

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

WEDNESDAY, JANUARY 21, 2004, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Pastor Jerry Boschen, First Assembly of God

PRESENTATION OF CERTIFICATES OF APPOINTMENT

To Visitors & Convention Bureau Board of Directors

To Historical Preservation Board

SCHEDULED CITIZEN COMMENTS

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

1. **Minutes of Previous Meetings**

[Attach 1](#)

Action: Approve the Summary of the January 5, 2004 Noon Workshop, January 5, 2004 Workshop and the Minutes of the January 7, 2004 Regular Meeting

2. **Annual Hazardous Materials Agreement with Mesa County**

[Attach 2](#)

The Fire Department is requesting renewal of the City of Grand Junction/Mesa County Intergovernmental agreement for the Grand Junction Fire Department to provide Superfund Amendment Reauthorization Act (SARA) and Designated Emergency Response Authority (DERA) services to Mesa County outside the City of Grand Junction. The DERA services are for response to accidents involving the release of hazardous materials. The SARA program involves collection of information regarding storage, handling, and manufacturing of hazardous materials.

Action: Authorize the City Manager to Sign the Annual SARA/DERA Agreement

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

*** Indicates New Item

® Requires Roll Call Vote

Staff presentation: Jim Bright, Operations Officer

3. **Arts Sculptures for Canyon View Park and Westlake Skate Park** [Attach 3](#)

The Commission on Arts and Culture recommends that the City Council approve the commission of two sculptures through the 1% for the Arts Program: "Love Song" by Denny Haskew for Canyon View Park and "Wave Parade" by Joe McGrane for Westlake Park.

Action: Authorize the City Manager, City Attorney, and the Commission on Arts and Culture to Negotiate Contracts with the Two Selected Artists to Create and Install Sculptures for Canyon View Park and Westlake Park

Staff presentation: Allison Sarmo, Cultural Arts Coordinator

4. **Setting a Hearing to Create Alley Improvement District No. ST-2004, Phase B** [Attach 4](#)

A resolution setting a hearing creating Alley Improvement District ST-04 excluded the East/West Alley running from 8th to Cannell Avenue between Mesa Avenue and Hall Avenue due to concerns expressed by representatives of the Seventh Day Adventist Church as to their special assessment.

Resolution No. 07-04 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City Alley Improvement District No. ST-04, Phase B and Authorizing the City Engineer to Prepare Details and Specifications for the Same

®Action: Adopt Resolution No. 07-04 and Set a Hearing for March 3, 2004

Staff presentation: Mark Relph, Public Works and Utilities Director

5. **Setting a Hearing for Alley Improvement District No. ST-03 Assessments** [Attach 5](#)

Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- "T" Shaped Alley from 2nd to 3rd, between E. Sherwood Avenue and North Avenue
- "Cross" Shaped Alley from 6th to 7th, between Rood Avenue and White Avenue
- East/West Alley from 11th to 12th, between Rood Avenue and White Avenue

- East/West Alley from 13th to 14th, between Main Street and Colorado Avenue
- East/West Alley from 13th to 14th, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 13th to 14th, between Hall Avenue and Orchard Avenue

Proposed Ordinance Approving the Assessable Cost of the Improvements Made In and for Alley Improvement District No. ST-03 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Introduction of Proposed Ordinance and Set a Hearing for February 4, 2004

Staff presentation: Mark Relph, Public Works and Utilities Director

6. **545 Noland Avenue Lease Extension** [Attach 6](#)

A resolution authorizing a one-year extension of the lease of City property at 545 Noland Avenue to Donald Fugate Jr., doing business as Don's Automotive.

Resolution No. 08-04 – A Resolution Extending the Lease of City Property at 545 Noland Avenue to Donald Fugate, Jr., Doing Business as Don's Automotive

®Action: Adopt Resolution No. 08-04

Staff presentation: Mark Relph, Public Works and Utilities Director

7. **Application for USEPA Grant** [Attach 7](#)

The City of Grand Junction is applying for an \$80,000 grant from the USEPA to be contracted to a qualified subrecipient. The grant proposal will provide a detailed characterization of the sources and loads of selenium in Persigo Wash, Adobe Creek and Lewis Wash. Selenium characterization of washes will aid selenium remediation planning and increase understanding to land use planners about the effect of land use on selenium concentrations and loadings in the Grand Valley. Results of this study will also supplement City water quality study efforts for the Persigo Wash Temporary Modification workplan.

Action: Authorize the Application for a USEPA Grant

Staff presentation: Mark Relph, Public Works and Utilities Director

8. **Setting a Hearing on Zoning the Grand Bud Annexation Located at the NW Corner of 28 ½ Road and Highway 50** [File #GPA-2003-184] [Attach 8](#)

Introduction of a proposed ordinance zoning the Grand Bud Annexation, located at the NW corner of 28 ½ Road and Highway 50, RMF-8 (Residential Multi-family, 8 units per acre).

Proposed Ordinance Zoning the Grand Bud Annexation to RMF-8 Located at the NW Corner of 28 ½ Road and Highway 50

Action: Introduction of Proposed Ordinance and Set a Hearing for February 4, 2004

Staff presentation: Kathy Portner, Planning Manager

9. **Historic Structure Survey Phase III Consultant Selection** [Attach 9](#)

The City was awarded a grant from the Colorado Historical Society State Historical Fund (SHF) to complete Phase III of a Historic Structures Survey. A competitive bid process was conducted and staff recommends awarding the project to Reid Architects, Inc. The total budget for the survey is \$100,000, \$60,000 from the SHF and \$40,000 match from the City.

Action: Authorize the City Manager to Sign a Contract with Reid Architects, Inc. to complete the Phase III Historic Structure Survey in the Amount of \$100,000.00

Staff presentation: Kristen Ashbeck, Senior Planner

10. **Setting a Hearing on Zoning the Bogart Annexation Located at 563 22 ½ Road** [File #ANX-2003-254] [Attach 10](#)

Introduction of a proposed ordinance zoning the Bogart Annexation consisting of 1.409 acres of land, located at 563 22 ½ Road.

Proposed Ordinance Zoning the Bogart Annexation to RSF-2 located at 563 22 ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for February 4, 2004

Staff presentation: Senta Costello, Associate Planner

11. **Setting a Hearing for Text Amendments to the SSID Manual (Submittal Standards for Improvements and Development)** [File #TAC-2003-01.04]

[Attach 11](#)

Introduction of a Proposed Ordinance to adopt the recent changes to the SSID Manual (Submittal Standards for Improvements and Development) as referenced in the Zoning and Development Code, Ordinance No. 3390, effective January 20, 2002.

Proposed Ordinance Amending the City of Grand Junction's "Submittal Standards for Improvements and Development", SSID Manual, and Authorizing Publication of the Amendments by Pamphlet

Action: Introduction of Proposed Ordinance and Set a Hearing for February 4, 2004

Staff presentation: Lori V. Bowers, Senior Planner

12. **Setting a Hearing for Zoning the Tomkins Annexation Located at 2835 and 2837 D Road** [File #ANX-2003-235]

[Attach 12](#)

Introduction of a proposed ordinance zoning the Tomkins Annexation RMF-8, located at 2835 and 2837 D Road.

Proposed Ordinance Zoning the Tomkins Annexation to RMF-8 Located at 2835 and 2837 D Road

Action: Introduction of Proposed Ordinance and Set a Hearing for February 4, 2004

Staff presentation: Lori V. Bowers, Senior Planner

13. **Setting a Hearing to Rezone the Tom Foster Property Located at 515 and 517 Kansas Avenue, from PD to RSF-4** [File #RZ-2003-231]

[Attach 13](#)

Introduction of a proposed ordinance to rezone the Tom Foster property, located at 515 and 517 Kansas Avenue, from Planned Development (PD) to RSF-4, Residential Single Family-4.

Proposed Ordinance Rezoning the Tom Foster property, located at 515 and 517 Kansas Avenue, from Planned Development (PD) to Residential Single Family-4 (RSF-4)

Action: Introduction of Proposed Ordinance and Set a Hearing for February 4, 2004

Staff presentation: Lisa E. Cox, Senior Planner

14. **Setting a Hearing to Vacate a 10' Strip of Right-of-Way, Located Along the Eastern 10' of Lot 16, Bookcliff Heights Subdivision for St. Mary's Hospital** [File #VR-2002-121] [Attach 14](#)

Introduction of a proposed ordinance to vacate a 10' strip of right-of-way located along the eastern 10' of Lot 16, Bookcliff Heights Subdivision.

Proposed Ordinance Vacating a 10' strip of Right-of-Way Located along the eastern 10' of Lot 16, Bookcliff Heights Subdivision

Action: Introduction of Proposed Ordinance and Set a Hearing for February 4, 2004

Staff presentation: Lisa E. Cox, Senior Planner

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

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

15. **Engineering and Construction Contracts** (Items a - d may be awarded under one motion)

- a. **Combined Sewer Elimination Project, Basins 7 & 11** [Attach 15](#)

This is the fourth of six contracts associated with the Combined Sewer Elimination Project (CSEP). It consists of the installation of 3600 feet of sanitary sewer and storm drainage pipes and the disconnection of various storm drain inlets from sanitary sewer lines and their reconnection to storm drainage lines. The low bid for this work was submitted on January 8, 2004, by Mendez, Inc. in the amount of \$495,522.00.

Action: Authorize City Manager to Execute a Construction Contract for the Combined Sewer Elimination Project, Basins 7 & 11 with Mendez, Inc. in the Amount of \$495,522.00

Staff presentation: Mark Relph, Public Works and Utilities Director

b. CSEP Waterline Replacements

[Attach 16](#)

This is the fifth of six contracts associated with the Combined Sewer Elimination Project (CSEP). It consists of the installation of 24,000 feet of water lines throughout the City. The low bid for this work was submitted on January 13, 2004, by MM Skyline Contracting, Inc. in the amount of \$1,777,408.60.

Action: Authorize City Manager to Execute a Construction Contract for the 2004 Waterline Replacement with MM Skyline Contracting, Inc. in the Amount of \$1,777,408.60

Staff presentation: Mark Relph, Public Works and Utilities Director

c. 29 – E.6 Bridge Widening at the Grand Valley Canal

[Attach 17](#)

Award of a construction contract for the 29 - E.6 Bridge Widening to G.A. Western Construction Company in the amount of \$181,274.16.

Action: Authorize City Manager to Execute a Construction Contract for the 29-E.6 Bridge Widening with G.A. Western Construction Company in the Amount of \$181,274.16

Staff presentation: Mark Relph, Public Works and Utilities Director

d. Riverside Parkway Design

[Attach 18](#)

This proposed amendment to the existing engineering services contract with Carter & Burgess increases the scope of services to include the entire 1601 study area for Riverside Parkway at US-50. The scope of services also includes the preparation of preliminary plans for the entire Riverside Parkway project and right-of-way acquisition services for that portion of the project that is outside of the 1601 study area.

Action: Authorize the City Manger to amend the existing contract with Carter & Burgess for a total fee of \$4,001,612.00.

Staff presentation: Mark Relph, Public Works and Utilities Director

16. **Application for Federal Hazard Elimination Funding for 7th Street and Patterson Road Intersection** [Attach 19](#)

A Resolution authorizing the submission of the above grant application to assist in the funding of the construction of street improvements at the intersection of 7th Street and Patterson Road.

Resolution No. 09-04 – A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Construction of Intersection Improvements at North 7th Street and Patterson Road

®Action: Adopt Resolution No. 09-04

Staff presentation: Mark Relph, Public Works and Utilities Director

17. **Public Hearing – Issuing Bonds for the Riverside Parkway** [Attach 20](#)

The City voters overwhelmingly approved the issuance of bonds up to \$80 million at the November 4, 2003 election. This debt is specifically approved for the construction of the Riverside Parkway from 24 Road to 29 Road, together with appropriate connections where needed and the completion of the 29 Road Corridor and new Interchange at 29 Road and I-70.

Ordinance No. 3595 – An Ordinance Authorizing the Issuance of City of Grand Junction, Colorado, General Fund Revenue Bonds, Series 2004, and Pledging Certain Revenues of the City for the Payment of the Bonds

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3595

Staff presentation: Ron Lappi, Administrative Services and Finance Director

18. **Public Hearing – CDBG Action Plan 2003 Amendment** [File #CDGB-2003-01]
[Attach 21](#)

Amending the City's 2003 Action Plan for the Community Development Block Grant (CDBG) Program Year 2003 to utilize a portion of the funds earmarked for neighborhood program administration for a Historic Structure Assessment of the Riverside School and roof repairs for the Riverside School.

Action: Hold a Public Hearing and Consider the Amendment to CDBG Action Plan 2003

Staff presentation: Dave Thornton, CDGB Program Manager
Kristen Ashbeck, Senior Planner

19. **Public Hearing – Amending Ordinance No. 3582 Gowhari Annexation Located at 563 20 ½ Road, 573 20 ½ Road, 2026 S. Broadway** [File # GPA-2003-183]
[Attach 22](#)

Amending Ordinance No. 3582 for the Gowhari Annexation. The legal description in Ordinance No. 3582 is incorrect; the annexation should have been a serial annexation. When amended the annexation will be known as the Gowhari Annexations No. 1 & No. 2. The 24.473 acre Gowhari annexation consists of 3 parcel(s) of land and 0.63 acres of 20 ½ Road right-of-way.

