for November 4, 2003. The City is placing a bond question for the construction of the Riverside Parkway from 24 Road to 29 Road on the ballot.

Budget: Mesa County has estimated the cost for the City to have a single question on the coordinated ballot, including the costs of the TABOR notice, to be \$30,000. Since this is a special Election and was not anticipated during the 2003 budget appropriation, an additional budget appropriation will be required, and has been requested through the year end budget adjustment process.

Action Requested/Recommendation: Authorize the City Clerk as the Designated Election Official to sign the Intergovernmental Agreement with Mesa County Clerk and Recorder to allow participation in the 2003 coordinated election.

Attachments: The proposed Intergovernmental Agreement

Background Information: Since the County has an election scheduled for November 4, State Law would prohibit the City from holding a special election prior to or for 32 days afterward. The other option is to "opt out" of the coordinated election and conduct our own mail ballot but the TABOR Pro/con Statement would still have to be

coordinated. The cost estimate for participating on the County ballot is \$30,000. Coordinating the election with the County is the most cost-effective method and would result in the best voter participation.

**INTERGOVERNMENTAL AGREEMENT
CITY OF GRAND JUNCTION
COORDINATED MAIL BALLOT ELECTION - NOVEMBER 4, 2003**

The following shall represent the Intergovernmental Agreement between the Mesa County Clerk and Recorder, hereinafter referred to as "Clerk" and The City of Grand Junction, hereinafter referred to as "Political Subdivision", as required by §1-7-116(2), C.R.S. (2003):

1. PURPOSE: Pursuant to the terms of this agreement, Clerk and Political Subdivision hereby agree to the conduct of a Coordinated Mail Ballot Election on **November 4, 2003** (hereafter, the Coordinated Election). The Coordinated Election may involve more than one political subdivision with overlapping boundaries, and the Clerk shall serve as the Coordinated Election Official (CEO) for all political subdivisions involved in the Coordinated Election. The Political Subdivision agrees to appoint a Designated Election Official (DEO) who will have primary responsibility for election procedures that are the responsibility of the Political Subdivision. The Coordinated Election shall be held under the provisions of Title I of the Colorado Revised Statutes.
2. PRECINCTS AND VOTED BALLOT RETURN LOCATIONS: Precincts shall remain as currently established and locations for the deposit of voted ballots not returned through the United States Postal Service will be those - designated by the Clerk as follows: Elections Division Office at the County Courthouse, 544 Rood Avenue, Suite 301A, Grand Junction; Clerk's branch at the Mesa Mall, 2424 Hwy. 6 & 50, Unit 414, Grand Junction; Clerk's branch at the Clifton Peachtree Shopping Center, 3225 I-70 Business Loop, Unit A2, Clifton; Clerk's branch at the Fruita Civic Center, 325 East Aspen, Fruita; and Clerk's branch at the Tri-River Cooperative at the County Fairgrounds, 2775 Hwy. 50, Grand Junction. Pursuant to §1-7.5-107(3)(c), C.R.S. (2003), a walk-in ballot distribution site shall be conducted at the County Courthouse beginning on Tuesday, **October 28th, 2003** and ending at 7:00 pm election day, **November 4th, 2003**.
3. APPOINTMENT OF ELECTION JUDGES: All election judges and/or deputy clerks shall be appointed and trained by the Clerk.
4. LEGAL NOTICES: Publication of any required legal notices concerning the Political Subdivision's election, which are to be published prior to certification of the ballot content to the Clerk, shall be the sole responsibility of the Political Subdivision. A copy of any published legal notice shall be submitted to the Clerk.

Publication of legal notices concerning the Coordinated Election, which are to be published after certification of the ballot contents to the Clerk, shall be the responsibility of the Clerk [see Secretary of State Rule 6.2.1(a)].

If the Political Subdivision is submitting a ballot issue concerning the creation of any debt or other financial obligation as contemplated in Article X, Section 20 of the Colorado Constitution, the Political Subdivision shall post notice of financial information as set forth in §1-7-908, C.R.S. (2003) on the Political Subdivision's website or, if the Political Subdivision does not maintain a website, at the Political Subdivision's chief administrative office no later than 20 days before the Coordinated Election, which is **October 15, 2003**.

5. RECEIVING AND PROCESSING OF PETITIONS: Any necessary petition process for the Political Subdivision shall be the responsibility of the Political Subdivision. The Clerk shall provide voter registration lists as required and requested by the Political Subdivision.
6. BALLOT CONTENTS: In accordance with §1-1-110(3), and §1-5-203(3), C.R.S. (2003), the ballot content must be certified to the Clerk by the Political Subdivision, in its exact form, no later than 4:30 p.m. on **September 10, 2003**. Ballot contents shall be transmitted to the Clerk in MS Word by email at jward@co.mesa.co.us with a courtesy copy to dross@co.mesa.co.us. If the Clerk is unable to use the data transmitted via email, the data may be required in MS Word on disk.
7. RECEIVING OF WRITTEN COMMENTS PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION: If applicable, the process of receiving written comments and summarizing such comments, as required by Article X, Section 20 of the Colorado Constitution, shall be the sole responsibility of the Political Subdivision. Comments pertaining to a ballot issue must be filed no later than the Friday prior to the 45th day before the election, which is **September 19, 2003** [see §1-7-901, C.R.S (2003)].
8. RECEIVING OF PETITION REPRESENTATIVE'S SUMMARY OF COMMENTS: If applicable, receipt of the petition representative's summary of comments shall be the sole responsibility of the Political Subdivision. The summary of comments must be filed with the Clerk no later than 43 days prior to the election, which is **September 22, 2003** [see §1-7-903(3), C.R.S. (2003)].
9. PREPARATION AND MAILING OF NOTICES FOR BALLOT ISSUE ELECTIONS: Pursuant to §1-7-904, C.R.S. (2003), the Political Subdivision shall certify the full text of any required ballot issue notices ("Tabor Notice") to the Clerk no later than **September 23, 2003**, for inclusion in the ballot issue mailing as required by Article X, Section 20 of the Colorado Constitution. Time is of the essence. Data shall be transmitted to the Clerk in MS Word by email at jward@co.mesa.co.us with a courtesy copy to dross@co.mesa.co.us. If the Clerk is unable to use the data transmitted via email, the data may be required in MS Word on disk. The Clerk shall coordinate the text for the ballot issue mailing for all participating Mesa County political subdivisions into one notice. Said ballot issue mailing shall be prepared and mailed by the Clerk in accordance with Article X, Section 20 (3)(b) of the Colorado Constitution at least 30 days prior to the election, which is **Friday, October 3, 2003**.

10. PREPARATION FOR COORDINATED ELECTION: The Clerk shall be responsible for preparing and printing the sample ballot for the Coordinated Election, as well as ballot pages. The Clerk shall also be responsible for providing, preparing, delivering, and collecting sealed ballot boxes for all five (5) designated voted ballot return locations. The Clerk shall be responsible for implementing a walk-in distribution site for replacement ballots in accordance with section 12.9 of the Rules and Regulations of the Colorado Secretary of State.
11. CONDUCT OF COORDINATED ELECTION: The Clerk shall be responsible for the conduct of the Coordinated Election. The Coordinated Election shall be conducted pursuant to Title I, Colorado Revised Statutes.
12. ABSENTEE VOTING: All requests and/or completed applications for absentee ballots shall be transmitted for processing to the County Clerk, c/o the Mesa County Elections Office, P.O. Box 20,000, Grand Junction, CO 81502-5009. The physical address of the Clerk's office is Elections Division, County Courthouse, 544 Rood Ave, Suite 301A, Grand Junction, Colorado.
13. TABULATION OF BALLOTS: All processes relating to tabulation of ballots shall be the responsibility of the Clerk. An unofficial abstract of votes will be provided to the Political Subdivision upon completion of the counting of all ballots.
14. CANVASS OF VOTES: Canvass of votes shall be the responsibility of the Clerk and, pursuant to §1-10-102, C.R.S. (2003), will be completed no later than the fifteenth day after the election, which is **Thursday, November 19, 2003**. Official election results will be provided to the Political Subdivision. If applicable, a Certificate of Election of candidate(s) shall be issued by the Political Subdivision upon receipt of the official election results from the Clerk.
15. ALLOCATION OF COST OF ELECTION: In accordance with §1-7-116 (2)(b), C.R.S. (2003), the Clerk shall determine a reasonable cost allocation for each political subdivision participating in the Coordinated Election. The Political Subdivision shall reimburse the Clerk for its proportionate share of the cost of the "Tabor Notice", if the Political Subdivision has a ballot issue notice included in said notice, and/or election costs allocated to the Political Subdivision. Such reimbursement shall be made to the Clerk within thirty days of receipt of billing from the Clerk.
The Clerk's determination regarding allocation of costs shall be final and in the Clerk's sole discretion, and shall not be subject to dispute unless clearly unreasonable.
16. INDEMNIFICATION: The Political Subdivision agrees to indemnify, defend and hold harmless the Clerk from any and all loss, costs, demands or actions, arising out of or related to any actions, errors or omissions of the Political Subdivision in completing its responsibilities relating to the

Coordinated Election.

17. AGREEMENT NOT EXCLUSIVE: The Clerk may enter into other substantially similar agreements with other political subdivisions for conduct of the Coordinated Election.

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

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

MESA COUNTY CLERK AND RECORDER

CITY OF GRAND JUNCTION

Janice Ward Date

Stephanie Tuin, City Clerk Date
Designated Election Official

Attach 10
Public Hearing – Lutheran Church Rezone
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Lutheran Church Rezone, located at 628 26 ½ Road and a portion of 632 26 ½ Road					
Meeting Date	September 3, 2003					
Date Prepared	August 25, 2003			File #RZ-2003-096		
Author	Senta Costello		Associate Planner			
Presenter Name	Senta Costello		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Petitioner is requesting to rezone approximately 2.37 acres from PD (Planned Development) (.59 acres) and RSF-1 (Residential Single Family not to exceed 1 du/ac) (1.78 acres) to R-O (Residential Office).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

- 15. Staff report/Background information
- 16. General Location Map
- 17. Aerial Photo
- 18. Growth Plan Map
- 19. Zoning Map
- 20. Zoning Ordinance

BACKGROUND INFORMATION					
Location:		628 26 ½ Road			
Applicants:		Jim West			
Existing Land Use:		Vacant / Church			
Proposed Land Use:		Offices			
Surrounding Land Use:	North	Church			
	South	<u>Residential @ 5.88 du/ac</u>			
	East	<u>Church & Residential @ 8.95 du/ac</u>			
	West	<u>Residential @ 1.13 du/ac</u>			
Existing Zoning:		PD (no plan) & RSF-1			
Proposed Zoning:		R-O			
Surrounding Zoning:	North	RSF-1			
	South	PD 7.4 du/ac			
	East	RSF-1 / PD 12 du/ac			
	West	RSF-2			
Growth Plan Designation:		Residential Medium 4-8 du/ac			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Petitioner is requesting a rezone from RSF-1 and PD (Planned Development) zone districts to an R-O (Residential Office) zone district. The PD portion is on one .59 acre lot. The RSF-1 zone district is a portion of 632 26 ½ Road. If the rezone is approved, the applicant will request a Simple Subdivision to make the property line match the new zoning line and a Site Plan Review to construct an office building.

RECOMMENDATION: Recommendation to City Council of approval of the rezone request.

ANALYSIS:

1. Background:

The northern portion of the area of the rezone request was zoned RSF-1 when the property was annexed August 6th of 2000. This zone district matched the county zoning in place at the time. The southern portion was zoned to PD – 12 (Planned Development) at some point in the 1980's. A specific plan for development was not approved.

2. Consistency with the Growth Plan:

The proposed zone district is consistent with the Growth Plan Goals and Policies and the Future Land Use Map for the properties.

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

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

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

The existing zoning was not in error at the time of adoption. However, the character of this corner has changed since the zoning was put in place and the portion that is zoned Planned Development never completed the process to provide a plan for the property or develop as such.

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

This corner has changed in character over the last few years. 7th Street and Horizon Drive have been improved and widened in this area so there is an increase in traffic through the area. This corridor serves as one of the primary routes to access the businesses along Horizon Dr. There has also been additional higher density residential development built to the south of this property.

10. 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 R-O is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public

facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the R-O zone district, therefore this criterion is met. Any new construction in an R-O zone district must have a residential design.

11. 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.

Staff feels that this proposal does further the goals and policies of the Growth Plan, other adopted plans, policies, regulation, guidelines, and Zoning and Development Code requirements.

12. 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 R-O zone district.

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

There are not any other properties in the area that are zoned R-O.

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

The community and neighborhood will benefit from the proposal by providing a location for medical offices for medical needs and potential jobs that can be easily accessed by nearby residents. It will also clean up a property that has been undeveloped and weed covered.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Lutheran application, RZ-2003-096 for a rezone, staff recommends that the Planning Commission make the following findings of fact and conclusions:

3. The requested rezone is consistent with the Growth Plan

4. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation of approval of the requested rezone, RZ-2003-096 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

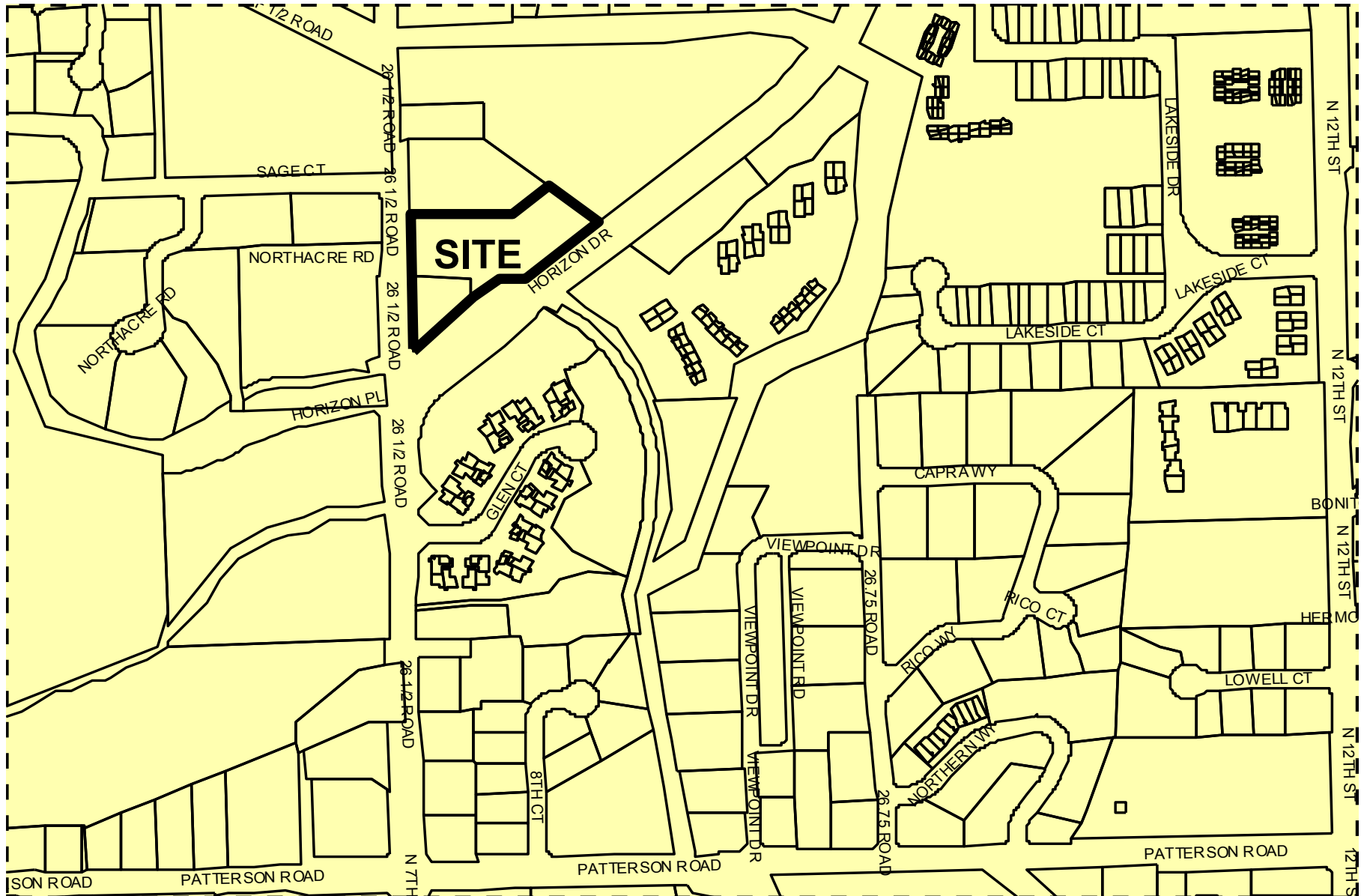
Mr. Chairman, on Zone Amendment RZ-2003-096, I move that we forward a recommendation of approval of the rezone request to the City Council with the findings and conclusions as listed in the staff report.

Attachments:

General Project Report
Vicinity Map
Aerial Photo
Growth Plan Map
Zoning Map

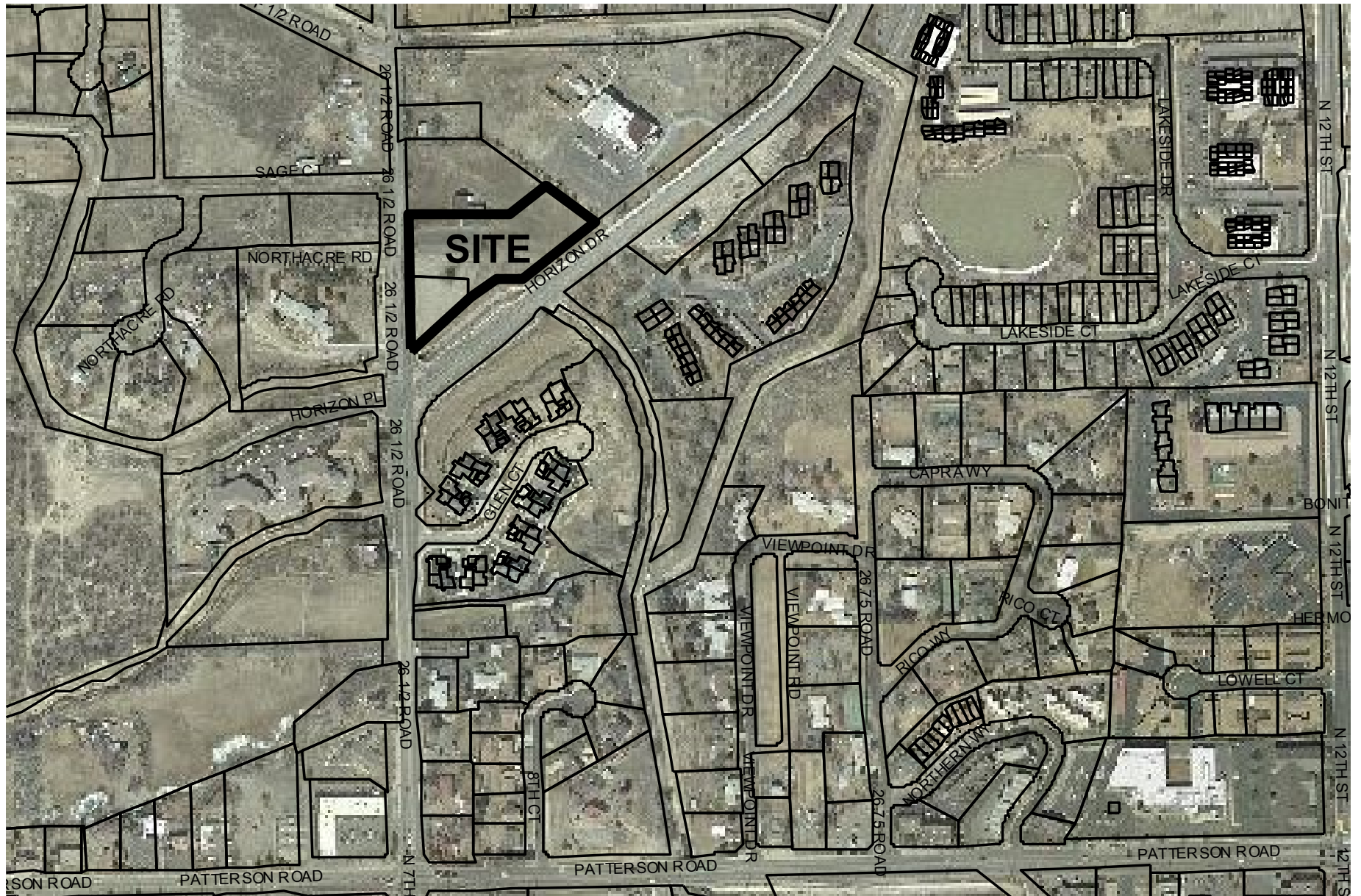
Site Location Map

Figure 1



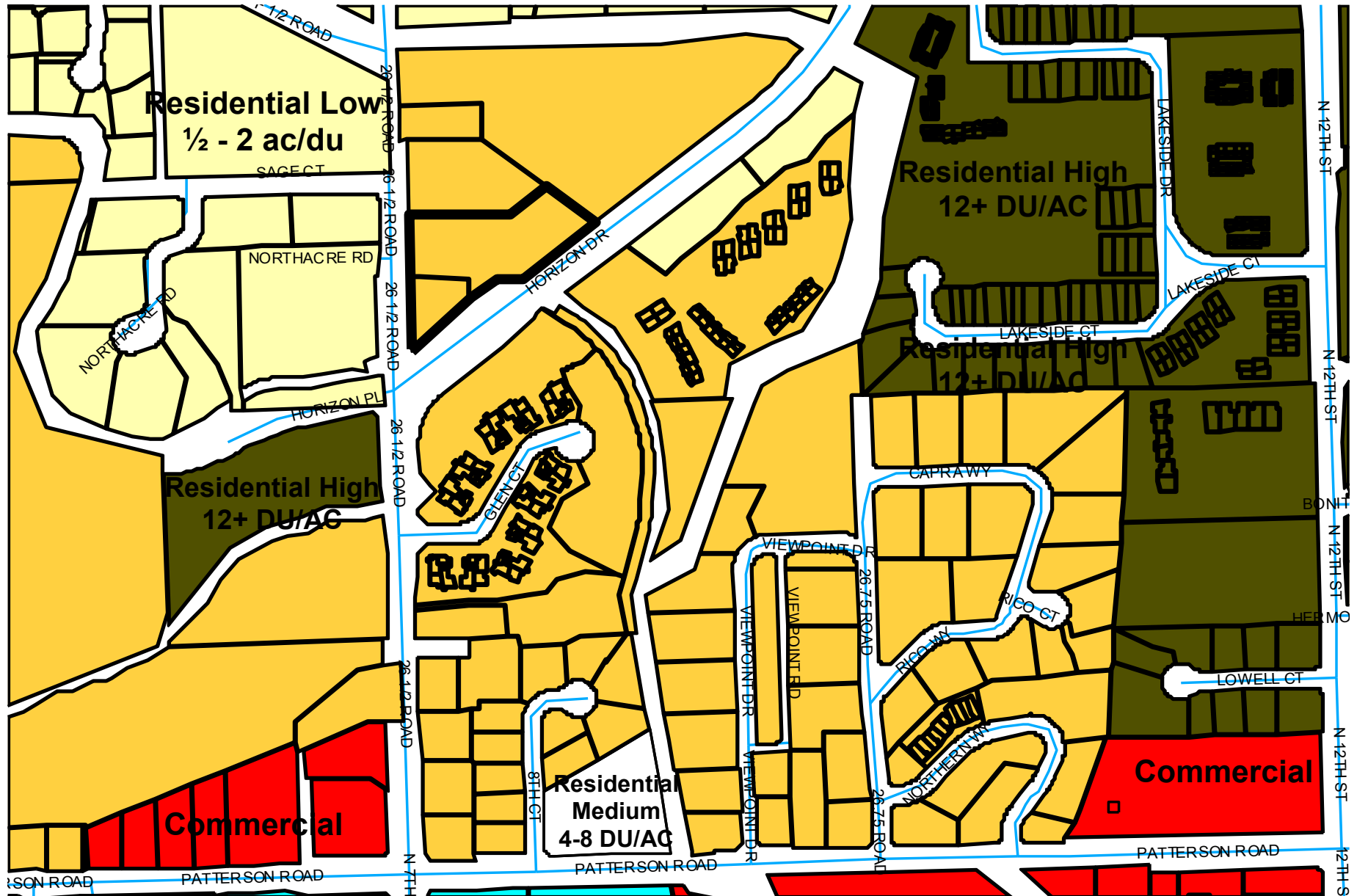
Aerial Photo Map

Figure 2



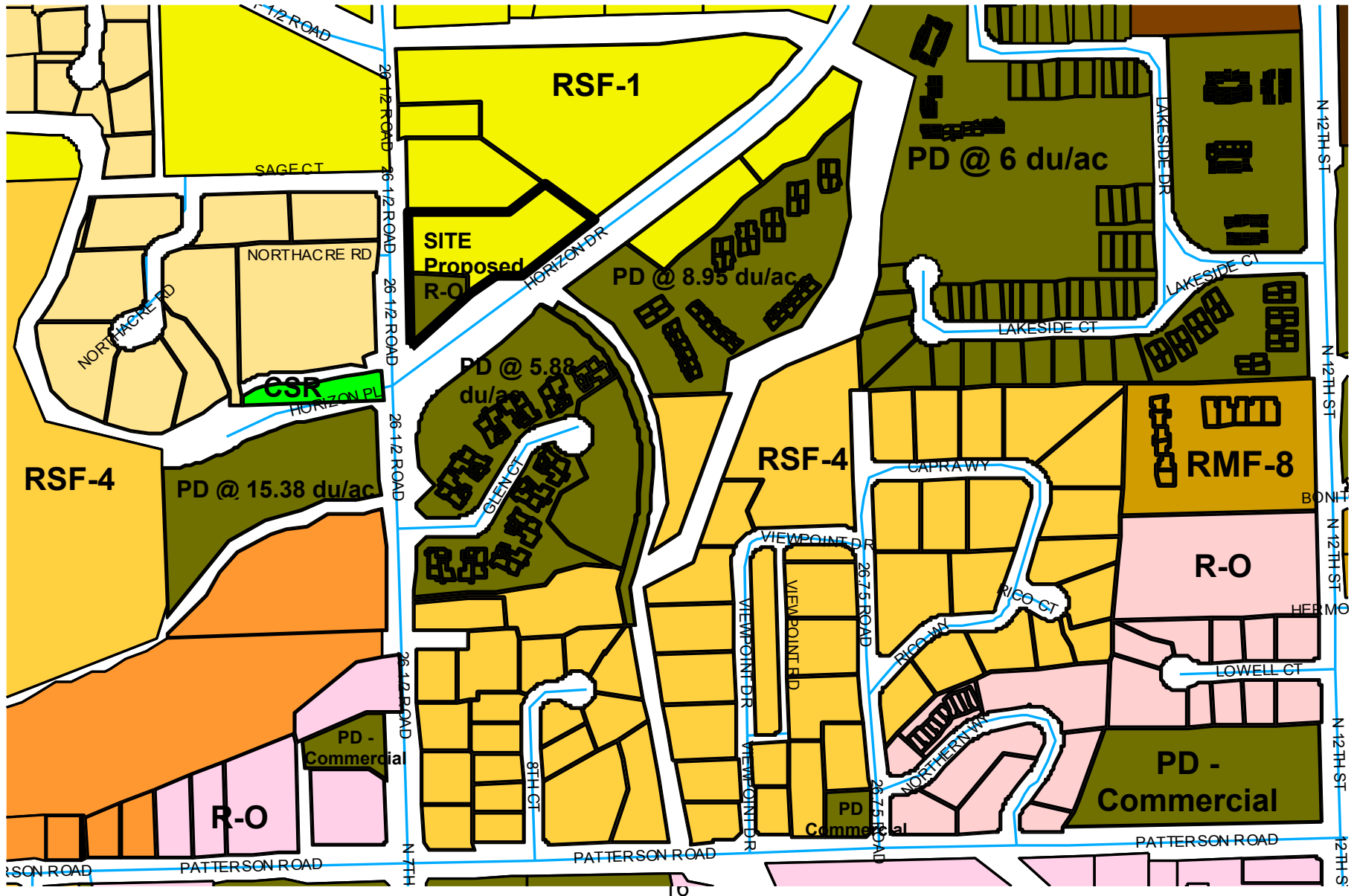
Future Land Use Map

Figure 3



Existing City 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, COLORADO
ORDINANCE NO. _____

**AN ORDINANCE REZONING THE PROPERTY KNOWN AS LUTHERAN CHURCH
LOCATED
AT 628 26 ½ ROAD and a portion of 632 26 ½ ROAD TO R-O**

Recitals.

The Grand Junction Planning Commission, at its August 12, 2003 hearing, recommended approval of the rezone request from the PD and RSF-1 zone districts to the R-O district.

A rezone from the PD (Planned Development) and RSF-1 (Residential Single Family not to exceed 1 du/ac) zone districts to the R-O (Residential Office) district has been requested for the property located at 628 26 ½ Road and a portion of 632 26 ½ Road. The City Council finds that the request meets the goals and policies and future land use set forth by the *Growth Plan* (Residential Medium 4-8 du/ac). 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.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL (S) DESCRIBED BELOW IS HEREBY ZONED TO THE R-O (RESIDENTIAL OFFICE) DISTRICT:

A parcel of land in the NW1/4SE1/4 Sec 2 T1S, R1W of the Ute Meridian, City of Grand Junction, Mesa Co, Colorado described as follows: Commencing at a point on the W line of said NW1/4SE1/4 whence the C-S 1/16 cor of said Sec 2 bears S00°01'24"W, 367.15' with all other bearings contained herein being relative thereto; thence S89°58'36"E, 47.00' to the easterly r-o-w line of N 7th St and the true POB; thence S89°58'36"E along the northerly r-o-w line of said N 7th St, 3.00'; thence N00°01'24"E along the easterly r-o-w line of N 7th St, 142.18'; thence, S89°58'36"E, 269.83'; thence, N53°57'44"E, 161.16'; thence, S52°21'45"E, 162.55'; thence, S53°57'44"W, 250.41' to the northerly r-o-w line of the Grand Valley Canal; thence along said northerly r-o-w line on the following six courses: (1) N41°28'54"W, 14.36'; (2) N87°21'23"W, 32.02'; (3) S80°08'46"W, 28.48'; (4) S69°48'00"W, 30.63'; (5) S63°23'03"W, 39.20'; (6) S52°03'36"W, 33.18'; thence leaving said r-o-w line, S00°01'24"W, 44.29' to the centerline of said Grand Valley Canal; thence along said centerline on the following five courses: (1) S52°01'55"W, 4.52'; (2) S52°04'52"W, 53.42'; (3) S52°43'17"W, 73.20'; (4) S55°38'12"W, 42.62'; (5) S58°16'35"W, 16.97' to the easterly r-o-w line of N 7th St; thence leaving said centerline to following the said easterly r-o-w line on the following two courses: (1) N30°28'36"W, 35.46'; (2) N00°01'24"E, 179.55' to the true POB; containing 2.37 acres.