Ordinance No. 3596 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Gowhari Annexations No. 1 & No. 2, Approximately 25.103 Acres Located at 563 20 ½ Rd, 573 20 ½ Rd, 2026 S. Broadway and Including a Portion of the 20 ½ Road Right-of-Way

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3596

Staff presentation: Senta Costello, Associate Planner

20. **Public Hearing – Zoning the Gowhari Annexation Located at 563 20 ½ Road, 573 20 ½ Rd, 2026 S. Broadway** [File # GPA-2003-183] [Attach 23](#)

Hold a public hearing and consider final passage of an ordinance zoning the Gowhari Annexation consisting of 25.103 acres and 3 parcels, located at 563 20 ½ Road, 573 20 ½ Road and 2026 S. Broadway

Ordinance No. 3597 – An Ordinance Zoning the Gowhari Annexation to RSF-2 Located at 563 20 ½ Rd; 573 20 ½ Rd; 2026 S. Broadway

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3597

Staff presentation: Senta Costello, Associate Planner

21. **Public Hearing – Valley Meadows North Rezone Located at the North End of Kapota Street** [File # RZP-2003-153] [Attach 24](#)

Hold a public hearing and consider final passage of a proposed ordinance to rezone the Valley Meadows North property, located at the north end of Kapota Street, from the RSF-R, Residential Single Family Rural to RSF-4, Residential Single Family-4.

Ordinance No. 3598 – An Ordinance Rezoning the Valley Meadows North Property, Located at the North End of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4)

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3598

Staff presentation: Lisa E. Cox, Senior Planner

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

23. **OTHER BUSINESS**

24. **ADJOURNMENT**

**Attach 1
Minutes from Previous Meetings**

**GRAND JUNCTION
CITY COUNCIL ADDITIONAL WORKSHOP
SUMMARY**

JANUARY 5, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, January 5, 2004 at 11:30 a.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street to discuss workshop items. Those present were Councilmembers 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. **CABLE TV FRANCHISE:** Staff has had discussions with Bresnan Communications regarding options of a formal franchise agreement versus a separate agreement for additional services. Assistant City Manager David Varley has prepared a report to be discussed by City Council and Bresnan representatives. John Gibbs, Advance Services Manager, and Paul Krugler, General Manager of the local company, were present.

Mr. Varley stated that Bresnan Communications has recently acquired the local cable TV company and is operating under a revocable permit that was adopted in 1966. When discussions with Bresnan ensued about the possibility of entering into franchise negotiations, the General Manager Paul Krugler suggested that some of the issues being brought forward by the City could be addressed in a separate agreement outside a franchise agreement therefore eliminating any need for franchise negotiations. The two issues presented to Bresnan by the City were high-speed access between City facilities and assurance that the City Council and Planning Commission meetings would be broadcast if in the future the County did not continue to provide City access.

Bresnan is willing to provide both services however; the high-speed access will require new fiber optic extensions, which are costly. The company would therefore need the City to sign a ten-year agreement to pay for those services, at a discounted rate, to cover the costs. The concern the City has is that the City has recently embarked upon a project to install its own fiber optic lines to connect traffic signals and it may be feasible that those lines could be used for the high-speed access needed, without the monthly service charge. The monthly service charge

proposed by Bresnan, although at a discount, is still high. The service provided by Bresnan would also include the routers on each end and repair and maintenance of the entire system. Another issue that would need to be addressed is that the City, by Charter, can only enter into such contracts for two years.

Councilmember Hill inquired as to what can be addressed in a separate agreement versus what would constitute a franchise agreement and at what point the matter must be taken to the voters. Interim City Attorney John Shaver advised that a full report of what can be included in a franchise including examples of franchises in the Denver metro area was drafted by a franchise attorney Norman Beecher and was provided to the then current Council a couple of years ago. That report can be recirculated. Mr. Shaver noted that Staff had pursued discussions based on needs of the organization rather than community needs as directed the last time this was considered by Council. If that direction has changed, community needs can be reviewed. Assistant City Manager Varley noted that when the contract with the County was being negotiated, a community assessment was conducted and only two things, a Spanish channel and equipment upgrade, were brought forth.

If the Council decides to pursue a franchise agreement, negotiations would begin. In order for the franchise to be on the next regular election in April, 2005, negotiations would have to be complete in February, 2005. A new franchise would establish clear authority since the revocable permit now being used has not been transferred to the new companies through the years.

The franchise fee was discussed briefly but the main points were – the fee is simply passed onto consumers, the fee is not an issue to some Councilmembers and any additional fees adds to the bottom line of the bill, which is what customers consider when selecting a service. Cable TV's main competitor, satellite TV, is not required to pay any franchise fee.

Council President Spehar pointed out that too much time is going by between discussions and wanted this issue to be on a better time schedule.

Action summary: It was decided that Council will schedule another discussion at a regular workshop to be determined that evening when future workshop agendas are discussed, that a franchise committee may be formed to work diligently on this issue, that the Beechum report will be

recirculated and that customer numbers will be obtained from the cable company.

2. **FURTHER DISCUSSION OF RESOLUTION NO. 75-02:** A discussion on Resolution 75-02 that regulates the use of City Hall property for use other than governmental purposes.

Council President Spehar asked how Councilmembers would like to proceed. Three Councilmembers wanted further discussion. Interim City Attorney John Shaver reviewed how the current regulation came to pass and what exactly the legal arguments are and were for the regulations. If the front lawn is designated as a limited public forum, regulations can be enacted that regulate the time, place and manner of gatherings, but not the content. Once regulations are in place, the question of enforcement surfaces. If there is a maximum limit, what happens when the number is exceeded? The difficulty is whether the regulations are actually limiting the message or the manner.

Councilmember Kirtland expressed that the intent when the Resolution was adopted was to protect the Cornerstones of Law and Liberty, a monument that the Council had worked long and hard to establish. If public assembly is allowed in that area, and the focal point of the assembly is the Cornerstones, that might then bring the issue back to the attention of the ACLU.

Council President Spehar added that the intent was not to limit free speech, but rather direct that to the Courthouse lawn a few feet away, where there is space available and a limited public forum has already been established. However, if the Council were to decide to change the City's current policy, he suggested that the new policy be identical to the County's in order to send a consistent message.

Councilmember Butler felt the Resolution should stay in place as is and Councilmember McCurry agreed with reviewing the County's policy for consideration.

Action summary: A Council subcommittee was formed consisting of Councilmembers Hill, Kirtland and Palmer. That subcommittee will draft some new regulations for consideration and a time on a future workshop will be scheduled.

Adjournment

The meeting adjourned at 1:27 p.m.

**GRAND JUNCTION
CITY COUNCIL WORKSHOP SUMMARY**

JANUARY 5, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, January 5, 2004 at 7:04 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Bruce Hill, Bill McCurry, Gregg Palmer and President of the Council Jim Spehar. Councilmember Dennis Kirtland was absent.

Summaries and action on the following topics:

1. **AFFORDABLE HOUSING ISSUES UPDATE & DISCUSSION:**
Affordable housing is one of the goal areas in City Council's Strategic Plan and has been discussed on several occasions during the year. This report and update summarizes much of the work that has taken place during the year regarding affordable housing.

Councilmember Hill attended a Colorado Housing Now Conference in October and he updated the Council on that conference. He listed three primary workshops that he attended. His perspective of the affordable housing work done in this community and how the City has cooperated with surrounding communities is that it is very positive and proactive. The public-private partnerships fit well with some of the future plans of the City, specifically on the Jarvis property.

David Varley, Assistant City Manager, reviewed the report and related the work being done with the Housing Authority as set forth in the Strategic Plan. He then deferred to David Thornton for a complete review of the report. Mr. Thornton referred Council to the items where Staff needs Council direction. First, there are the criteria for selecting appropriate sites for affordable housing. Secondly, for the Council to address the list of possible barriers in the City Code for affordable housing. Thirdly, there are a number of incentives being suggested for the building of affordable housing that Staff would like Council to consider.

Council President Spehar inquired if the smaller lot size means a few lots within a subdivision or a subdivision of smaller lots. He also questioned how such a lot would be marketed. Mr. Thornton responded that that detail has not been determined.

Councilmember Palmer asked about density bonuses and why the current provisions have not been used. Mr. Thornton explained that if a

developer were developing at the high end of density and proposed some affordable housing units, a one-for-one additional unit could be obtained.

Councilmember Hill asked about TEDS exceptions. Mr. Thornton reviewed the problems with the Linden project but expressed it was specific to the project and the process was not “broken”.

Council President Spehar expressed that many of these suggestions are “textbook” solutions but not practical solutions and won’t truly make a dent in the problem. The City needs to either create enough of an incentive or create requirements for affordable housing within developments. Then the challenge will be to keep the units affordable through restrictions.

Councilmember Palmer inquired if developers have been asked what it will take for them to participate in affordable housing. Mr. Thornton said many of them see the barrier as being the cost of development.

Mr. Varley explained that the report stayed within the scope of the objectives and perhaps those objectives should be expanded and other options be looked at.

Councilmember Hill suggested the City work with a developer to develop a template on how it might work.

Bill Whaley, Colorado Division of Housing, said the development community needs all of these tools. The City needs to have a level playing field for any projects to occur.

Dan Whalen, Director of Housing Resources, suggested that every multi-family housing unit that comes available needs to be purchased and rehabilitated. Otherwise, they go to the private sector. Building the smaller, 1200 square-foot homes cannot be built in most subdivisions. Housing Resources is trying not to have all of these homes go up in the Clifton area, but rather they try to spread them around.

Council President Spehar asked why Private Activity Bonds are not being used. Mr. Whalen said it has not been a big enough pool until recently.

Jody Kole, Housing Authority, said she shares the perspective that more units are needed. The income range they are trying to serve doesn’t meet the requirements of the Private Activity Bonds. They need to target the right tools for the specific market. There is little land zoned for higher density. Council President Spehar agreed, noting a large-scale change the Council made to the area from 24 Road to 24 ½ Road, north of F ½ Road negated the previous high-density zone designation.

Gabe De Gabriele, Habitat for Humanity, said they will building six to eight units in the next year. He referred to Camelot Gardens, where lots were at \$10,000. In Camelot II, lots are now \$25,000. In the next ten years, they anticipate a lot cost of \$35,000. Their homes are held in the affordable market for twenty years. He suggested partnerships with other groups and the City. His organization tries to spread the homes around rather than building a "Habitat neighborhood".

Councilmember Enos-Martinez shared the activity of a housing organization she works with, ComAct, and they partner with Housing Resources because a private developer is not an affordable option for them. They have built a few houses over the years in an attempt to address the need.

City Manager Kelly Arnold suggested that he sit down with Gabe De Gabriele and compare the fees to see what is affecting the increase he referenced. Mr. De Gabriele said the difference is the cost of raw land combined with fees that raised the costs. He noted the CDBG monies will be used that will help reduce the costs.

Mr. Arnold advised that the County Administrator suggested this topic be included on the agenda for the next City-County dinner meeting.

Council President Spehar asked if there is anything the City could do to make the Private Activity Bonds more attractive. Ron Lappi, Administrative Services Director, answered that due to the lower interest rates, there is not much incentive. Pooling the funds with the County might be a good idea. However, he noted that the two entities may still have to add other incentives.

Action summary: It was suggested that the City Council needs to take the lead and be a partner. The information regarding incentives needs to be disseminated. Mr. Arnold suggested some work be done with the County in advance of the next City-County meeting. The Council agreed.

The Council President called a recess at 8:36 p.m.

The meeting reconvened at 8:45 p.m.

2. **FRIENDLY NATIVE/HOSPITALITY TRAINING PROGRAM**

DISCUSSION: VCB Executive Director Debbie Kovalik updated the City Council on a work program that includes hospitality training and information to those in contact with tourists and business travelers. The goal is to get the information to those who have contact with visitors. She

noted that the friendliness of the community is mentioned frequently by visitors.

Ms. Kovalik chronicled the history of VCB hospitality. She then outlined the challenges and opportunities. Lastly, Ms. Kovalik discussed the specific program for 2004 as “Grand Junction Loves Company” and the conference being held during National Tourism Week (May 8-15). Kickoff for the campaign will be May 12th.

Councilmember Palmer asked if there are materials that can be made available for folks even after the week of the conference. Ms. Kovalik said yes and the VCB can even come to an organization and present the information.

Action summary: Council thanked Ms. Kovalik for the presentation and approved of the program.

3. **STRATEGIC PLAN UPDATE:** City Manager Arnold reviewed the update and noted that the annual update discussion will begin at 3:00 p.m. on January 21st, in the City Hall break room. He referred Council to the Action Step on Design Standards and noted that he would like to address this in the meeting on the 21st. Next, the Community Policing status will be presented completely in a full report from the Police Chief. Regarding Efficient Transportation, further discussion and amendments to the funding strategies will be reviewed. The future funding from the State is not promising.