INTRODUCED for FIRST READING and PUBLICATION this 20th day of August, 2003.

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

ATTEST:

City Clerk

President of Council

Attach 11
Public Hearing – Grand Valley Circulation Plan
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Grand Valley Circulation Plan B ¾ Road Revision (Formerly the Major Street Plan)					
Meeting Date	September 3, 2003					
Date Prepared	August 14, 2003			File #PLN-2003-129		
Author	Laura Lamberty		Development Engineer			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: District Map or an Amendment to the adopted Grand Valley Circulation Plan (Formerly the Major Street Plan) changing the classification of B ¾ Road (from 28 ½ Road to 29 Road) from Residential Collector to Local Road.

This proposed amendment to the Grand Valley Circulation Plan reflects a downgrade in street classification due to a reduction in projected traffic volumes with the realignment of UnawEEP Avenue and the reconfiguration of a number of local streets with the proposed UnawEEP Heights Subdivision. The applicant for the UnawEEP Heights Subdivision requests and supports this change in roadway classification.

City of Grand Junction Planning Commission recommends approval of this amendment. Mesa County Planning Commission approved this amendment.

Action Requested/Recommendation: Adopt resolution amending the B ¾ Road District Map for the Grand Valley Circulation Plan (GVCP).

Attachments: 1. Letter of Support – UnawEEP Heights Subdivision
 2. Resolution

Background Information:

Location: B ¾ Road from 28 ½ Road to 29 Road

Relationship to Growth Plan: The proposed amendment to the Grand Valley Circulation Plan reflects roadway realignments constructed by Mesa County on Unawep Avenue and a number of local streets in the area and the proposed development of the Unawep Heights Subdivision and their corresponding shifts in traffic distribution.

City Jurisdiction:

The City's home rule powers and Section 212 of Article 23 of Title 31 of the Colorado Revised Statutes grants authority to the City to make and adopt a plan for the physical development of streets and roads located within the legal boundaries of the municipality and all lands lying within three miles of the municipal boundary. This District Map lies within the incorporated boundaries of the City of Grand Junction and the unincorporated areas of Mesa County.

Staff Analysis:

The Grand Valley Circulation Plan was originally adopted under the title Major Street Plan by the City of Grand Junction in 1998. Mesa County adopted the identical plan in 1999, under the title Grand Valley Circulation Plan - Urban Element. The Plan was revised and adopted in 2001.

Individual Amendments of the Grand Valley Circulation Plan are accomplished through District Maps such as this. Changes to the GVCP are continually proposed and evaluated. In 2003, the GVCP will be updated again when the results of ongoing transportation studies are completed and fully evaluated. These studies include the Southern Grand Junction Beltway System and the Clifton Area Traffic Study.

CIRCULATION, CAPACITY AND CONNECTIVITY NEEDS

This revised plan is proposed to address the needs below by assuring that existing planning goals are achieved:

This District Map incorporates roadway realignments currently under construction by Mesa County and their corresponding shifts in traffic distribution. With the realignment of Unawep, the effective collecting area of B $\frac{3}{4}$ Road is reduced and disbursed. Adequate capacity to carry traffic to the Urban Collector system is provided in the local street section.

- This District Map indicates proposed changes in road layout and adequate area connectivity and circulation for existing and future development.

SUMMARY AND RECOMMENDATION

Adoption of the B $\frac{3}{4}$ Road District Map between 28 $\frac{1}{2}$ Road and 29 Road will acknowledge changes made in the area road configurations while still maintaining the City's standards for access, interparcel circulation, and mitigation of traffic impacts.

This amendment was recommended for approval by the City of Grand Junction Planning Commission on July 8 and was approved by the Mesa County Planning Commission on July 31.

Approval Criteria

Since amendments to the Grand Valley Circulation Plan are considered an amendment to the Growth Plan, approval criteria (list of seven) found in the City of Grand Junction's Zoning and Development Code for Growth Plan Amendments in Section 2.5.C. Review Criteria are applicable.

The City and County shall amend the plan if each find that the amendment is consistent with the purpose and intent of the plan and if:

1. There was an error in the original Master Plan such that then-existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;
Staff finds: Not applicable.
2. Events subsequent to the adoption of the Master Plan have invalidated the original premises and findings;
Staff finds: Staff finds that the realignment of Unawep Avenue at the south to improve intersection geometry and accommodate the 29 Road Colorado River Bridge, bisecting the segment of B $\frac{3}{4}$ Road between 28 $\frac{1}{2}$ Road and 29 Road; and, the configuration of the proposed development of the Unawep Heights has modified traffic demands.
3. The character and/or condition of the area has changed enough that the amendment is acceptable;
Staff finds: Staff finds that the changes in roadway alignments and the character of the proposed subdivision make this amendment acceptable.
4. The change is consistent with the goals and policies of the Master Plan, including applicable special area, neighborhood, and corridor plans;
Staff finds: This District Map is consistent with the goals and policies of the Master Plan regarding transportation and neighborhood connections.
5. Public and community facilities are adequate to serve the type and scope of land use proposed;
Staff finds: Staff finds public infrastructure as indicated on the plan is adequate to serve neighboring parcels of land at a build-out consistent with the Growth Plan.

6. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use;

Staff finds: *Not applicable.*

7. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Staff finds: Excessive road width would contribute to high traveling speeds through this residential area, reduces the area available for homes, increases subdivision construction costs, and increases roadway maintenance costs. These changes to the Grand Valley circulation plan will mitigate these factors.



THOMPSON - LANGFORD CORPORATION
ENGINEERS AND LAND SURVEYORS

tlc@tlcwest.com
Facsimile (970) 241-2845
Telephone: (970) 243-6067
529 25 1/2 Rd, Grand Junction, CO 81505

June 23, 2003

City of Grand Junction
Community Development Department
250 N. 5th Street
Grand Junction, CO 81505

RECEIVED
JUN 23 2003
COMMUNITY DEVELOPMENT
DEPT.

RE: UnawEEP Heights Subdivision/Major Street Plan

To Whom It May Concern:,

The Petitioner, Parkerson Brothers Construction, respectfully requests the amendment of the Major Street Plan, specifically that section of B ¼ Road located between 28 ½ and 29 Road. We are requesting a reclassification from an Urban Residential Collector section to an Urban Residential Street. This amendment is necessitated by the realignment of UnawEEP Avenue, a Mesa County Capitol Improvement Project, which will significantly reduce the contributing traffic area due to the lack of continuity of B ¼ Road.

Sincerely,

Douglas A. Thies, PE
Thompson-Langford

xc: Alan Parkerson

**CITY COUNCIL, CITY OF GRAND JUNCTION
RESOLUTION NO. _____**

**A RESOLUTION AMENDING THE GRAND VALLEY CIRCULATION PLAN BY
CHANGING THE CLASSIFICATION OF B $\frac{3}{4}$ ROAD (FROM 28 $\frac{1}{2}$ ROAD TO 29
ROAD) FROM RESIDENTIAL COLLECTOR TO LOCAL ROAD**

Recitals:

The Grand Valley Circulation Plan, formerly known as the Major Street Plan, (referred to as “the Plan” hereinafter) identifies both major and minor transportation, circulation and connectivity routes and opportunities. The Plan is made and adopted pursuant to and in accordance with the Colorado Revised Statutes and the Grand Junction Zoning and Development Code.

On July 8, 2003, the Grand Junction Planning Commission recommended approval of an amendment to the Plan. That amendment created a district map for the area described herein. A copy of the map is attached hereto and incorporated by this reference. On July 31, 2003, the Mesa County Planning Commission approved the amendment.

The Plan assists owners and developers to be better able to plan and provide the needed connectivity within and through the area and outlines the needs and the goals of the developers and others in the community in contributing to that effort.

The Plan will facilitate development of both large and small parcels and if successfully implemented will help minimize congestion at major intersections by providing primary and secondary routes and other alternatives for circulation, connectivity and access.

In accordance with section 1.11B.3 of the Zoning and Development Code, the City Council shall, as it deems appropriate, decide, adopt and/or amend the City’s street plans and components of it. For the reasons stated in the foregoing recitals, the Grand Junction Planning Commission and the staff recommend that the City Council adopt the amendment to the Grand Valley Circulation Plan as proposed in the attached map marked “Grand Valley Circulation Plan - District Map “B $\frac{3}{4}$ Road (from 28 $\frac{1}{2}$ Road to 29 Road) from Residential Collector to Local Road” dated July, 2003.