Action summary: The update was accepted by Council.

ADJOURNMENT

The meeting adjourned at 9:19 p.m.

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

January 7, 2004

The City Council of the City of Grand Junction convened into regular session on the 7th day of January 2004, at 7:31 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Also present were City Manager Kelly Arnold, Acting City Attorney John Shaver, and City Clerk Stephanie Tuin.

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

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO VISITOR AND CONVENTION BUREAU BOARD OF DIRECTORS

Jane Fine Foster and Linda Smith were present and received their certificates.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING "100TH ANNIVERSARY" FOR THE EAGLES LODGE

PROCLAIMING JANUARY 16TH AS "ROCKY MOUNTAIN HEALTH PLANS DAY"

GJHS ORANGE & BLACK

Councilmember McCurry congratulated the students of the Grand Junction High School Orange & Black (the school newspaper) who made it possible to win Hall of Fame status.

APPOINTMENTS

TO HISTORIC PRESERVATION BOARD

Councilmember McCurry moved to reappoint Bill Jones and to appoint David Sundal and Zeb Miracle to the Historic Preservation Board for three-year terms, expiring December 2006. Councilmember Palmer seconded the motion. Motion carried.

SCHEDULED CITIZEN COMMENTS

Tyler Peck, 1152 ½ 23 Road, addressed Council regarding the current ice fishing restrictions at Juniata Reservoir. He said he is an avid fisherman but since 2002 ice fishing has been restricted at the reservoir because of liability concerns by the City. He said he was told another concern was the chance for contaminants in the water supply but he discounted any manmade contaminants. Lastly he said, understandably there are security concerns since 9/11, but he would like the prohibition relaxed so that he can ice fish there. He said he is willing to sign a waiver relieving the City of any liability in case of an accident. He also suggested posting signs stating the risks. He suggested a citizen task force walk the shores of the lake, pick up litter, and generally keep an eye on the lake. He felt the lake is the only place in western Colorado where one can catch walleye, and that anglers are losing more and more fishing opportunities.

Council President Spehar responded that he would have Public Works and Utilities Director Mark Relph, in conjunction with Utilities Manager Greg Trainor, review the matter, and have them then present their report for Council's review.

Shandie Case, 640 Bean Ranch Road, Whitewater, thanked Council for taking her suggestion to install a traffic signal at 24 and G Road seriously, and she offered her help if it would hasten the installation of the signal. She asked when the signal would be installed.

Public Works and Utilities Director Mark Relph said the parts are ordered and are expected in about three months. Then installation will occur within a month.

CONSENT CALENDAR

It was moved by Councilmember Enos-Martinez, seconded by Councilmember Hill, and carried by a roll call vote, to approve Consent Calendar Items #1 through #8.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the December 17, 2003 Regular Meeting

2. **Meeting Schedule and Posting of Notices**

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings to be determined annually by resolution.

Resolution No. 01-04 – A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings and Establishing the City Council Meeting Schedule

Action: Adopt Resolution No. 01-04

3. **Setting a Hearing on Issuing Bonds for the Riverside Parkway**

The City voters overwhelmingly approved the issuance of bonds up to \$80 million at the November 4, 2003 election. This debt is specifically approved for the construction of the Riverside Parkway from 24 Road to 29 Road, together with appropriate connections where needed and the completion of the 29 Road Corridor and new Interchange at 29 Road and I-70.

Proposed Ordinance Authorizing the Issuance of City of Grand Junction, Colorado, General Fund Revenue Bonds, Series 2004, and Pledging Certain Revenues of the City for the Payment of the Bonds

Action: Introduction of Proposed Ordinance and Set a Hearing for January 21, 2004

4. **Setting a Hearing on the Valley Meadows North Rezone Located at the North End of Kapota Street** [File # RZP-2003-153]

Introduction of a proposed ordinance to rezone the Valley Meadows North property, located at the north end of Kapota Street, from the RSF-R, Residential Single Family Rural to RSF-4, Residential Single Family-4.

Proposed Ordinance Rezoning the Valley Meadows North property, located at the north end of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4)

Action: Introduction of Proposed Ordinance and Set a Hearing for January 21, 2004

5. **Setting a Hearing on the Amending Ordinance No. 3582 Gowhari Annexation Located at 563 20 ½ Road** [File # GPA-2003-183]

Amending Ordinance No. 3582 for the Gowhari Annexation. The legal description in Ordinance No. 3582 is incorrect; the annexation should have been a serial annexation. When amended the annexation will be known as the

Gowhari Annexations #1 & #2. The 24.473-acre Gowhari annexation consists of 3 parcels of land and 0.63 acres of 20 ½ Road right-of-way.

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Gowhari Annexations #1 & #2, Approximately 25.103 Acres, Located At 563 20 ½ Rd, 573 20 ½ Rd, 2026 S. Broadway and Including a Portion of the 20 ½ Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for January 21, 2004

6. Setting a Hearing on Zoning the Gowhari Annexation, Located at 563 20 ½ Road, 573 20 ½ Road and 2026 S. Broadway [File # GPA-2003-183]

Introduction of a proposed zoning ordinance to zone the Gowhari Annexation consisting of 25.103 acres and 3 parcels, located at 563 20 ½ Rd, 573 20 ½ Rd, 2026 S. Broadway.

Proposed Ordinance Zoning the Gowhari Annexation to RSF-2 Located at 563 20 ½ Rd, 573 20 ½ Rd, 2026 S. Broadway

Action: Introduction of Proposed Ordinance and Set a Hearing for January 21, 2004

7. Lease Extension of the Saccomanno Property, Located at Southwest Corner of 26 ½ Road and H Road

A resolution authorizing a one-year farm lease of the City's Saccomanno Park property, located at the southwest corner of 26 ½ Road and H Road, except the south 5-acres.

Resolution No. 02-04 – A Resolution Authorizing a One-Year Farm Lease of the “Saccomanno Park Property” to Robert H. Murphy

Action: Adopt Resolution No. 02-04

8. Lease Extension of Two Dry Grazing Areas Located South of Whitewater

Two proposed Resolutions will extend the terms of these two existing Dry Grazing Leases located south of Whitewater for William Arthur Mertz and Sally Marie Smith.

Resolution No. 03-04 – A Resolution Authorizing a Dry Grazing Lease of City Property to William Arthur Mertz

Resolution No. 04-04 – A Resolution Authorizing a Dry Grazing Lease of City Property to Sally Marie Smith

Action: Adopt Resolution Nos. 03-04 and 04-04

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

Construction Contract - 29 Road Improvements Phase III Utilities, Grand Valley Canal – Patterson Road

Award of a construction contract for the 29 Road Improvements Phase III Utilities to M. A. Concrete Construction, Inc. in the amount of \$532,234.66.

Mark Relph, Public Works and Utilities Director, reviewed this item and the facilities included in the project. He noted that the bid amount is within budget and below the engineer's estimate. He said the work is scheduled to begin this January if the award of the construction contract is approved. He told Council the utility work completion is anticipated for May with the street construction following.

Council President Spehar asked if the work on this section of 29 Road would be as complicated as the southern portion was last year. Mr. Relph said it is complicated but not at the same magnitude.

Councilmember Palmer wanted confirmation that utilities would be placed underground. Mr. Relph affirmed.

Councilmember Palmer moved to authorize the City Manager to execute a construction contract for the 29 Road Improvements, Phase III Utilities, between the Grand Valley Canal and Patterson Road, with M.A. Concrete Construction, Inc. in the amount of \$532,234.66. Councilmember Kirtland seconded the motion. Motion carried.

Purchase of Property for the Riverside Parkway

The City has entered into a contract to purchase the property at 2529 High Country Court. A portion of the property is needed for Riverside Parkway right-of-way. The building will be used as office space for the Riverside Parkway Team for the duration of the project and then sold at the end of the project.

Mark Relph, Public Works and Utilities Director, reviewed this item. Mr. Relph explained that a portion of this property will be needed for right-of-way for the Riverside Parkway and that the existing building on the property will be used to house the Riverside Parkway project team including the consultants and the contractors. He said there would be space available for citizens to meet with the project team. He pointed out that after the project is completed, the portion of the property not needed for the Riverside Parkway would then be sold. He said studies showed that this is the most cost effective approach. Mr. Relph explained that there would be a partial demolition of the building for the Riverside Parkway right-of-way.

Councilmember Hill asked how many square feet would be demolished and when the demolition would take place. Mr. Relph said the project team would be moving in prior to demolition and about 1,000 square feet would be eliminated. City Manager Arnold noted that this is now referred to as the garage space, and that the lot size is just over an acre.

Councilmember Palmer asked how much the relocation costs are. Mr. Relph noted the remodeling costs are approximately \$27,000 for wiring and converting the existing structure into an office building, but any relocation costs have not been estimated.

Resolution No. 05-04 – A Resolution Authorizing the Purchase of Real Property Located at 2529 High Country Court for Use for the Riverside Parkway

Councilmember Kirtland moved to adopt Resolution No. 05-04. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

Citizen Corp Grant Program Application

The Governors Commission on Community Service under Lt. Governor Jane Norton is accepting grant applications for the 2004 Citizen Corp Program. This program supports the establishment of Citizen Corp Councils, Neighborhood Watch, Community Emergency Response Teams, Volunteers in Police Service, and Medical Reserve Corp.

The Grand Junction Police Department would like to establish a Citizen Corp Council and obtain funding to support the new Neighborhood Beat System. The Police Department would like to host quarterly meetings in each of the 63 neighborhood beats.

Due to high service demands and staff shortages the neighborhood beat officers will be conducting these meetings on an overtime basis rather than pulling from patrol staffing. Additionally, this grant would allow the City to pay overtime to patrol officers to attend a four-hour training block on how to host these neighborhood meetings. The

total costs of the proposed project will be \$53,960 all of which would come from the Governors Commission on Community Service.

Greg Morrison, Chief of Police, explained the reason for the request and what the funds would be used for. He advised Council that a Citizen Corps Group would facilitate the neighborhood meetings and the grant would be used to pay overtime to the police officers participating in the meetings, which would be potentially four meetings per neighborhood.

Councilmember Butler moved to authorize the Grand Junction Police Department to apply for the Citizen Corp Overtime Grant. Councilmember McCurry seconded the motion. Motion carried.

Public Hearing - Vacating Right-of-Way on the Files Property Located at 631 26 ½ Road [File #VR-2003-227]

The petitioners, City of Grand Junction and the current property owners, Shirley Howard, Donald Files & Robert Files, wish to vacate an existing 30' right-of-way located west of 26 ½ Road, between the platted right-of-ways of F ½ Road and North Acres Road that was originally dedicated in 1969 but due to a legal description error, was incorrectly conveyed. The only utility that is located in this right-of-way is a sanitary sewer line that will be covered by the recording of a 20' Public Utilities Easement. The proposed vacation has never been utilized or constructed as a road right-of-way. The Planning Commission recommended approval at its December 16th, 2003 meeting. The petitioners request approval of the Vacation Ordinance.

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

Scott Peterson, Associate Planner, reviewed this request. He noted that the request had been initiated by the City to correct a previous error by Mesa County. Mr. Peterson noted that the Files would grant a deed to the City for the utilities easement. He noted that the request is consistent with the Growth Plan and meets the criteria of the Zoning and Development Code.

There were no public comments.

Councilmember Kirtland asked about the condition of the vacation being a corresponding utility easement via a deed. Acting City Attorney Shaver concurred that would be the case.

The public hearing was closed at 8:20 p.m.

Ordinance No. 3593 - An Ordinance Vacating a 30' Wide Right-of-Way Located West of 26 ½ Road and South of the Grand Valley Canal and Reserving a 20' Public Utilities Easement Known as: 631 26 ½ Road

Councilmember Enos-Martinez moved to adopt Ordinance No. 3593 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

Public Hearing - Rezoning Blue Heron Meadows, Located at 2587 G ½ Road [File #RZ-2003-212]

A request for approval to rezone 18 acres of land from RSF-2 (Residential single-family, not to exceed 2 units per acre) to RSF-4 (Residential single-family, not to exceed 4 dwelling units per acre) and hold the Public Hearing on January 7, 2004.

The public hearing was opened at 8:21 p.m.

Lori Bowers, Senior Planner, reviewed this request. She reviewed the history of the property and how it was annexed and zoned originally. She said at annexation the City zoned it to be consistent with the County zoning knowing that when the parcel would be developed in the future it would require a rezone in order to be consistent with the Future Land Use Map. She stated that the request meets the rezone criteria of the Zoning and Development Code. She highlighted that the existing zoning was not in error, but that the parcel was zoned as per State Statute, within 90 days of annexation, and the decision then was made to make the City zoning consistent with the County zoning. She said another important criteria of the Code is that adequate facilities exist to serve the property, and she noted that this criterion has been satisfied.

Councilmember Palmer inquired when access to the property would be available. Ms. Bowers replied at development of the subdivision.

Tom Rolland, Rolland Engineering, representing Mr. Ebe Eslami, the owner, who was present, explained the reason for the request. He said other than the reasons stated by Ms. Bowers to meet the Future Land Use Plan, the higher density was also needed to support the infrastructure on the property. He pointed out specifically, since Leech Creek is transecting the property, this item would have to be dealt with and that there is some unique topography on the site. He said a RSF-4 zoning allows a minimum lot size of 8,000 square feet but they anticipate lot sizes of 10,000 square feet. He said it would be difficult to build more than 2 to 2.5 units per acre due to the topography, and that the Paradise Hills interceptor line would have to be relocated. He said the

development of this property also serves a tenet of the Growth Plan to develop smaller parcels where services are available to prevent further sprawl.

There were no public comments.

The public hearing was closed at 8:32 p.m.

Councilmember Hill asked about the adjacent property. Ms. Bowers responded that the parcel is platted but not developed. Councilmember Kirtland asked about green space on the map; and Ms. Bowers pointed that out in adjacent areas.

Ordinance No. 3594 – An Ordinance Rezoning Blue Heron Meadows, 18 Acres of Land Located at 2587 G ½ Road from RSF-2 to RSF-4

Councilmember Hill moved to adopt Ordinance No. 3594 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

Public Hearing - Westside Downtown Redevelopment Plan [File #PLN-2003-247]

Request to adopt the Westside Downtown Redevelopment Plan for the area generally bounded by Main Street, 5th Street and the Railroad.

The public hearing was opened at 8:36 p.m.

Kathy Portner, Planning Manager, reviewed the proposed plan and indicated that the proposal has both a short-term and long-term plan. She stated the City had held several Open Houses and charrettes, and obtained public input in a variety of ways in order to develop the plan with the surrounding property owners.

Ms. Portner explained that the short-term plan has very little in the way of structural changes but does change some uses in the area and implementation could include design standards and guidelines.

She said the long-term plan is a vision of consolidating Ute and Pitkin Avenues into one parkway through downtown. She said if that were to happen transitions would have to be looked at. She explained that this plan optimized the land available for redevelopment and it would provide adequate pedestrian and vehicle access to the transportation node. She said if the plan were to be adopted, an overlay zone would be brought back for Council's review with specific uses and guidelines.

Harold Stalf, Executive Director of the DDA, told Council that the DDA board unanimously supports the plan, and that the plan has been a key element in the long-range goal setting. He felt this area is now underutilized and has a lot of potential. He said the DDA feels the roadway is an important part of the development plan and the plan has been presented to CDOT for their consideration. Councilmember Enos-Martinez asked if there is any affect on existing businesses. Ms. Portner said no, it would only affect any new development.

Councilmember Palmer asked if Council adopted the Westside Downtown Redevelopment Plan as presented, would Council commit to both the short and long-term plan. Ms. Portner said yes. She noted that adoption also embraces the idea for guidelines and standards, which would be brought back later for Council's review.

Councilmember Hill confirmed that this proposal is similar to the Future Land Use Plan for this specific area, and he said some of the housing designations are different in the long-term versus short-term plan. Ms. Portner agreed with Councilmember Hill and said some of the new uses might occur by use of incentives, perhaps through the DDA. She explained that this proposal is more detailed than the Future Land Use Plan, and it is more akin to the 24 Road Corridor Plan. She said the implementation of the overlay zone would actually implement the plan, which would have specific zone designations, but that would occur later.

Councilmember Kirtland asked about the time frame for the overlay plan. Ms. Portner responded it would happen quickly so that the property owners would stay involved. Councilmember Kirtland next asked about some of the feedback received from the property owners. Ms. Portner said there is support for the higher standards, and that they are looking for the potential for redevelopment.

Councilmember Butler inquired about how it would affect some of the businesses located between Ute Avenue and Pitkin Avenue. Ms. Portner said there would have to be some property acquisitions.

Councilmember Palmer asked if and what kind of affect the redevelopment plan would have on enterprise zones and historical designations. Ms. Portner said the plan would enhance those properties. Councilmember Palmer asked if adoption of the plan commits the City to the vacation of Ute Avenue. Ms. Portner said no, the plan addresses how that might occur.

Louis Nolan, DeBeque, said his family has held property south of Pitkin Avenue for generations and he felt that some miscommunication exists on what is going to happen and regarding property acquisitions. He reminded Council that some folks do live there,

and he requested Council ask Staff to ensure communication is taking place. He requested Council to do that before adopting the plan.

Council President Spehar asked Acting City Attorney Shaver to explain how acquisitions would occur. Mr. Shaver said the City must enter into good faith negotiations before any eminent domain action can be initiated.

There were no other public comments.

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

Councilmember Kirtland stated the plan as presented is a long-term plan, 20 years or so, therefore the City would not be pushing anyone out of his or her neighborhood. He would urge Staff to address the concerns brought forth by Mr. Nolan and to make sure those fears are laid aside. He noted that the already planned Riverside Parkway would change the look of that area significantly.

Councilmember Palmer echoed Mr. Kirtland's comments. He felt the plan is a long-term vision for an area that has not had a vision for a long time, and he is glad to see the redevelopment plan.

Councilmember Hill said he attended the charettes, and he was part of the process when he was on the DDA board. He felt redevelopment could really change that lower area so it becomes part of downtown. He respects the neighbors there and explained the area is near his business. He said from his perspective, Staff has taken the time and effort to get input from the people who would be affected by the redevelopment plan.

Councilmember Butler agreed with the previous comments and asked Staff to make sure residents have their fears put to rest.

Council President Spehar stated that it would be at least six to eight years, at minimum and beyond that, before the plan would be implemented. He said the interim period might be of benefit to the existing property owners, as their property values would increase and be considered by the public and private sector for purchase for future development. He said he favored adoption of the redevelopment plan, as it would enhance the opportunity for appreciation of the properties.

Resolution No. 06-04 – A Resolution Adopting the Westside Downtown Redevelopment Plan

Councilmember Hill moved to adopt Resolution No. 06-04. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

The Council President called a recess at 9:10 p.m.

The meeting reconvened at 9:20 p.m.

Agreements with Sanitation Districts

Over the course of the last six months, the staffs and attorneys of three sanitation districts (Fruitvale, Central Grand Valley, and Orchard Mesa), Mesa County, and City of Grand Junction have been negotiating Intergovernmental Agreements (IGA) and Total Service Agreements (TSA) for a period of years that clearly delineates roles and responsibilities of each agency. This effort comes from the last Persigo Board meeting in July which the board authorized the use of a third party to help facilitate negotiations.

Kelly Arnold, City Manager, reviewed the history of the agreements. He explained that at the Joint Persigo meeting in July, Staff was authorized to involve a third party facilitator to help negotiate these agreements. He said, as a result, an expert from Denver was brought in. He then detailed the agreements and advised Council that the City would manage the systems, but the boards would stay in existence, if they cannot get dissolution passed by the voters. He said some districts have one opportunity and some have two opportunities to get the dissolutions passed by the voters. He said there are financial commitments and capital improvement commitments. He pointed out that if the dissolutions do not occur then the TSA (Total Service Agreement) goes into effect. He said the County has indicated its support. Once the City approves the agreements, the separate Special Districts would need to approve them too, but the indication is that the boards support the agreements.

Councilmember Hill asked for clarification on what would happen after the six years of payments have occurred. It was clarified that the Districts can dissolve at any time. Acting City Attorney Shaver compared the relationship between the various agencies to the current relationship the City has with the Rural Fire District.

Larry Beckner, attorney for the Special Districts, pointed out his long-term relationship with the Special Districts and the goal to eventually dissolve the remaining Districts. He said the Fruitvale Sanitation District may not do any improvements but instead would bank the funds to be returned once dissolution occurs. Mr. Beckner told Council he was pleased with the agreements and stated the Boards would approve them within the next couple of months.

Councilmember Hill moved to authorize the Mayor to execute the IGAs and TSAs with the Fruitvale Sanitation District, the Central Grand Valley Sanitation District, the Orchard Mesa Sanitation District, and Mesa County. Councilmember McCurry seconded the motion. Motion passed.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

Letter from Clifton Sanitation District #2

The City had received a letter from the Clifton Sanitation District #2 asking for a decision on inclusion in the 201 by January 26th. The City made a request for an extension of time. Mr. Larry Beckner, their attorney, advised that no extension will be granted because of some time frames the District must meet. Mr. Arnold was directed to try to schedule a meeting with the Commissioners prior to that date. A time on January 21st was to be considered.

Discussion of the process for filling the position of City Attorney

Claudia Hazelhurst, Human Resources Manager, explained the job requirements and the options available to Council to fill the open City Attorney position. She explained the City Attorney is appointed directly by the City Council.

Ms. Hazelhurst provided a detailed schedule of the recruitment process and the selection process. She informed Council they could utilize both panel interviews and assessment centers, or a combination. Citizen involvement can be included in the process.

Council President Spehar favored a combination with some citizen involvement. Council favored the recruitment be handled by Human Resources. Ms. Hazelhurst asked that Council review the applicable dates so they could be included in the published advertisements. Council President Spehar stated he would like to review the job description prior to advertising.

Councilmember Hill expressed the \$4,000 in hard costs to fill such an extremely important position was very reasonable. Council President Spehar echoed that statement and noted it also gave reassurance to the City and its citizens that a process took place to ensure the best possible candidate is selected.

ADJOURNMENT

The meeting adjourned at 9:58 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2
Annual Hazardous Materials Agreement with Mesa County
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		City/County Hazardous Materials Intergovernmental Agreement					
Meeting Date		January 21, 2004					
Date Prepared		December 30, 2003			File #		
Author		Jim Bright		Operations Officer			
Presenter Name		Jim Bright		Operations Officer			
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 Fire Department is requesting renewal of the City of Grand Junction/Mesa County Intergovernmental agreement for the Grand Junction Fire Department to provide Superfund Amendment Reauthorization Act (SARA) and Designated Emergency Response Authority (DERA) services to Mesa County outside the City of Grand Junction. The DERA services are for response to accidents involving the release of hazardous materials. The SARA program involves collection of information regarding storage, handling, and manufacturing of hazardous materials.

Budget: Proposed funding from the County to the City for 2004 will be \$38,770 for DERA services, and \$25,846 for SARA services. Total funding is \$64,616.

Action Requested/Recommendation: The Fire Department recommends Council approval of this proposed agreement.

Attachments: Agreement

Background Information: This agreement has been in effect and has been renewed annually since 1992. Funding fluctuates based on actual incidents and program costs. If the agreement is not renewed, the City would provide the SARA/DERA services within the City boundaries only, with little cost reduction.

A G R E E M E N T

THIS AGREEMENT is made and entered into this ___ day of _____, _____, by and between the CITY OF GRAND JUNCTION, COLORADO, hereinafter referred to as the CITY and MESA COUNTY, COLORADO, hereinafter referred to as the COUNTY.

WHEREAS, the COUNTY is obligated by law to respond to hazardous substance incidents within its jurisdiction and otherwise perform as the Designated Emergency Response Authority (D.E.R.A.) for Mesa County; and

WHEREAS, the COUNTY is required by law to provide hazardous materials inventory, containment and emergency planning services under the Superfund Amendment and Reauthorization Act of 1986 (S.A.R.A.), also known as the Emergency Planning and Community Right to Know Act of 1986 and/or S.A.R.A. Title III; and

WHEREAS, the CITY, owns hazardous substance emergency response equipment and employs trained personnel who can perform the D.E.R.A. functions; and

WHEREAS, the CITY employs trained personnel who can perform the S.A.R.A. function; and

WHEREAS, the CITY and the COUNTY are willing to enter into an agreement for the provision of required D.E.R.A. and S.A.R.A., Title III services by the CITY, for and on behalf of, the residents of the COUNTY, beyond those COUNTY residents living in the CITY;

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

1. The CITY shall provide emergency hazardous substance response and SARA Title III services to the CITY and other corporate and unincorporated areas of the COUNTY in conformance with statutory obligations and as more particularly described in Exhibits A and B, incorporated herein by this reference as if fully set forth.
2. The COUNTY shall pay to the CITY, in two equal payments, for services provided for calendar year 2004, an amount of \$38,770 for the CITY serving as the D.E.R.A. for the COUNTY and an amount of \$25,846 for the CITY performing the S.A.R.A. services for the COUNTY. The first payments of \$19,385 for D.E.R.A. and \$12,923 for S.A.R.A. shall be due on or before June 30, 2004; the second payments shall be due on or before December 31, 2004.