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

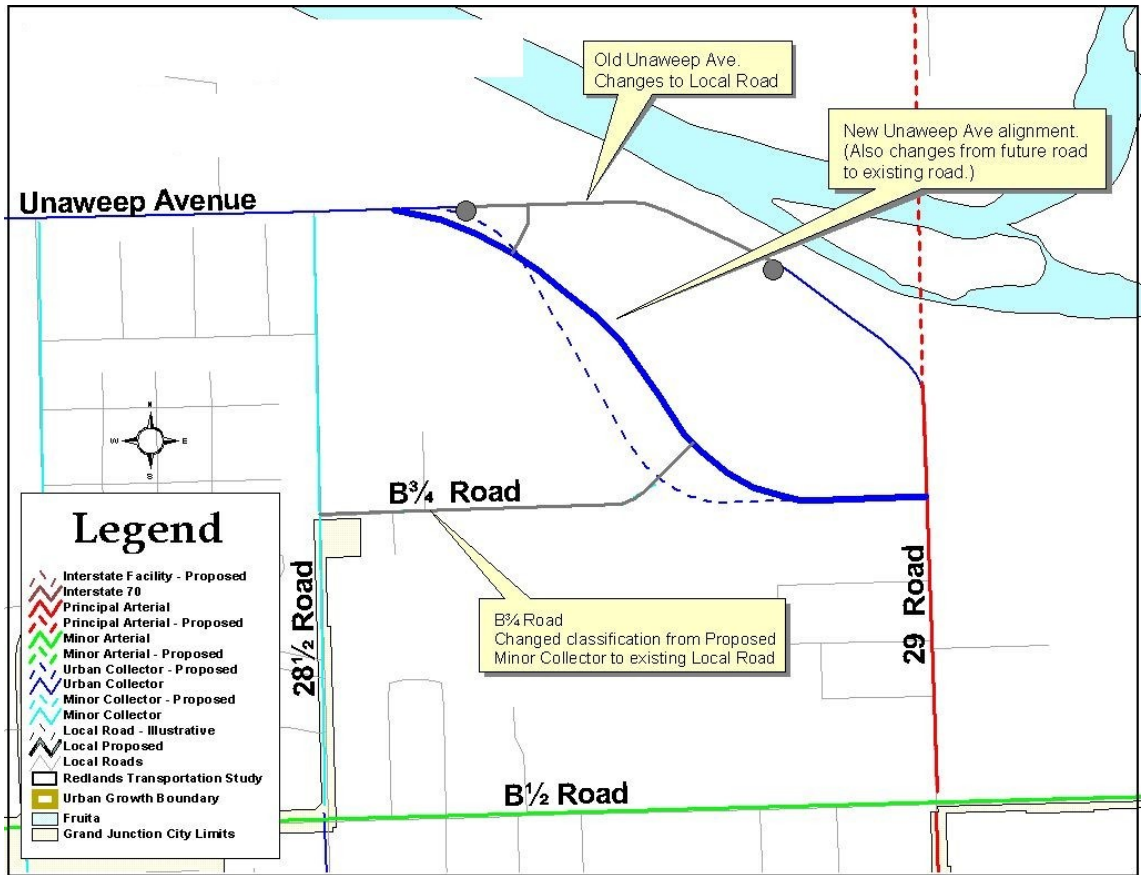
The Grand Valley Circulation Plan is hereby amended to include the above described district map.

PASSED AND ADOPTED this day of 2003 by the City Council of the City of
Grand Junction.

ATTEST:

Jim Spehar
President of the City Council

Stephanie Tuin
City Clerk



B ³/₄ Road District Map

Grand Valley Circulation Plan Amendment

July 2003

**Attach 12
Public Hearing – Amendments to Wastewater Regulations**

CITY OF GRAND JUNCTION

City Council Agenda						
Subject	Amendments to Wastewater Regulations					
Meeting Date	September 3, 2003					
Date Prepared	August 26, 2003				File #	
Author	Greg Trainor			Utility Manager		
Presenter Name	Mark Relph			Public Works and Utilities Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary:

Amendments to Section 4, System Expansion, as discussed by the City Council and Board of County Commissioners at their Joint Persigo meeting of July 10, 2003. (This is the “variance” section.) The text incorporate the items agreed to between the Council and the Commissioners. There are also several minor housekeeping amendments.

Budget:

N/A

Action Requested/Recommendation:

Amend, by joint resolution of the City Council and the Board of County Commissioners, portions of Section 4 of the Wastewater Regulations dealing with expansions to the sewer system in developed areas and reducing the time required for notice of a public hear from 30 days to 10 days.

Attachments:

1. Joint Resolution approving both of the amendments.

Background Information:

The Wastewater Regulations outline circumstances in “Developed Areas” of the 201 Sewer Service Area where residential units on failed septic systems and within 400 feet

of a sewer, and existing non-residential uses which are expanded or redeveloped need to be placed on sewer. This insures that all property within the 201 Sewer Service Area boundary is placed on sewer.

Amendments to Section 4, (b)(2)b will add the words “**residential or**” added prior to the words “nonresidential use...” so that this Section can be inclusive of not only nonresidential uses that are expanded or subdivided but also residential uses that are expanded or subdivided. In addition, Section 4 is further amended by showing examples of when sewer construction is impracticable. These circumstances would allow for the Manager to authorize the continued use of a failed ISDS, but only upon the condition that the property owner pay for the cost of a future improvement district and agree to participate in the cost of the future improvement district. These circumstances are outlined in the attached material.

Rule 4.11 is proposed to be amended allowing for a shorter time period for public notice of when a hearing is held for changes to the 201 sewer service area boundary. The notice period is proposed to change from 30-days to 10-days.

CITY RESOLUTION NO. _____
COUNTY RESOLUTION NO. _____

**A JOINT RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF GRAND JUNCTION AND THE
BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY
AMENDING THE WASTEWATER REGULATIONS, SECTION 4,
SYSTEM EXPANSION**

WHEREAS, the City is the Manager of the Joint Sewer System; and

WHEREAS, the Manager has recommended amendments to Section 4 of the existing sewer rules and regulations; and

WHEREAS, the City Council and Board of County Commissioners, in separate sessions, have found that such amended Rules and Regulations are in the public interest and should be approved.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL AND THE BOARD OF COUNTY COMMISSIONERS, THAT;

The attached Section 4, "System Expansion" is hereby adopted as amended and made a part of the Rules and Regulations which shall govern the operation and management of the Joint Sewer System.

PASSED and **ADOPTED** by the Grand Junction City Council this _____ day of _____, 2003.

PASSED and **ADOPTED** by the County Commissioners of Mesa County this _____ day of _____, 2003.

Attest:

President of the City Council

City Clerk

Attest:

Chair, Mesa County Commissioners

County Clerk

AMENDMENTS TO
SECTION 4, SYSTEM EXPANSION

2. DEVELOPED AREAS

Policy - Provide Sewer.

Some areas have already developed as individual lots and uses without sewer service, however, it is the policy of the Manager as confirmed by the Persigo Agreement that sewer should be provided whenever and wherever practicable. Specific circumstances when sewer must be provided to such individual lots and uses include:

- a. a residential unit served by an ISDS (individual septic disposal system) which fails and the property is within 400 feet of a sewer, and/or
- b. the expansion or subdivision of an existing residential or non-residential use or property.

The property owners in both of these circumstances must pay the cost of sewer extension and appurtenant sewer service facilities. The Manager finds that the System should not pay for such costs, except as provided for herein.

The costs of retrofitting an area for sewer service is typically much higher than if sewer is connected/constructed at the time of development and many times construction/connection after the fact means that the costs attributable to each lot, especially residential lots or parcels, is high. The Manager finds that some form of financing may be required, under certain circumstances, to promote providing sewer service and thereby protecting the public health.

- c. An improvement district is a useful financing tool which allows for payments over time of the costs of retrofitting an area. The Manager endorses and approves the use of improvement district(s).

Typically, an improvement district is used when a neighborhood or other identifiable area needs sewer service and the owners in the area can garner sufficient owner consent to form a district. For areas within the City limits, the City improvement district process is available. For areas not wholly within the City limits, other

improvement districts, requiring the oversight and consent of the County Commissioners, may be available.

- d. In an area where insufficient owners consent to form a district, other mechanisms are needed to allow the continuing use of a property which does not have sewer service available, but for which sewer service is required. Such a situation may arise in an area generally served by ISDS where one septic system fails or does not meet current standards.

Rule 4.7.

In the case of 2a (a residential unit served by an ISDS (individual septic disposal system) which fails and the unit is within 400 feet of a sewer) if a property owner demonstrates to the satisfaction of the Manager that the following two conditions exist:

- (1) the construction of a sewer line is *impracticable* and
- (2) *adequate disposal and treatment facilities exist* as defined by current regulations (generally by the repair/reconstruction of a failed ISDS)

then the Manager may authorize the continued use of an ISDS.

That approval/permit shall be issued on the following terms and conditions, which shall be specifically agreed upon by the property owner pursuant to a written agreement in advance of repair/reconstruction of an ISDS.

Examples of when sewer construction may be “*impracticable*” include but are not limited to:

- i. There is a low likelihood of a local sewer improvement district being formed in the near future based on the manager’s discussions of the formation of the same with the benefiting owners, and the number and location of POA’s to form a district is insufficient to create the same; or
- ii. The sewer line, to be constructed by the property owner, is in a location or with grades such that few if any other nearby properties can be efficiently served by the new line; or
- iii. The location of the closest (within 400 feet) sewer line is in a different drainage basin or is across a major street, waterway or similar impediment to the construction of a line such that the expense of the new line is wholly out of proportion to the average cost of extending residential service; or

- iv. To construct pumping facilities and a force main would be too great an expense compared to participation in a future local improvement district.

“Adequate disposal and treatment facilities” means that a local package treatment plant is or will be made available and functioning or that the ISDS may be regularly pumped and disposed of at the plant.

“Repair/reconstruction of a failed ISDS” means that the property owner meets all state and county health department regulations for ISDS repair or replacement.

Terms and Conditions of the written agreement:

- (a) The property owner shall deliver an executed power of attorney for formation of a future sewer improvement district; and
- (b) The property owner shall pay that amount of money which the Manager calculates to be the proportionate share of the sewer line construction costs, as defined by the Manager, attributable to the development or property, plus an administrative charge of six percent (6%) of the principal amount of such proportionate share (the "Payment"); and
- (c) The Manager may authorize the Payment, described in Rule 4.7(b), above, over a term of years, not to exceed ten, upon the execution and delivery by the developer of a promissory note and mortgage or deed of trust sufficient, in the judgment of the Manager, to reasonably ensure that the Payment will be timely made; and
- (d) Interest shall accrue on the Payment at a rate established by the City Council, by resolution, or in the absence of such a resolution, at a rate which is equal to the rate of return on City investments obtained by the Finance Director of the City on the City's long-term investments; and
- (e) The obligation to pay the Payment, in addition to the mortgage or deed of trust, shall constitute a lien upon the property and shall be equivalent to the lien provided for in the City Code establishing a water lien, presently § 31-3. All remedies available pursuant to such § 31-3 shall equally apply to the lien described and created herein; and
- (f) In the event that an improvement district is formed and some or all of the Payment has been paid, the assessment which would otherwise be payable shall be reduced by the amount of principal of the construction cost which has been paid; and

- (g) The property owner shall dedicate, at no cost to the City, such right-of-way or easements as the Manager shall deem necessary to construct, operate, and maintain the System, in accordance with City specifications and standards. In the event that insufficient information is available to determine the legal description of the required rights-of-way or easements at the time of approval or permit issuance, the developer shall promise and covenant to make such a conveyance or grant at such time in the future as the Manager shall require.

If adequate disposal and treatment facilities do not exist or a failed ISDS can not be repaired so that such a system can adequately serve a property during an interim period before sewer lines are constructed, then the property shall be abandoned or vacated until adequate treatment or disposal is available. Adequate disposal may include regular and periodic pumping and disposal of accumulated waste at the Plant.

In the case of 2b. (the expansion or subdivision of an existing residential or non-residential use or property) if a property owner/developer demonstrates to the satisfaction of the Manager and the County that the following two conditions exist:

- (1) the construction of a sewer line is impracticable and
- (2) adequate disposal and treatment facilities exist as defined by current regulations (generally defined as the construction of an engineered ISDS)

then the Manager and the County Commission may authorize expansion or subdivision of the property however that approval or permit, if any, shall be issued based on the conditions in 4.7 (a) – (g) which shall be specifically agreed upon by the property owner/developer pursuant to a written agreement.

The Manager and the County Commissioners may deliberate and act separately but the concurrence of both is required to grant an exception to the sewer construction requirement.

Application for an exception to the requirement that sewer be constructed shall be made prior to submission of development/subdivision plans on forms provided by and with detail determined by the Manager and shall not be made for more than 2 lots in any subdivision or use expansion.

That approval/permit shall be issued on the following terms and conditions, which shall be specifically agreed upon by the property owner pursuant to a written

agreement in advance of construction of an ISDS on any lot of for any expansion.

Examples of when sewer construction may be “impracticable” include but are not limited to:

- v. There is a low likelihood of a local sewer improvement district being formed in the near future based on the manager’s discussions of the formation of the same with the benefiting owners, and the number and location of POA’s to form a district is insufficient to create the same; or
- vi. The sewer line, to be constructed by the property owner, is in a location or with grades such that few if any other nearby properties can be efficiently served by the new line; or
- vii. The location of the closest (within 400 feet) sewer line is in a different drainage basin or is across a major street, waterway or similar impediment to the construction of a line such that the expense of the new line is wholly out of proportion to the average cost of extending residential service; or
- viii. To construct pumping facilities and a force main would be too great an expense compared to participation in a future local improvement district.

“Adequate disposal and treatment facilities” means that a local package treatment plant is available and functioning or that an ISDS may be constructed, regularly pumped and disposed of at the plant in accordance with all State and County health department regulations.

ix. residential service; or

- x. To construct pumping facilities and a force main would be too great an expense compared to participation in a future local improvement district.

“*Adequate disposal and treatment facilities*” means that a local package treatment plant is or will be made available and functioning or that the ISDS may be regularly pumped and disposed of at the plant.

Terms and Conditions of the written agreement:

- (a)** The property owner shall deliver an executed power of attorney for formation of a future sewer improvement district; and
- (b)** The property owner shall pay that amount of money which the Manager calculates to be the proportionate share of the sewer line construction costs, as defined by the Manager, attributable to the development or property, plus an administrative charge of six percent (6%) of the principal amount of such proportionate share (the "Payment"); and
- (c)** The Manager may authorize the Payment, described in Rule 4.7(b), above, over a term of years, not to exceed ten, upon the execution and delivery by the developer of a promissory note and mortgage or deed of trust sufficient, in the judgment of the Manager, to reasonably ensure that the Payment will be timely made; and
- (d)** Interest shall accrue on the Payment at a rate established by the City Council, by resolution, or in the absence of such a resolution, at a rate which is equal to the rate of return on City investments obtained by the Finance Director of the City on the City's long-term investments; and
- (e)** The obligation to pay the Payment, in addition to the mortgage or deed of trust, shall constitute a lien upon the property and shall be equivalent to the lien provided for in the City Code establishing a water lien, presently § 31-3. All remedies available pursuant to such § 31-3 shall equally apply to the lien described and created herein; and
- (f)** In the event that an improvement district is formed and some or all of the Payment has been paid, the assessment which would otherwise be payable shall be reduced by the amount of principal of the construction cost which has been paid; and
- (g)** The property owner shall dedicate, at no cost to the City, such right-of-way or easements as the Manager shall deem necessary to construct, operate, and maintain the System, in accordance with City specifications and standards. In the event that insufficient information is available to determine the legal description of the required rights-of-way or easements at the time of approval or permit issuance, the developer shall promise and covenant to make such a conveyance or grant at such time in the future as the Manager shall require.

If adequate disposal and treatment facilities do **not** exist or **can not be constructed** that such a system can adequately **serve** a property during an interim period before sewer lines are constructed, **then** the property shall be abandoned or vacated until adequate treatment or disposal is available. Adequate disposal may include regular and periodic pumping and disposal of accumulated waste at the Plant.

Section 4, subsection (f), Rule 4.11, third paragraph, shall be amended in part as follows:

The words “**30 days prior to such hearing**” is changed to read “**10-days prior to such hearing.**”

Attach 13

**IGA with Mesa County for a Parking Garage
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Approval of a City & County Agreement for the Construction of Parking Garage in the 500 Block of White Avenue					
Meeting Date	September 3, 2003					
Date Prepared	September 3, 2003				File #	
Author	Mark Relph		Public Works & Utilities Director			
Presenter Name	Mark Relph		Public Works & Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: City Council consideration of an **agreement between the City and Mesa County for the joint ownership and construction of an employee parking garage** located in the 500 block of White Avenue.

Budget: By agreement the City's share of the construction and land acquisition is 40% or:

o Land: \$185,000 x 40%	=	\$	74,000
o Construction: \$2,534,583 x 40%	=	\$	1,013,833
o Misc. Construction & Development fees X 40%	=	\$	12,554 ¹
Total Construction & Land	=	\$	1,100,387

The annual maintenance cost has been estimated at \$19,800. By agreement, the City's share is maintenance is 40% or \$7,920 per year based on the current estimated cost.

The project would be funded through the City's Sales Tax Capital Improvement Program Fund. The City's share of the annual maintenance cost would be included in the 2004-05 Facilities budget within the Public Works & Utilities Department.

Action Requested/Recommendation: City Council motion to authorize the City Manger to sign the agreement, thereby purchasing a portion of the land, committing to

¹ The total cost for "Miscellaneous Construction & Development Fees" include \$8,385 for an access card system, \$10,000 for development and building permits fees and \$13,000 for geotechnical and inspection costs.

a 40% share of the construction costs and in return the City would receive 40% of the parking spaces (80) and joint ownership & operation of the parking structure with Mesa County.

Attachments:

1. The Agreement.
2. Exhibit to the agreement - Legal description of the site

Background Information: Mesa County has received two (2) bids for a 5 story parking structure. The low bid was from Shaw Construction of Grand Junction.

Mesa County recently asked the City to participate in the structure and thereby allocate parking spaces to City and County employees. The benefits of the proposal would provide permanent parking spaces for City Hall employees and thereby removing them from on-street parking.

Currently, the City leases 65 spaces from the First Assembly Church at 5th and Grand. The City has a 3½ year lease with an option to renew for another 3½ years with the expiration of the first term on March 10, 2004. The Church has recently contacted City staff and indicated they are pursuing the sale and relocation of the church. If successful, the City would lose the option to renew the lease. The City has a first right to purchase the church.

The proposed agreement provides for:

- Joint ownership of a 5 story parking structure with the City's name on the deed to the property;
- The allocation of cost and parking spaces is 60% County and 40% for the City;
- The total spaces available are 202 which include 4 County handicap spaces and 2 City handicap spaces;
- The City's share of spaces at 40% would be 80 regular spaces, which includes 2 handicap spaces. There will be one additional space to be used by City or County employees on a first come basis for motorcycles.
- The City and County would jointly approve operational and maintenance costs.
- The City and County would jointly approve any other proposed uses of the structure. (e.g. free or open parking on Sundays, weekend special event parking, etc.)
- Mesa County would be responsible for the day-to-day operation.

As of the date of this staff report the following have not been addressed:

- Title review for the property.

- Environmental assessment for the property.
- Soils investigation/suitability for construction.
- Development review/compatibility with Zoning and Development Code.
- An on-going operation and maintenance agreement.

file: CityCouncil staff report – Parking Garage 090303

AGREEMENT MCM -

THIS AGREEMENT by and between the County of Mesa (hereafter Mesa County) , a political subdivision of the State of Colorado, and the City of Grand Junction (hereafter Grand Junction), a home rule municipality of the State of Colorado,

WITNESSETH:

WHEREAS, pursuant to § 29-1-203, C.R.S. (2002) the parties are authorized to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting units, including the sharing of costs; and,

WHEREAS, parking for employees of the Parties and for the public has become increasingly difficult to obtain in the area around the Mesa County Courthouse and the Grand Junction City Hall; and,

WHEREAS, Mesa County owns certain real property located in Grand Junction and described in Exhibit A (hereafter the Subject Property), attached hereto and made a part hereof by this reference; and

WHEREAS, the parties desire to cooperate to construct, maintain, own, and operate a parking facility (hereafter Parking Garage) on the Subject Property to provide parking spaces for the use of the Parties and/or their designees;

NOW, THEREFORE, the Parties agree as follows:

1. The market value of the Subject Property is \$185,000. At Closing, as hereafter described, Grand Junction shall pay Mesa County \$74,000, which is 40% of the agreed upon market value of the Subject Property. Mesa County shall convey by Special Warranty deed to Mesa County and Grand Junction as tenants in common, an undivided 60% interest in the Subject Property to Mesa County and an undivided 40% interest in the Subject Property to Grand Junction.

2. The Parties shall construct, maintain, own, and operate the Parking Garage which shall generally provide for five (5) stories of automobile parking, an elevator, and stair tower on the Subject Property, subject to the following terms and conditions:

A. Mesa County shall contract with Shaw Construction to construct the Parking Garage on the Subject Property in accordance with plans and specifications prepared by Shaw Construction, L.L.C. (hereafter the Contractor).