3. Before any payment by the COUNTY is made to the CITY, the CITY agrees to provide the County's Emergency Management Coordinator with an invoice on or before the tenth working day of the month in which payment is due. The invoice shall contain a detailed account of all costs incurred by the CITY in performing, during the applicable billing period, those duties defined by, but not limited to Exhibit A and paragraph 4 of this agreement for D.E.R.A. and Exhibit B and paragraph 4 of this agreement for S.A.R.A.
4. The CITY agrees that it will furnish and pay for all of the labor, technical, administrative and professional services and all supplies, materials, equipment, office space and facilities, analyses, calculations and any other resources reasonably required to perform and complete the services, activities and functions of the D.E.R.A., as further described in Exhibit A and as required by Title III of S.A.R.A., as further described in Exhibit B.
5. This agreement is terminable by either the CITY or the COUNTY upon ninety days written notice. If this agreement is terminated, the CITY shall be compensated for and such compensation shall be limited to; (A) the reasonable value to the COUNTY of the services which the CITY performed prior to the date of termination, but which had not yet been paid for, and/or (B) the cost of any work the COUNTY approves in writing which it determines is needed to accomplish an orderly termination of this agreement.
6. The COUNTY hereby agrees to indemnify and hold harmless the CITY, its officers, agents and employees from and against any and all loss of, or damage to, property or injuries to, or death of any person or persons, including property and employees or agents of the CITY and shall indemnify and hold harmless the CITY, its officers, agents and employees from any and all claims, suits, damages, costs, expenses, liabilities, actions or proceedings arising out of the CITY's performance of this agreement, to the extent permitted by law. The COUNTY's obligation to indemnify or hold harmless the CITY, its officers, agents and employees under this agreement shall not apply to liability or damages resulting from the negligence of the CITY's officers, agents and employees nor to injuries covered by workers compensation. The CITY hereby agrees to indemnify and hold harmless the COUNTY, its officers, agents and employees from and against any and all loss of, or damage to, property or injuries to, or death of any person or persons, including property and employees or agents of the COUNTY, and shall indemnify and hold harmless the COUNTY, its officers, agents and employees from any and all claims, suits, damages, costs, expenses, liabilities, actions or proceedings arising out of the CITY's negligent performance under this agreement. This paragraph shall survive the termination of this agreement.

7. The CITY shall maintain adequate worker's compensation insurance through an authorized self-insurance plan approved by the State of Colorado, insuring the payment of workers benefits to its employees.
8. Notices concerning this agreement, notices of alleged or actual violations of the terms or provisions of this agreement and other notices of similar importance shall be made in writing by the CITY to the COUNTY at 750 Main Street, Grand Junction, Colorado, 81501, and by the COUNTY to the CITY at 250 North 5th Street, Grand Junction, Colorado, 81501, by prepaid United States mail. Mailed notices shall be deemed effective upon deposit with the U.S. Postal Service.
9. The COUNTY shall have the right to audit, examine and copy the CITY's records related to work performed under this agreement. The CITY shall retain these records for three years after the termination of this agreement.
10. For all purposes under this agreement, the CITY shall be an independent contractor retained on a contractual basis to perform technical and professional work and it is not intended nor shall it be construed, that the CITY employees are employees, officers or agents of the COUNTY for any purpose whatsoever.
11. The CITY agrees to perform its work under this agreement in accordance with the reasonable operational requirements of the COUNTY.
12. The CITY shall promptly bill any and all persons or entities releasing or spilling hazardous substances or otherwise requiring hazardous substance emergency response under this agreement. All monies recovered shall be dedicated to the hazardous substance emergency response program and D.E.R.A. activities and services. For releases or spills of hazardous substances or other hazardous substances or emergency responses outside the corporate limits of the City where a responsible party is unknown or cannot be identified, the COUNTY shall pay any and all response costs. The CITY shall furnish the County Emergency Management Coordinator duplicate receipts or other satisfactory evidence showing payments received and all billings, debts and obligations incurred by the CITY performing work under this agreement.
13. The CITY shall exercise that degree of care and skill possessed by trained hazardous substance emergency response personnel to assure that all of the work performed under this agreement by the CITY shall comply with applicable laws, rules, regulations and safety requirements. The CITY further represents that the work performed will not intentionally violate any applicable laws, rules, regulations or codes including but not

limited to the requirements of the most recently adopted United States Code, Code of Federal Regulations and the Colorado Revised Statutes.

14. All emergency response plans and other documents submitted to the CITY by the COUNTY or to the COUNTY by the CITY are the property of the CITY and the COUNTY and each may, without restriction, make use of such as it sees fit. There shall be no liability for any damage which may result from any use of any documents for purposes other than those intended or described in the document or plan.
15. All emergency contingency plans, chemical inventories or other information required by S.A.R.A. Title III submitted to the CITY by the COUNTY or to the COUNTY by the CITY are the property of the CITY and the COUNTY and such shall be made available to the public in conformance with the requirements of section 324 of Title III.
16. In the event any of the provisions, or applications thereof, of this agreement are held to be unenforceable or invalid by any court of competent jurisdiction, the validity and enforceability of the remaining provisions, or applications thereof, shall not be affected.
17. The CITY shall have the right to include representations that it is serving as the D.E.R.A. and is performing S.A.R.A. functions for Mesa County among the CITY's promotional materials. The CITY's materials shall not include the COUNTY's confidential or proprietary information if the COUNTY has previously advised the CITY in writing of the specific information considered by the COUNTY to be confidential or proprietary.
18. The enforcement of the terms and conditions of this agreement and all rights of action relating to such enforcement, shall be strictly reserved to the CITY and the COUNTY and nothing contained in this agreement shall give or allow any claim or right of action by any other or third person on such agreement.
19. This agreement is made in Grand Junction, Colorado and shall be construed and interpreted under the laws of the State of Colorado. In the event any aspect of the Agreement is litigated by or among the parties, the prevailing party shall be entitled to its costs and reasonable attorneys fees.

CITY/COUNTY

Page 5

20. This agreement shall become effective on the day and year first written above and shall continue in effect until December 31, 2004. Payment and indemnification obligations, as provided herein, shall continue in effect and survive termination until discharged.

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

CITY OF GRAND JUNCTION:

by: _____
Jim Spehar
President of the Council

RECOMMENDED AND APPROVED:

by: _____
Rick Beaty
Fire Chief

ATTEST:

by: _____
Stephanie Tuin
City Clerk

Mesa County Commissioners:

by: _____
Jim Baughman
Chairperson

ATTEST:

by:

Janice Ward
Mesa County Clerk and Recorder

EXHIBIT A

HAZARDOUS SUBSTANCE INCIDENT RESPONSE - DERA

The CITY agrees that it will provide 24 hour response to all hazardous substance incidents occurring within Mesa County.

The CITY will provide all of the manual, technical, administrative and professional labor and all equipment, supplies, materials, office space and facilities required to perform as the Designated Emergency Response Authority (D.E.R.A.) as agreed in the foregoing agreement. D.E.R.A. responsibilities include but are not necessarily limited to, providing initial hazardous substance response, analysis and or containment or arranging for containment, notification of law enforcement or other appropriate authorities, providing for the initial notification of citizens that are or may be affected, and determining, documenting and reporting potentially responsible parties.

The CITY, by and through the Grand Junction Fire Department shall supervise cleanup and mitigation activities.

The CITY will provide hazardous substance incident awareness level training to COUNTY employees at intervals agreed to by the parties, or as warranted by current legislation.

The Mesa County Emergency Manager shall be notified of hazardous substance incidents in accordance with the appropriate annex of the Mesa County Emergency Operations Plan.

The CITY, by and through the Grand Junction Fire Department, shall be in command at all hazardous substance incidents.

The CITY shall maintain trained personnel and the specialized equipment, as determined by the City to be reasonably required to discharge the D.E.R.A. responsibilities.

The foregoing Exhibit is attached and incorporated by reference to the agreement. By initialing below, the parties affirmatively state that they have read the Exhibit and acknowledge the responsibilities and obligations associated therewith.

_____ City
_____ County

EXHIBIT B

Superfund Amendments and Reauthorization Act (S.A.R.A. Title III, also known as the Emergency Planning and Community Right to Know Act of 1986).

The CITY agrees that it will perform inspections and surveys at hazardous and regulated material facilities in Mesa County pursuant to S.A.R.A. Title III. CITY also agrees to provide the County's Emergency Management Coordinator with a written report detailing such inspections and surveys. Such report shall be submitted annually.

The CITY will conduct investigations of hazardous and regulated material incidents and disposal activities, including but not necessarily limited to, identification of potentially responsible parties and initiation of enforcement and compliance efforts.

The CITY will provide hazardous substance awareness level training to COUNTY employees at intervals agreed to by the parties or as warranted by current legislation.

The Mesa County Emergency Management Coordinator shall be notified of hazardous substance incidents in accordance with the appropriate annex of the Mesa County Emergency Operations Plan.

The CITY, by and through the Grand Junction Fire Department, shall be in command at all hazardous substance incidents.

The CITY shall maintain trained personnel, as determined by the City to be reasonably required to perform the S.A.R.A. services.

The CITY will maintain records, reports and documentation as required by S.A.R.A. Title III and provide copies of same to the County's Emergency Management Coordinator upon request.

The foregoing Exhibit is attached and incorporated by reference to the agreement. By initialing below, the parties affirmatively state that they have read the Exhibit and acknowledge the responsibilities and obligations associated therewith.

_____ City
_____ County

Attach 3

**Arts Sculptures for Canyon View Park and Westlake Skate Park
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
Subject:		Purchase of 1% for the Arts Sculpture for Canyon View and Westlake Skate Parks.					
Meeting Date:		January 19 & January 21, 2004					
Date Prepared:		January 9, 2004			File #		
Author:		Allison Sarmo		Cultural Arts Coordinator			
Presenter Name:		Allison Sarmo		Cultural Arts Coordinator			
Report results back to Council:		X	No		Yes	When	
Citizen Presentation		X	Yes		No	Name Doug Clary, Arts Commission Vice-Chair	
X	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The Commission on Arts and Culture recommends that the City Council approve the commission of two sculptures through the 1% for the Arts Program: “Love Song” by Denny Haskew for Canyon View Park and “Wave Parade” by Joe McGrane for Westlake Park.

Budget: Canyon View Park budget = \$27,000 (includes \$17,000 in the Phase II capital construction budget and \$10,000 in the Commission’s budget for artwork purchases.)
Westlake Park budget = \$15,000 (which is 1% of the total spent on construction of Westlake Park over the last eight years and in the budget for the final, current phase.)

Action Requested/Recommendation: Authorize the City Manager, City Attorney, and the Commission on Arts and Culture to negotiate contracts with the two selected artists to create and install sculptures for Canyon View Park and Westlake Park.

Attachments: (Two artists’ proposals, resumes, and pictures – five pages)

Background Information: The 1% for the Arts program was established by City Council 1997 to include works of art in City capital construction projects for buildings, structures, and parks. For these two parks projects “Calls for Entries” (Requests for Proposals) were mailed to over 200 artists throughout Mesa County and Colorado, and a story appeared in both local newspapers. In December, 2003 the Arts Commission, plus representatives from the Parks Department and the chair of the Mesa State College Art Dept. reviewed slides and proposals from 30 Colorado artists (including four

from Grand Junction) and selected five finalists for the two parks projects, who had submitted five very diverse ideas for artwork.

Finalists' proposals for Canyon View Park included a stainless and painted steel kite mobile Gunnar Anderson, a carved limestone monolith by Michael Clapper, and a bronze and sandstone flute player by Denny Haskew. Finalists' proposals for Westlake Park were an abstract and undulating concrete and tile piece by Joe McGrane, and a life-sized skateboarder in layered steel by Pat Olson. The finalists each made a presentation January 14, and Joe McGrane and Denny Haskew's sculptures were selected for recommendation.

CANYON VIEW PARK



Denny Haskew
"Love Song"
Approx. 12'H
Barona Indian Reservation
Lakeside, CA
Stone and Bronze



Canyon View Park – Grand Junction, Colorado

EDUCATION AND PERSONAL:

1971	University of Utah, Bachelor of Science	Provo, UT
	Member, #03553	Potawatomi Citizen Nation
Born	1948	Denver, CO

SELECTED COMMISSIONS AND PUBLIC ART PLACEMENTS:

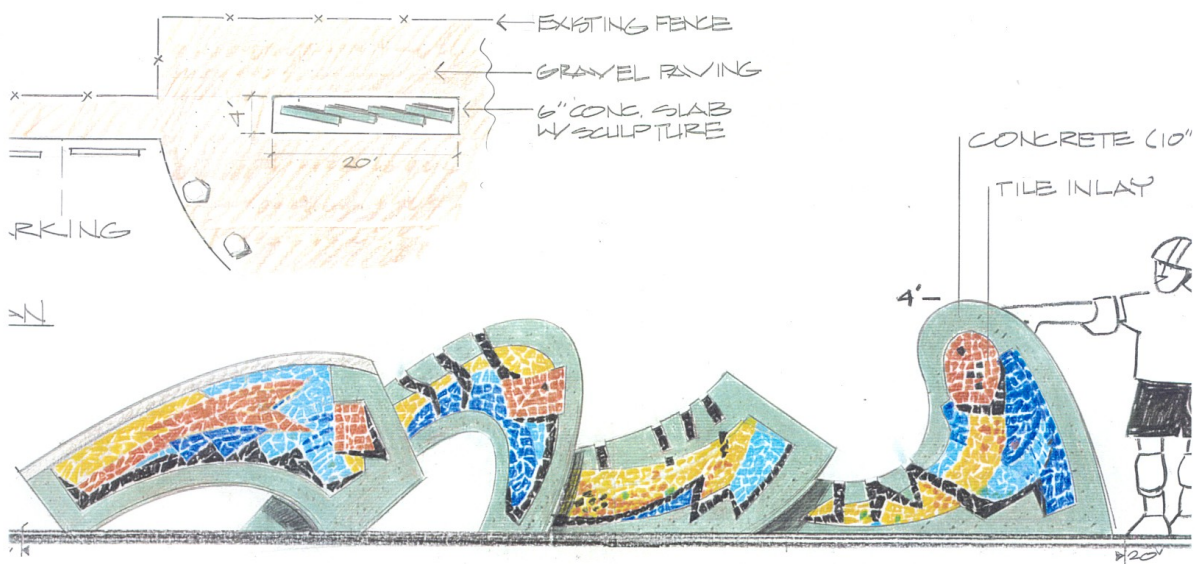
2003	University of Arkansas "Courage to Lead"	Fayetteville, AR
2002	City of Brighton, City Hall, "Courage to Lead"	Brighton, CO
2001	City of Black Hawk, "Courage to Lead Triad"	Black Hawk, CO
	City of Aurora, 30' High Entryway Monument, "Dawn"	Aurora, CO
	City of Cerritos, 12' High Formal Entry, "I Am You"	Cerritos, CA
2000	Barona Band of Mission Indians, "Strength of the Maker"	Lakeside, CA
	IBP Corporate Headquarters, "Strength of the Maker"	Dakota Dunes, SD
1998	National Museum of the American Indian - Smithsonian Institution, "Strength of the Maker"	Washington, DC
	Gilcrease Museum, "Strength of the Maker"	Tulsa, OK
	Wolf Creek Indian Village & Museum, "Strength of the Maker"	Bastian, VA
	American Stores Inc, Headquarters, "Inner-Strength"	Salt Lake City, UT
	Home State Bank, "White Deer of Autumn"	Loveland, CO
1997	Summit Foundation, City of Keystone, "Whispers of Oneness"	Keystone, CO
	Barona Band of Mission Indians, 5 Monuments of Honor	Lakeside, CA
1996	Lexington Cemetery, Matthews' Memorial, "Changing Worlds"	Lexington, KY
	Barona Band of Mission Indians, "He Who Fights With A Feather"	San Diego, CA
1995	University of Eastern Illinois, "Challenge To Excellence"	Charleston, IL
	Red Earth Invitational, Spirit Award Design "On the Prairie's Edge"	Oklahoma City, OK
1994	Trinity Episcopal Church, 20' High "Love and Forgiveness"	Greeley, CO
1993	Marianna Butte, 5 Monuments, "The Greeters" "Love Song" Trail of Forgiveness"	Loveland, CO
1991	Potawatomi Museum, "Trail of Prayers"	Shawnee, OK
1990	City of Loveland, "Crawford Folmer – Portrait"	Loveland, CO



LOVE SONG

• THE NATIONAL SCULPTORS' GUILD • DENNY HASKEW •
 • 2683 N TAFT AVENUE • LOVELAND, COLORADO 80538 • 970.667.2015 •
 • WWW.COLUMBINENSG.COM • FAX 970.667.2068 • NSG@FRII.COM •

WESTLAKE PARK



Stone Paradise
McGrane
© 2004

Joe McGrane
515 Smith Street
Ft. Collins, CO 80524
Concrete & tile
4'H x 20' long

RESUME - WEST LAKE SKATE PARK, Grand Junction, Colorado

Joe McGrane
515 Smith Street
Ft. Collins, Colorado 80524
970 221-1220
mcgrane@amar.colostate.edu

Mr McGrane is a Colorado artist with over 20 years of experience in the design and construction industries. Trained as a landscape architect and environmental interpreter, his art seeks to reveal and reinforce a sites natural and cultural context. It is colorful, active and experiential. It promotes exploration and interaction and can be appreciated on many levels of perception.

The examples shown in slides and resume represent built works similar in scale and with proven materials and construction techniques similar to those proposed for the West Lake Skate Park.

Selected Works



"100 Days of Summer"

100 Days of Summer is currently planned for the entrance to the new City Park Pool in Ft. Collins. It is a playful sculpture that references summer imagery, experience and memory with the passage of time. It features an entry plaza with a precast concrete "sand castle" and standing wave, stainless steel carnival mirrors, tile mosaic, memory windows, summer calendar medallions and sandstone seating. It was commissioned through the Ft. Collins Art in Public Places Program and completed 2003. cost \$18K



"Red Pony"

The **Red Pony** at English Ranch Park in Ft. Collins, Co is an 8' tall precast concrete and ceramic horse that creates a thematic gateway to the park's playground and picnic area. Located on the walk to the neighborhood school, the sculpture is a powerful image from American literature. It references cultural evolution and personal growth while commemorating the site as an English horse ranch. It was commissioned by the Fort Collins Art in Public Places board in 1999. Cost \$11K

References

- Janet Miezal Burns – Senior Parks Planner, Department of Parks and Recreation, City of Loveland (970) 962-2451
- Ellen Martin – Director, Art in Public Places, Ft. Collins, Colorado (970) 221-6735

Related Experience

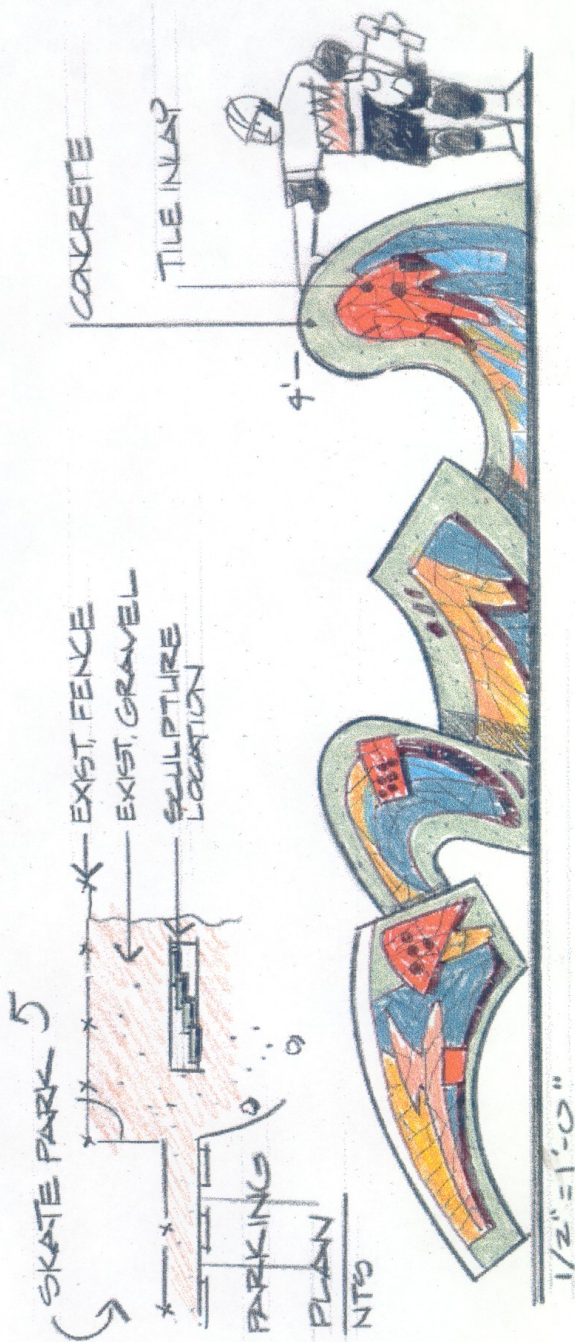
Assistant professor - Colorado State University, 1990-1991, 1998 to present
Landscape Architect - Ft. Collins, Colorado 1980-1998
Public Art consultant to City of Fort Collins, Public Works Department - ongoing
Member - Colorado Artist Registry

Education

BSLA, Colorado State University, 1982

Honors and Awards

ASLA Merit Award for Design, 2000
CCASLA President's Award of Excellence for Design, 2000
Poudre Valley Board of Education Service Award, 1999
Larimer County Environmental Service Award, 1998



Wave Parade is a unique sculpture designed specifically for the West Lake Skate Park. It is located at the lighted fence gate and drinking fountain area and is proposed as a colorful seat and entrance marker. Its materials, forms, and colors are inspired by the rhythmic motion of skaters and bikers using the park's bowls, ramps and rails. It has the excitement, freedom and edge of a street graphic.

The piece consists of four precast concrete waves with inlaid frost-proof tile set in epoxy mortar. The waves are 10" thick and vary in height to 4'. They are free standing and composed in a line with each piece overlapping the next.

Joe McGrane ~ 515 Smith Street ~ Ft. Collins, Colorado 80524 ~ 970.221.1220
All rights reserved

Together, their forms create a variety of social spaces and seating opportunities. The waves are anchored to a 4' x 18' x 6" reinforced concrete slab (supplied by the city) and pinned to each other for stability. The structure of the piece and its exposed edges will be reinforced concrete. Edges and corners with the potential for skate "grinding" will be reinforced with exposed angle iron. All concrete surfaces will be painted with clear graffiti-proof sealant. Tile surfaces can be easily cleaned with glass cleaner. Any safety and maintenance considerations will be addressed prior to fabrication.

Overall, the piece is durable, safe, social and fun. It reflects the uniqueness, excitement and energy of the skate park and its users.

Attach 4

**Setting a Hearing to Create Alley Improvement District No. ST-2004, Phase B
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
Subject		Setting a hearing to create Alley Improvement District No. ST-2004, Phase B						
Meeting Date		January 21, 2004						
Date Prepared		January 14, 2004				File #		
Author		Michael Grizenko		Real Estate Technician				
Presenter Name		Mark Relph		Public Works 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: A resolution setting a hearing creating Alley Improvement District ST-04 excluded the East/West Alley running from 8th to Cannell Avenue between Mesa Avenue and Hall Avenue due to concerns expressed by representatives of the Seventh Day Adventist Church as to their special assessment. Representatives of the Church have consented to the formation of the proposed Improvement District contingent upon an evaluation of alternatives before the assessment is levied. A petition signed by a majority of the property owners to be assessed has been submitted requesting this alley be included in a local improvement district. A public hearing is scheduled for March 3, 2004.

Budget:

2004 Alley Budget	\$350,000
Carry in from 2003 Budget	\$ <u>62,666</u>
Total Available Funds	\$412,666
Est. Cost to Construct Alleys Included in ST-04	\$319,200
Est. Cost to Construct Additional Alley	\$ 68,875
Estimated Balance	\$ 24,591

Action Requested/Recommendation: Review staff report, attached letter and proposed resolution.

Attachments: 1) Letter from Kent S. Kast, Principal of Intermountain Adventist Academy; 2) Summary Sheet; 3) Map; 4) Resolution which includes notice.

Background Information: At the November 19, 2003 City Council meeting, representatives from the Seventh Day Adventist Association of Colorado presented concerns regarding their property at 1704 North 8th Street being included in the 2004 Alley Improvement District. Issues raised included the extent the property would or would not benefit from the proposed improvements and the financial impacts the applicable assessment would have on their school budget. The City Council continued the discussions of this particular alley to allow Staff and representatives of the Seventh Day Adventist Association to develop and review potential alternatives.