Grand Junction has been provided a copy of the plans and specifications dated August 5, 2003 and August 8, 2003 and will review the same in accordance with and pursuant to its Zoning and Development Code.

B. The Parking Garage shall provide a minimum of 202 total parking spaces (including four (4) ADA spaces for Mesa County and two (2) ADA spaces for Grand Junction) at a cost not to exceed \$ 2,565,968.00.

C. Mesa County shall function as Project Manager for the construction of the Parking Garage. The cost of such shall be included in the total cost of constructing the project.

D. The Parties shall share the costs of construction of the Parking Garage on a 60% Mesa County - 40% Grand Junction basis. Mesa County shall invoice Grand Junction for 40% of the Contractor's completed work pursuant to the payment schedules/progress payments made by Mesa County in accordance with the construction contract between Mesa County and the Contractor. Grand Junction shall pay Mesa County for each invoice within 15 days of its receipt of the invoice. Grand Junction may require verification of completion of the work. Verification may include but not be limited to provision of lien waivers in a form acceptable to Grand Junction. Final payment shall not be made to Contractor until Grand Junction is reasonably shown that all claims or liens have been satisfied. Mesa County shall insure that the completed and in-process work/construction is fully insured. Grand Junction shall be a named insured for its 40% share.

E. The Parties shall jointly own the Parking Garage as co-tenants on a 60% - 40% basis with Mesa County owning an undivided 60% interest and Grand Junction owning an undivided 40% interest.

F. Mesa County shall maintain the Parking Garage, including purchasing and maintaining any required insurance, and invoice Grand Junction quarterly for 40% of the maintenance and insurance costs for the previous quarter. Grand Junction shall reimburse Mesa County for each invoice within 15 days of receipt of the invoice. First year operating expenses are estimated to be \$19,793. Mesa County shall notify Grand Junction immediately of any emergency expenses, should they arise. Mesa County shall prepare an annual operating and maintenance budget which shall be presented during the annual budget preparation cycle of the Parties and which shall be subject to the mutual approval of the Parties.

G. Within six (6) months after Closing, as hereafter described, the Parties shall enter into an operation and maintenance agreement, not inconsistent with the terms of this Agreement, further clarifying the procedure for operation and maintenance of the Parking Garage.

3. Mesa County shall be guaranteed 121 parking spaces (including 4 ADA parking spaces) and Grand Junction shall be guaranteed 80 parking spaces,(including 2 ADA

parking spaces). One additional parking space shall be designated for the use of both Parties for motorcycle parking. The location of the spaces guaranteed to each Party shall be mutually determined by the Parties at a later date.

4. The Parties shall jointly consent to use of the Parking Garage on weekends and/or during non-business hours by members of the public or not-for-profit entities, provided that maintenance cost are not unduly increased by such use.

5. Revenue from the Parking Garage, if any, shall be shared by the Parties on a 60% Mesa County, 40% Grand Junction basis. Charges by either Party, if any, to its respective employees for the privilege of parking in the Parking Garage shall not be defined as Revenue from the Parking Garage.

6. In the event either Party should determine to sell or otherwise convey its undivided interest in the Subject Property, the other Party, shall have and is hereby granted, a first option to purchase such undivided interest at a price equal to any legitimate written offer received for such undivided interest. Such first option must be exercised within thirty (30) days of notification of a legitimate written offer received for such undivided interest.

7. This agreement shall be construed in accordance with the laws of the State of Colorado and the Ordinances, Codes, Licensing and Permit Requirements of Grand Junction and venue for any dispute hereunder shall be in the District Court for the County of Mesa, Colorado.

8. Closing herein shall occur at a date and time mutually acceptable to the Parties as soon as reasonably possible after approval and execution of this Agreement by both Parties.

9. Any and all notices required by or to be made under or pursuant to this Agreement shall be made in writing and sent via United States Mail to the party to whom the notice is addressed.

EFFECTIVE ONLY UPON the approval and signature of both Parties.

ATTEST:
Commissioners

Mesa County Board of County

Clerk and Recorder

James R. Baughman
Chairman

Date

ATTEST:

City of Grand Junction

City Clerk

James G. Spehar
Mayor

Date

EXHIBIT “A”

Parcel One:

Lots 22 and 23 of Block 82, City of Grand Junction;

Also known as tax parcel number 2945-143-05-931;

and

Parcel Two:

The West Half of Lot 20 and all of Lot 21 in Block 82, City of Grand Junction;

Also known as tax parcel number 2945-143-05-934;

and

Parcel Three:

The East Half of Lot 20 and all of Lot 19 EXCEPT the East 1 foot thereof, in Block 82, City of Grand Junction;

Also known as tax parcel number 2945-143-05-933.

**Attach 14
Referendum A**

cc: Kelly A
Dane V.
City Council
on 8/26/03

August 25, 2003

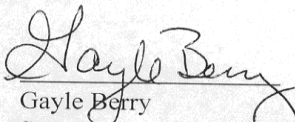
Mr. Jim Spehar, Mayor
City of Grand Junction
240 N. 5th Street
Grand Junction, CO 81501

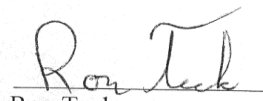
Dear Mayor Spehar and Members of the Grand Junction City Council:

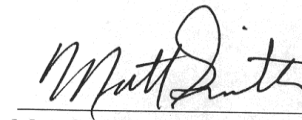
We are opposed to Referendum A. Referendum A does not provide for Basin of Origin protection and it will not benefit agriculture.

A number of local governments throughout Western Colorado are opposing Referendum A. We would ask you to review Referendum A and to issue a statement or resolution in opposition.

Sincerely,


Gayle Berry
State Representative
House District #55


Ron Teck
State Senator
Senate District #7


Matt Smith
State Representative
House District #54

REFERENDUM A, NOVEMBER 2003

Shall the State of Colorado debt be increased \$2 billion, with a repayment cost of \$4 billion, maximum total state cost, by an amendment to the Colorado Revised Statutes providing for drought relief by the financing of improvements to water infrastructure in Colorado, and in connection therewith, authorizing the Colorado Water Conservation Board to issue revenue bonds for the construction of private or public water infrastructure projects costing \$5 million or more that have been approved by the Governor; authorizing the Water Conservation board to recommend projects, including at least two projects from different river basins with a start date of 2005, and requiring the governor to approve at least one such project; setting aside \$100 million of bond proceeds to finance projects, or portions of projects, that augment or improve existing facilities or conserve existing water supplies without creating new storage facilities; exempting the bond proceeds, the proceeds of sales by the Board of Water, Power, or other assets from facilities financed by the bonds, and any Section 20 of the State Constitution and Article 77 of Title 24, Colorado Revised Statutes; and requiring the General Assembly and executive branch agencies to adopt by July 1, 2004, any necessary statutes and rules, respectively, to ensure the marketability of the bonds authorized by this measure.

REFERENDUM A DISCUSSION

**Questions/Answers from the Save Colorado's Water website.
Italicized response from Jim Spehar, Vote No on A Steering Committee Member**

Why pass Referendum A - Do we need it?

This initiative will give Coloradans an essential tool to help combat droughts and water shortages. Passing Referendum A is a big step in the right direction for the future of our state. Local communities - water districts, municipalities and the private sector - will be able to access new funding sources and complete water supply projects.

Referendum A will not provide any solution not already available to build Colorado water projects. Any project that is economically viable can now be financed through a variety of state, regional and local bonding mechanisms. Financing capability is not the issue, affordability is. If the legislature truly wants to expand capabilities for development of water resources, it should do so with grants and loans that would help increase affordability.

Some have called Referendum A a blank check - Is that really the case?

Referendum A provides for a comprehensive process by which to improve our State's water infrastructure. Referendum A provides a financing mechanism that approves up to \$2 billion in bonds to improve existing facilities and develop new water storage projects. There is a defined and accountable process for proposing and approving projects through the Colorado Water Conservation Board and the governor.

Referendum A, which proposes up to \$4B in new costs, has been compared to trying to obtain a loan for a house with no structure, no building plans, not even a description of the property. Proponents of Referendum A have been unable to identify any single economically viable water project ever halted because of a lack of available funds to loan. And, while we may be able to rely on the pledges of our current Governor and the wisdom of the present members of the Colorado Water Conservation Board, we have no assurances future decision makers will bring their same values to the decision making process when future water projects are considered.

Why aren't specific projects listed?

It is difficult to name specific projects as this legislation allows for both government and private entities to "think out of the box" for new infrastructure ideas. However, the list of projects developed by the Colorado Water Conservation Board (Statewide Water Supply Initiative study) is available as one example. This initiative will allow the same entrepreneurial spirit that has served to meet the challenges of issues such as transportation and education to now meet the challenge of water supply and infrastructure.

Referendum A requires a public, accountable process to choose water projects. In order for specific projects to be listed in the referendum the legislature would have had to create a list before referring the measure to the voters. Instead of a few legislators thinking up a list of projects in the basement of the Capitol, Referendum A requires a statewide, citizen-driven process to determine, community by community, which projects are most appropriate.

The list of projects that communities agree on as part of the Statewide Water Supply Initiative will then be discussed in several public forums with the opportunity for public input, to ensure that only publicly supported projects move forward in the process.

Although repeated requests for the "lists" have been made in various public forums, they have not been provided. And the Statewide Water Supply Initiative is said to be focused on identifying potential projects, not confirming any existing "list" which may or may not have been developed with the desired level of public involvement. There are many examples of "entrepreneurial" solutions that have already been crafted without the uncertainty of Referendum A and with appropriate consideration of the needs of all affected parties. One example is the Wolford Mountain Reservoir near Kremmling, developed and financed jointly by the Denver Water Board and the Colorado River Water Conservation District with appropriate safeguards for both east and west slope interests. It provides a completed working prototype for future mutually beneficial water development.

Is mitigation covered in Referendum A?

Referendum A and Save Colorado's Water is about protecting this valuable resource in all corners of Colorado. New storage will benefit all Coloradans. Should a project benefit more than one basin, the initiative provides funding for mitigation.

The Office of Legislative Legal Services, the office Colorado lawmakers rely on to draft and interpret their bills, has said firmly that the language of Referendum A does not require mitigation. Some proponents point to SB115 enacted in the last session as mitigation reassurance, but it only provides for mitigation of lost property tax revenues. In other words, it takes care of government but not Main Street in communities where jobs and retail sales are decimated because water is moved elsewhere.

Is money really a problem in developing new storage?

Financing in and of itself is not always the problem, which is why Referendum A deals with a panoply of nuances intrinsic to water supplies and planning on a statewide basis, including conservation, out-of-basin mitigation, environmental protection, and non-structural alternatives.

Critics of Referendum A have said the initiative is "first and last a financing bill," but that it does not improve the economics of building water projects. However, many fail to mention that this new bonding authority would allow private entities to leverage state support. For such entities, this most certainly does improve the economics of water storage.

Referendum A bonds could only finance projects that cost more than \$5M and that have a revenue stream to allow repayment. Projects that meet those requirements already have several financing alternatives. Referendum A will not help build small projects and is unlikely to help with others, including those involving conservation, out of basin mitigation or environmentally necessary efforts. If the state really wants to provide financing for private entities, the Colorado legislature could simply expand the existing authority of the Colorado Water and Power Authority and allow that agency to lend up to \$500M per project to private companies. There is no need to take a chance on a poorly conceived and poorly written referendum to resolve an issue that can be solved quite simply in the early days of the 2004 legislative session.

Is this a Front Range vs. West Slope issue?

We all know first hand about the contentious nature and volatile history of the water issue in Colorado. But, ignoring the issue and doing nothing is no longer an answer. The impacts of the drought have been severe for all Coloradans. It's time that we come together as a state and realize that this is not an East Slope vs. West Slope issues, rather this is a Colorado issue - an issue for Colorado's future.

It is truly unfortunate that proponents of Referendum A have made this an East Slope vs. West Slope issue and a Front Range vs. Eastern Plains issue by ignoring the need for adequate protection in all areas of Colorado where water resources may be developed. Efforts to refine the mitigation issue to offer needed additional protection were repeatedly beaten back during the 2003 legislative session. The Legislature's own legal office has ruled that mitigation is not required in Referendum A. Those truly concerned about helping and protecting all of Colorado should insist those shortcomings be corrected before any water development measure is approved.

What is the timeline for action in Referendum A?

The time for action is now. Referendum A provides for an aggressive timeline to begin water solutions. The Colorado Water Conservation Board must submit at least two projects from two different basins to the governor for approval. At least one project must be underway by 2005.

(the Statewide Water Supply Initiative study list is scheduled for completion by 2004)

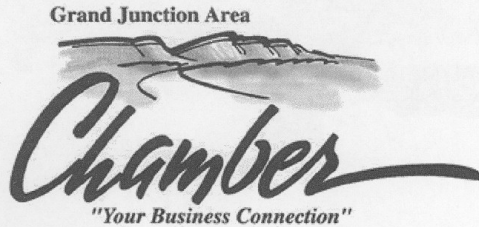
It is impossible to begin any water project in the timeline proposed in Referendum A. Even if good, economically viable projects are identified by December 2004 when the Statewide Water Supply Initiative is expected to be completed, permitting and engineering/design work will assuredly push the start of any project past the required 2005 start date. Water issues in Colorado are too important to be forced by an unachievable deadline in an ill-conceived proposal.

Does Referendum A incorporate the "Colorado 64"

As per the water principles agreed to by many of the counties, environmental groups, and water users in the state - also known as "Colorado 64," Referendum A seeks consensus from all of the State's basins and is entirely consistent with these principles. To reiterate the "Colorado 64" water principles, this Referendum is about planning for the needs of future generations and ensuring that all of the basins in our State remain whole. Unavoidable adverse impacts, consistent with the principles, are absolutely mitigated for in Referendum A.

Referendum A directly contradicts many of the Colorado 64 principles. It seeks no consensus. The state legislature has no role, only the Governor picks projects and the Colorado Water Conservation Board is the only recommending agency. It is deceptive to selectively list one of the ten "Colorado 64" principles jointly developed with input and adoption by all areas of Colorado and then imply that Referendum A is acceptable under all of those principles.

It is equally deceptive to say that adverse impacts will be "absolutely mitigated" in Referendum A when the Legislature's legal office has firmly ruled that mitigation is not required in the language of the referendum. Separate legislation (SB115) approved in the 2003 session offers limited mitigation for property tax impacts only and does not compensate for lost jobs or other negative economic impacts when agricultural lands are dried up.



LEGISLATIVE FAX

July 29, 2003

Chamber Officially Opposes Referendum A:

Last week, the Grand Junction Area Chamber Board of Directors voted to formally oppose the upcoming \$2 billion water bonding issue ('Referendum A') that will appear on this November's ballot. In voting, the Board of Directors endorsed the unanimous recommendation given by the Chamber's Governmental Affairs Committee in June to oppose the measure on the basis of its potential to have serious consequences for water interests on the Western Slope. Specifically, the Chamber is concerned that the ballot fails to identify any specific water projects for construction, it fails to provide mitigation for trans-basin diversions, and it fails to adhere to the "Colorado 64" water principles that the Chamber's Board of Directors had previously endorsed.

Chamber Supports Library Bonding Issue:

At its recent meeting, the Grand Junction Area Chamber Board of Directors also voted to endorse the proposed ballot issue for a new local library. The measure would authorize the issuance of bonds for the construction of a new Mesa County Library and would provide for assistance with increased operating costs. The Chamber believes that a new library for the citizens of Mesa County represents an important part of building a stronger and even more vibrant community.

Federal Class Action Legislation Passes:

The US House of Representatives recently voted to pass the "[Class Action Fairness Act](#)" – aimed at preventing abusive practices and more easily

allowing the removal of complex national class action cases to federal courts, which have the expertise and resources to handle such cases. This bill is aimed at addressing serious and exorbitant abuses of the class action system by trial attorneys. The Senate is expected to consider the legislation later this summer.

Health Care Summit Scheduled for August:

Along with the Colorado Association for Commerce and Industry (CACI) and Rocky Mountain Health Plans, the Grand Junction Area Chamber will be co-sponsoring a Health Care Summit on *Monday, August 25th, from 2:30 to 5:30 p.m. at the Adam's Mark Hotel.* The meeting will examine the current state of the health care environment, with a panel giving various perspectives as well as a legislative update of actions taken by the Colorado General Assembly this past session. There is no cost to attend this event, and all are encouraged to participate.

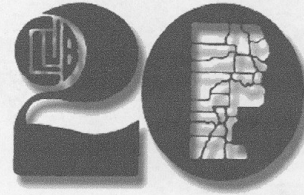
Chamber Sponsors TABOR Impact Meeting:

At 6:30 p.m. on Wednesday, August 6th at Liff Auditorium on the Mesa State campus, representatives from the Bell Policy Institute will be presenting their findings regarding the impacts of the TABOR Amendment to the state of Colorado over the past ten years. This is an opportunity to learn more about this complex amendment and the ways in which it interacts with other provisions of the state constitution. The Grand Junction Area Chamber is sponsoring this event in conjunction with Mesa County, the City of Grand Junction, and School District 51. There is no cost and the public is invited and encouraged to attend.

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Grand Junction Area Chamber of Commerce, 360 Grand Ave., Grand Junction, CO 81501
Phone: (970) 242-3214, FAX: 242-3694, www.gjchamber.org

“Voice of the Western Slope since 1953”
A coalition of counties, communities, businesses & individuals

(970) 242-3264 ★ FAX (970) 245-8300
P.O. Box 550 ★ Grand Junction, CO 81502-0550
www.club20.org



Proposed CLUB 20 Policy Resolution concerning

REFERENDUM “A” – Bonding Authority for Water Projects

WHEREAS the Colorado Legislature, during the 2003 legislative session, passed SB03-236 which referred to the voters in 2003 a ballot measure (Referendum A) which, if passed, will authorize the bonding of up to \$2 billion dollars for the purpose of constructing water projects, one of which must be started by 2005, and

WHEREAS Referendum A does not specify for which water projects the bonding proceeds will be used, nor does the Referendum ensure that such projects will provide adequate mitigation to affected communities in order to offset adverse impacts of such projects, and

WHEREAS the lack of development of such water projects up to this point has more to do with economically unfeasible projects rather than lack of financing itself, and therefore providing for such bonding authority does not accomplish the stated goal of facilitating project development;

NOW, THEREFORE BE IT RESOLVED that CLUB 20 opposes Referendum A (Bonding Authority for Water Projects) which will appear before Colorado voters on the 2003 ballot.

Proposed by the Natural Resources Committee, June 30, 2003

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**A RESOLUTION TAKING A POSITION ON BALLOT ISSUE
REFERENDUM A**

Whereas, the Colorado legislature has referred to voters in the November, 2003, general election a ballot measure (Referendum A) which, if passed, will authorize bonding of up to \$2B with repayment of \$4B for the purpose financing and constructing water projects, and

Whereas, Referendum A fails to specify which water projects bond proceeds would be used for, and

Whereas, the legislature's legal office has determined that Referendum A does not require mitigation of any adverse economic, social or environmental impacts caused by the construction and operation of water storage projects to be financed, and

Whereas, Referendum A and SB 236, which referred the measure to Colorado voters, do not provide for legislative oversight or approval by local governments for water projects to be financed by bond proceeds, and

Whereas, counties, municipalities, special districts and private water providers currently have available to them a variety of funding mechanisms, including revenue bonding, which are being utilized to finance and build water projects, and

Whereas, providing an additional source of revenue bonds will not increase the affordability of water projects for agricultural users and others who do not have the ability to repay those bonds, and

Whereas, proceeds of bond sold under the provisions of Referendum A would be available only to finance projects costing at least \$5M and would not assist more cost efficient smaller projects, and

Whereas, only \$100M (5%) of bond proceeds would be available to finance projects or portions of projects that would augment or improve existing facilities or conserve existing water supplies without constructing new storage facilities, and

Whereas, Referendum A has proven to be divisive at a time when all of Colorado should be working together to resolve drought and water supply issues,

Now, therefore, be it resolved that the Grand Junction City Council opposes Referendum A (Bonding Authority for Water Projects) which will appear on the general election ballot in November, 2003, and urges citizens to join in that opposition.

ADOPTED this ___ day of _____, 2003.

Attest:

President of the Council

City Clerk