City Staff and Seventh Day Adventist representatives each recommend that this alley be included in an Alley Improvement District with the understanding that both parties will evaluate the special benefits and consequential special assessments that should be levied as a result of the requested improvements. Under current policies and rates adopted by the City Council in 1999, the Church would be assessed the sum of \$17,365.95 for 551.3 feet of alley frontage based on the non-residential rate of \$31.50 per foot. Under current policy, the Church could pay this amount in full following construction and Council's adoption of the assessing ordinance, or the assessment could be amortized over a 10-year period. Amortized assessments include a one-time charge of six-percent (6%) for costs of collection and other incidentals with simple interest at the rate of eight-percent (8%) being charged against the declining balance. The Church's annual payments under the 10-year amortization would be as follows:

Base Assessment: \$17,365.95
One-time 6% Charge: \$ 1,041.96
Beginning Principal: \$18,407.91

Payment Due Date	Yearly Assessment	Declining Balance	8% Interest	Total Annual Payment
01/01/05	\$ 1,840.79	\$18,407.79	\$1,472.62	\$ 3,313.41
01/01/06	\$ 1,840.79	\$16,567.12	\$1,325.37	\$ 3,166.16
01/01/07	\$ 1,840.79	\$14,726.33	\$1,178.11	\$ 3,018.90
01/01/08	\$ 1,840.79	\$12,885.54	\$1,030.84	\$ 2,871.63
01/01/09	\$ 1,840.79	\$11,044.75	\$ 883.58	\$ 2,724.37
01/01/10	\$ 1,840.79	\$ 9,230.96	\$ 738.48	\$ 2,579.27
01/01/11	\$ 1,840.79	\$ 7,363.17	\$ 589.05	\$ 2,429.84
01/01/12	\$ 1,840.79	\$ 5,522.38	\$ 441.79	\$ 2,282.58
01/01/13	\$ 1,840.79	\$ 3,681.59	\$ 294.53	\$ 2,135.32
01/01/14	<u>\$ 1,840.80</u>	\$ 1,840.80	<u>\$ 147.26</u>	<u>\$ 1,988.06</u>
Totals:	\$18,407.91		\$8,101.63	\$26,509.54

Staff projects the proposed assessing ordinance will be considered by Council in November of this year. Prior to that time, staff will obtain a specific valuation of the

Church property by an independent appraiser. The valuation will attempt to quantify the special benefits the Church property will derive, expressed in dollars, resulting from the proposed alley improvements. Depending on the results of the independent valuation, Council may elect to either:

- Assess the Church for its direct special benefits, if any, as determined by the independent valuation; or
- Assess the Church based on current rates and policies; or
- Amortize the Church's assessment for a period longer than the current policy of 10-years;

Intermountain Adventist Academy

1704 N. 8th Street
Grand Junction, CO 81501
www.iaasda.org

(970) 242- 5116
Fax (970) 242- 5659
Email iaa7@attbi.com

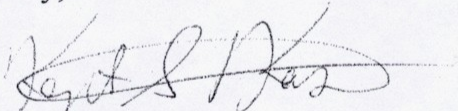
Where Character and Intellect Walk Hand in Hand

December 19, 2003

Dear Grand Junction City Council Members:

Thank you for graciously postponing the formation of the Alley Improvement District N. ST-04 (2004) while we, the representatives of Intermountain Adventist Academy, worked with the city planners for a compromise plan. In our meetings we are having some difficulty coming to a solution that will work for us and the future tax exempt landowners. We would like to request more time to work on this issue. We, in good faith, believe a solution will be arrived at in the near future and do not want to hold up the formation of this district any further. Please know that we are in agreement with the formation of this district with the understanding that talks will continue. We plan to bring you a proposal within the first few months of 2004.

Sincerely,



Kent S. Kast

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 8th STREET TO CANNELL AVENUE BETWEEN MESA AVENUE and HALL AVENUE

MESA AVENUE TO HALL AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Marvin Svaldi	74.54	\$15.00	\$1,118.10
• Duane & Janet Polk	52.63	\$ 8.00	\$ 421.04
• Dennis Cannon	50.00	\$ 8.00	\$ 400.00
• Daniela Shultz	50.00	\$ 8.00	\$ 400.00
• Terry & Julie Brown	53.00	\$ 8.00	\$ 424.00
• Cynthia Rose & Timothy Jackson	61.00	\$ 8.00	\$ 488.00
Larry Lampshire	61.00	\$ 8.00	\$ 488.00
• Mark & Gi Moon	61.00	\$ 8.00	\$ 488.00
Randy Gallegos & Natalie Clark	122.00	\$ 8.00	\$ 976.00
Susan Lazo	61.54	\$ 8.00	\$ 492.32
Robert Jordan	63.54	\$ 8.00	\$ 508.32
• Marvin Svaldi	88.37	\$15.00	\$1,325.55
Seventh Day Adventist Assoc.	<u>551.30</u>	\$31.50	<u>\$17,365.95 **</u>
TOTAL			\$24,895.28
ASSESSABLE FOOTAGE	1,349.92		

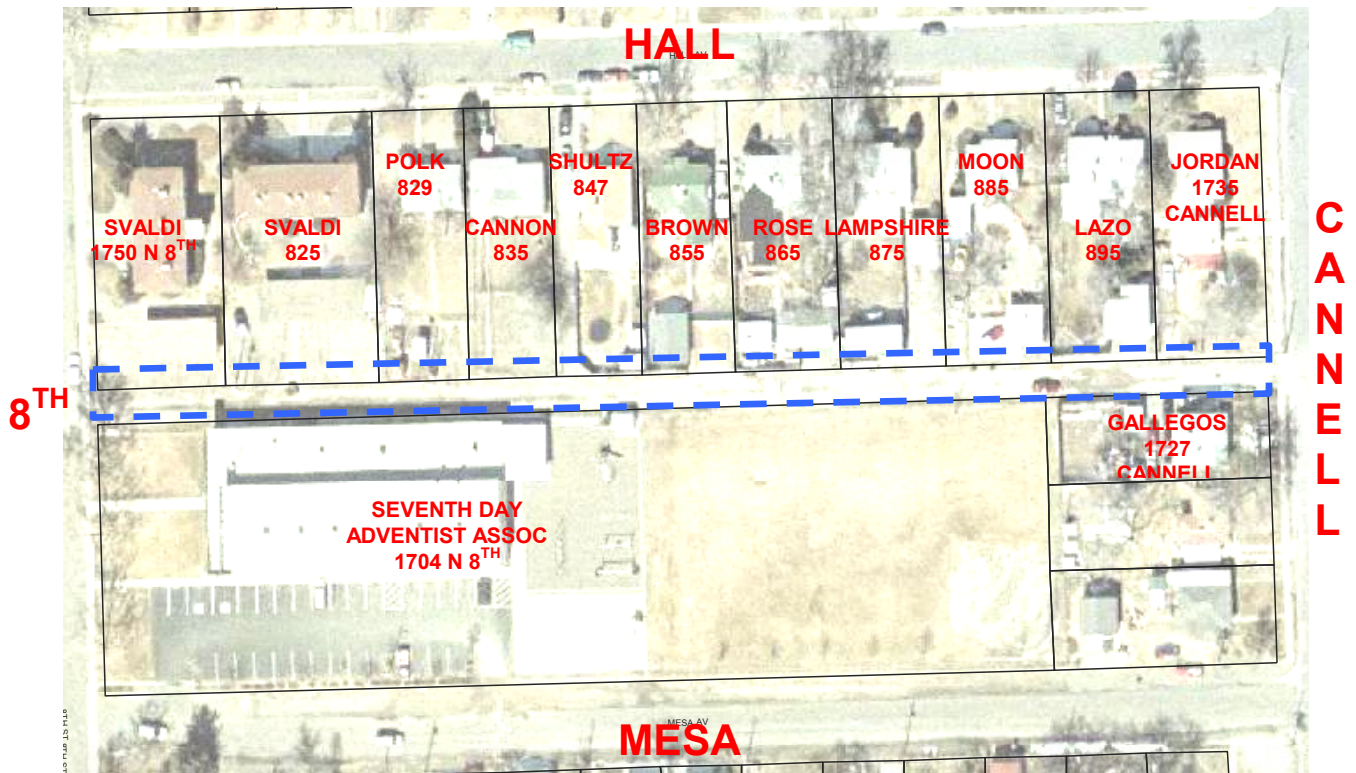
Estimated Cost to Construct	\$ 68,875.00
Absolute Cost to Owners	<u>\$ 24,895.28</u>
Estimated Cost to City	\$ 43,979.72

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates property owners signing petition = 8/13 or 62% of owners & 36% of abutting footage.

** Assessment shown is based on current City policies.

8th to Cannell, Mesa to Hall



RESOLUTION NO. _____

**A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL
OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE
WITHIN SAID CITY ALLEY IMPROVEMENT DISTRICT NO. ST-04, PHASE B AND
AUTHORIZING THE CITY ENGINEER TO PREPARE
DETAILS AND SPECIFICATIONS FOR THE SAME**

WHEREAS, a majority of the property owners to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that an Alley Improvement District be created for the construction of improvements as follows:

Location of Improvements:

- East/West Alley from 8th to Cannell, between Mesa Avenue and Hall Avenue

Type of Improvements - To include base course material under a mat of Concrete Pavement and construction or reconstruction of concrete approaches as deemed necessary by the City Engineer; and

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a Local Improvement District.

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

1. That the District of lands to be assessed is described as follows:

Lots 1 through 11, inclusive, Block 3, Mesa Subdivision; and also
Lots 14 through 22, inclusive, Block 3, Mesa Subdivision; and also
The north 50 ft. of Lots 12 and 13, Block 3, Mesa Subdivision, City of Grand Junction.
All in the City of Grand Junction, Mesa County, Colorado.

2. That the assessments to be levied against the respective properties will be as follows per each linear foot directly abutting the alley right-of-way:

Properties located within any zone other than residential and properties which are used and occupied for any purpose other than residential shall be assessed \$31.50 per abutting foot; provided, however, that existing multi-family uses within a non-residential zone shall be assessed at the multi-family rate of \$15.00 per abutting foot; further provided, that any single-family uses within a non-residential zone shall be assessed at the single family rate of \$8.00 per abutting foot.

Properties located in a residential multi-family zone shall be assessed at the residential multi-family rate of \$15.00 per abutting foot; provided, however, that any single family uses within a multi-family zone shall be assessed at the single family rate of \$8.00 per abutting foot.

Properties located in a single family residential zone shall be assessed at \$8.00 per abutting foot; provided, however, that existing multi-family uses within a residential zone shall be assessed at the multi-family rate of \$15.00 per abutting foot.

Properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

If the use of any property changes, or if a property is rezoned any time prior to the assessment hearing, the assessment shall reflect that change.

The total amount of assessable footage for properties receiving the single-family residential rate is estimated to be 635.71 feet, the total amount of assessable footage for properties receiving the multi-family residential rate is estimated to be 162.91 feet and the total amount of assessable footage for which an assessment rate has yet to be determined, but is currently receiving the non-residential rate is estimated to be 551.3 feet.

3. That the assessments to be levied against the properties in said District to pay the cost of such improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs becomes final and, if paid during this period, the amount(s) added for costs of collection and other incidentals shall be deducted; provided, however, that failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay the assessment, together with an additional six percent (6%) one-time charge for cost of collection and other incidentals which shall be added to the principal payable in ten (10) annual installments, the first of which shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of 8 percent per annum on the unpaid principal, payable annually.

4. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for such paving; and a map of the district depicting the real property to be assessed from which the amount of assessment to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

5. That Notice of Intention to Create said Alley Improvement District No. ST-04 Phase B, and of a hearing thereon, shall be given by advertisement in one issue of The Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be in substantially the form set forth in the attached "**NOTICE**".

NOTICE

A NOTICE OF INTENTION TO CREATE ALLEY IMPROVEMENT DISTRICT NO. ST-04 PHASE B, IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON

PUBLIC NOTICE IS HEREBY GIVEN, pursuant to the request of a majority of the affected property owners, to the owners of real estate in the district hereinafter described and to all persons generally interested that the City Council of the City of Grand Junction, Colorado, intends to create Alley Improvement District No. ST-04 in said City for the purpose of reconstructing and paving certain alleys to serve the properties hereinafter described, which lands are to be assessed with the cost of the improvements, to wit:

That the District of lands to be assessed is described as follows:

Lots 1 through 11, inclusive, Block 3, Mesa Subdivision; and also
Lots 14 through 22, inclusive, Block 3, Mesa Subdivision; and also
The north 50 ft. of Lots 12 and 13, Block 3, Mesa Subdivision, City of Grand Junction.
All in the City of Grand Junction, Mesa County, Colorado.

Location of Improvements:

- East/West Alley from 8th to Cannell, between Mesa Avenue and Hall Avenue

Type of Improvements: To include base course material under a mat of Concrete Pavement and construction or reconstruction of concrete approaches as deemed necessary by the City Engineer.

That the assessments to be levied against the respective properties will be as follows per each linear foot directly abutting the alley right-of-way:

Properties located within any zone other than residential and properties which are used and occupied for any purpose other than residential shall be assessed \$31.50 per abutting foot; provided, however, that existing multi-family uses within a non-residential zone shall be assessed at the multi-family rate of \$15.00 per abutting foot;

Properties located in a residential multi-family zone shall be assessed at the residential multi-family rate of \$15.00 per abutting foot.

Properties located in a single-family residential zone shall be assessed at \$8.00 per abutting foot.

Properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

If the use of any property changes, or if a property is rezoned any time prior to the assessment hearing, the assessment shall reflect that change.

The total amount of assessable footage for properties receiving the single-family residential rate is estimated to be 635.71 feet, and the total amount of assessable footage for properties receiving the multi-family residential rate is estimated to be 162.91 feet, and the total amount of assessable footage for which an assessment rate has yet to be determined, but is currently receiving the non-residential rate is 551.3 feet.

To the total assessable cost of \$24,895.28 to be borne by the property owners, there shall be added a one time charge of six percent (6%) for costs of collection and other incidentals. The said assessment shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such cost shall have become final, and if paid during such period, the amount(s) added for costs of collection and other incidentals shall be deducted; provided however, that failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay the assessment, together with an additional six percent (6%) one-time charge for cost of collection and other incidentals, which shall be added to the principal payable in ten (10) annual installments which shall become due upon the same date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado, made payable. Simple interest at the rate of eight percent (8%) per annum shall be charged on unpaid installments.

On March 3rd, 2004, at the hour of 7:30 o'clock P.M. in the City Council Chambers in City Hall located at 250 North 5th Street in said City, the Council will consider testimony that may be made for or against the proposed improvements by the owners of any real estate to be assessed, or by any person interested.

A map of the district, from which the share of the total cost to be assessed upon each parcel of real estate in the district may be readily ascertained, and all proceedings of the Council, are on file and can be seen and examined by any person interested therein in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this __ day of January, 2004.

**BY ORDER OF THE CITY COUNCIL
CITY OF GRAND JUNCTION, COLORADO**

By: _____
City Clerk

PASSED and **ADOPTED** this _____ day of January, 2004.

President of the Council

Attest:

City Clerk

Attach 5
Setting a Hearing for Alley Improvement District No. ST-03 Assessments
CITY OF GRAND JUNCTION

CITY OF GRAND JUNCTION						
Subject	Setting a hearing for Alley Improvement District No. ST-03 Assessments					
Meeting Date	January 21, 2004					
Date Prepared	January 14, 2004				File #	
Author	Michael Grizenko			Real Estate Technician		
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	X	Consent	Individual Consideration

Summary: Improvements to the following alleys have been completed as petitioned by a majority of the property owners to be assessed:

- “T” Shaped Alley from 2nd to 3rd, between E. Sherwood Avenue and North Avenue
- “Cross” Shaped Alley from 6th to 7th, between Rood Avenue and White Avenue
- East/West Alley from 11th to 12th, between Rood Avenue and White Avenue
- East/West Alley from 13th to 14th, between Main Street and Colorado Avenue
- East/West Alley from 13th to 14th, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 13th to 14th, between Hall Avenue and Orchard Avenue

A public hearing is scheduled for February 4th, 2004.

Budget:

2003 Alley Budget	\$384,560
Adjustments from 2002 Budget	<u>(\$27,057)</u>
Total Available Funds	\$357,503
Actual Cost to Construct 2003 Alleys	<u>\$298,988</u>
Estimated Balance	\$ 58,515

Action Requested/Recommendation: Review and adopt proposed Ordinance on First Reading for Alley Improvement District 2003.

Attachments: 1) Summary Sheets, 2) Maps, 3) Ordinance

Background Information: People's Ordinance No. 33 gives the City Council authority to create improvement districts and levy assessments when requested by a majority of the property owners to be assessed. These alleys were petitioned for reconstruction by more than 50% of the property owners. The proposed assessments are based on the rates stated in the petition, as follows: \$8 per abutting foot for residential single-family properties, \$15 per abutting foot for residential multi-family properties, and \$31.50 per abutting foot for non-residential uses.

The second reading and public hearing is scheduled for the February 4th, 2004 Council meeting. The published assessable costs include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by March 8th, 2004. Assessments not paid in full will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining balance.

SUMMARY SHEET

**PROPOSED ALLEY IMPROVEMENT DISTRICT
2nd STREET TO 3rd STREET
E. SHERWOOD AVENUE TO NORTH AVENUE**

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• TWAG, LLP (Baird Brown)	190.50	\$ 31.50	\$ 6,000.75
Bevill Family, LLP	61.80	\$ 15.00	\$ 927.00
Bevill Family, LLP	52.60	\$ 15.00	\$ 789.00
• North Third Venture, LLP	90.00	\$ 31.50	\$ 2,835.00
• Michael Wiarda & Laura Bond	114.00	\$ 15.00	\$ 1,710.00
• Linda Moran	30.90	\$ 31.50	\$ 973.35
• Michael & Loretta Klaich	30.90	\$ 31.50	\$ 973.35
• Jane & James Jenkins	75.00	\$ 31.50	\$ 2,362.50
John & Betty Dunning	190.40	\$ 31.50	\$ 5,997.60
• Janet Pomrenke	71.10	\$ 31.50	\$ 2,239.65
Harbert Investment Co.	310.00	\$ 31.50	\$ 9,765.00
Noah White, et al	50.00	\$ 31.50	\$ 1,575.00
Noah White, et al	50.00	\$ 31.50	\$ 1,575.00
TOTAL			\$37,723.20
ASSESSABLE FOOTAGE	1,317.20		

Estimated Cost to Construct	\$ 97,593.00
Absolute Cost to Owners	\$ <u>37,723.20</u>
Estimated Cost to City	\$ 59,869.80

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates Property Owners Signing Petition = 7/13 or 54% of Owners & 46% of Abutting Footage

SUMMARY SHEET

**PROPOSED ALLEY IMPROVEMENT DISTRICT
6th STREET TO 7th STREET
ROOD AVENUE TO WHITE AVENUE**

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Mesa County	75.00	\$ 31.50	\$ 2,362.50
• Anthony Williams, et al	50.00	\$ 31.50	\$ 1,575.00
• James Golden	25.00	\$ 31.50	\$ 787.50
• James Golden	25.00	\$ 31.50	\$ 787.50
• Courthouse Place Associates	25.00	\$ 31.50	\$ 787.50
• Ken Rabideau, et al	50.00	\$ 31.50	\$ 1,575.00
• Roy & Pamela Blythe	50.00	\$ 31.50	\$ 1,575.00
David & Collen Hawks	75.00	\$ 31.50	\$ 2,362.50
• Harry Williams	125.00	\$ 31.50	\$ 3,937.50
• Dale Cole	185.00	\$ 31.50	\$ 5,827.50
• Carroll Multz	135.00	\$ 31.50	\$ 4,252.50
• Courthouse Place Associates- 6 Units	50.00	\$ 31.50	\$ 1,575.00
TOTAL			\$27,405.00
ASSESSABLE FOOTAGE	870.00		

Estimated Cost to Construct \$ 71,725.00

Absolute Cost to Owners \$ 27,405.00

Estimated Cost to City \$ 44,320.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates Property Owners Signing Petition = 11/12 or 92% of Owners & 90% of Abutting Footage
-

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 11th STREET TO 12th STREET ROOD AVENUE TO WHITE AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Hazel Kirkendall & John Worsham	50.00	\$ 8.00	\$ 400.00
• Marilyn Anderson	37.50	\$ 8.00	\$ 300.00
• Andrew R & Kimberley J Skwara	37.50	\$ 8.00	\$ 300.00
• Eileen Bird	50.00	\$ 8.00	\$ 400.00
Dwain Partee, et al	50.00	\$ 8.00	\$ 400.00
James Fuchs	50.00	\$ 8.00	\$ 400.00
• Gary Kunz & Melanie Porter	75.00	\$ 8.00	\$ 600.00
Cynthia McRobbie	50.00	\$ 8.00	\$ 400.00
• David & Terri Klements	50.00	\$ 8.00	\$ 400.00
Laura B. Hamilton	50.00	\$ 8.00	\$ 400.00
• Rodney Johnson	50.00	\$15.00	\$ 750.00
• Dennis Haberkorn	50.00	\$ 8.00	\$ 400.00
Lori Rattan	50.00	\$ 8.00	\$ 750.00
Charles & Roberta McIntyre	50.00	\$15.00	\$ 400.00
• Linda Villa	50.00	\$ 8.00	\$ 400.00
• William Mertz	50.00	\$ 8.00	\$ 400.00
• Neola Miller	50.00	\$ 8.00	\$ 400.00
• Giles W & Eric T Poulson	50.00	\$ 8.00	<u>\$ 400.00</u>
TOTAL			\$7,900.00
ASSESSABLE FOOTAGE	900.00		

Estimated Cost to Construct \$ 47,500.00

Absolute Cost to Owners \$ 7,900.00

Estimated Cost to City \$ 39,600.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates Property Owners Signing Petition = 11/18 or 61% of Owners & 61% of Abutting Footage

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 13th STREET TO 14th STREET CHIPETA AVENUE TO OURAY AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Amy M. Golden & Robert D. Goodson	50.00	\$ 8.00	\$ 400.00
• Tracy & Michael Lefebre	62.50	\$ 8.00	\$ 500.00
• Charles Buss	62.50	\$ 8.00	\$ 500.00
• Harry Tiemann	62.50	\$ 8.00	\$ 500.00
• Janet Breckenridge & William McNulty	62.50	\$ 8.00	\$ 500.00
Dylan & Susan Netter	50.00	\$ 8.00	\$ 400.00
• Scott & Mandie Mercier	50.00	\$ 8.00	\$ 400.00
• William McCracken & Robin Dearing	50.00	\$ 8.00	\$ 400.00
• Conrad Gulden & Marsha Bradford	50.00	\$ 8.00	\$ 400.00
• Harry Tiemann	50.00	\$ 8.00	\$ 400.00
Kellie Clark	50.00	\$ 8.00	\$ 400.00
• David & Joni Davis	50.00	\$ 8.00	\$ 400.00
Bruce Binkley	50.00	\$ 8.00	\$ 400.00
• Ruth Price & Douglas Stark	50.00	\$ 8.00	\$ 400.00
Vicki Winger	50.00	\$ 8.00	<u>\$ 400.00</u>
TOTAL			\$6,400.00
ASSESSABLE FOOTAGE	800.00		

Estimated Cost to Construct \$ 42,750.00

Absolute Cost to Owners \$ 6,400.00

Estimated Cost to City \$ 36,350.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates Property Owners Signing Petition = 11/15 or 73% of Owners & 75% of Abutting Footage

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 13th STREET TO 14th STREET HALL AVENUE TO ORCHARD AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Brian & John H Grassby	77.07	\$ 8.00	\$ 616.56
Clover Properties, LLC	77.06	\$ 8.00	\$ 616.48
Dennis Svaldi	77.07	\$ 8.00	\$ 616.56
• Robert & Evelyn Marquiss Trust	76.00	\$ 8.00	\$ 608.00
• Roland & Frances Gearhart	77.07	\$ 8.00	\$ 616.56
• Charles Theisen	77.06	\$ 8.00	\$ 616.48
• Bill Ashcraft	77.07	\$ 8.00	\$ 616.56
TOTAL			\$4,307.20
ASSESSABLE FOOTAGE	538.40		

Estimated Cost to Construct	\$ 33,934.00
Absolute Cost to Owners	<u>\$ 4,307.20</u>
Estimated Cost to City	\$ 29,626.80

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates Property Owners Signing Petition = 4/7 or 57% of Owners & 57% of Abutting Footage

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 13th STREET TO 14th STREET MAIN STREET TO COLORADO AVENUE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Beverly Hughes	50.00	\$ 8.00	\$ 400.00
• David Berry	50.00	\$ 8.00	\$ 400.00
• Irene Hannigan	50.00	\$ 8.00	\$ 400.00
• Benjamin Arnold	50.00	\$ 8.00	\$ 400.00
• Hulda & Glenn Webster	50.00	\$ 8.00	\$ 400.00
• Hulda Webster	50.00	\$ 8.00	\$ 400.00
• Delos & Alice Else	50.00	\$ 8.00	\$ 400.00
Betty, Jack & Lisa Tanksley	50.00	\$ 8.00	\$ 400.00
• Melvin & Margaret Southam	50.00	\$ 8.00	\$ 400.00
Jonnie Baldwin	50.00	\$ 8.00	\$ 400.00
Larry & Lori Holloway	50.00	\$ 8.00	\$ 400.00
• Scott B. & Kimberley A. Christenson	50.00	\$ 8.00	\$ 400.00
• Theresa Williamson	50.00	\$ 8.00	\$ 400.00
• Theodore S. Eyl, et al	50.00	\$ 8.00	\$ 400.00
• Donald & Judy Hackney	50.00	\$ 8.00	\$ 400.00
• Zelda Brookins	50.00	\$ 8.00	<u>\$ 400.00</u>
		TOTAL	\$ 6,400.00
ASSESSABLE FOOTAGE	800.00		

Estimated Cost to Construct	\$ 42,750.00
Absolute Cost to Owners	<u>\$ 6,400.00</u>
Estimated Cost to City	\$ 36,350.00

Assessments may be paid in full upon completion of project or may be paid over a ten-year period, in which event, a one-time charge of 6% will be added to the principal balance to which simple interest will accrue at the rate of 8% per annum on the declining balance.

- Indicates Property Owners Signing Petition = 13/16 or 81% of Owners & 81% of Abutting Footage

13th to 14th, Main to Colorado

Main St

2945-133-14-013 \$400.00	2945-133-14-008 \$400.00
2945-133-14-016 \$400.00	2945-133-14-007 \$400.00
2945-133-14-015 \$400.00	2945-133-14-006 \$400.00
2945-133-14-014 \$400.00	2945-133-14-005 \$400.00
2945-133-14-012 \$400.00	2945-133-14-004 \$400.00
2945-133-14-011 \$400.00	2945-133-14-003 \$400.00
2945-133-14-010 \$400.00	2945-133-14-002 \$400.00
2945-133-14-009 \$400.00	2945-133-14-001 \$400.00

13th St

14th St

Colorado Av

13th to 14th, Chipeta to Ouray

Chipeta Av

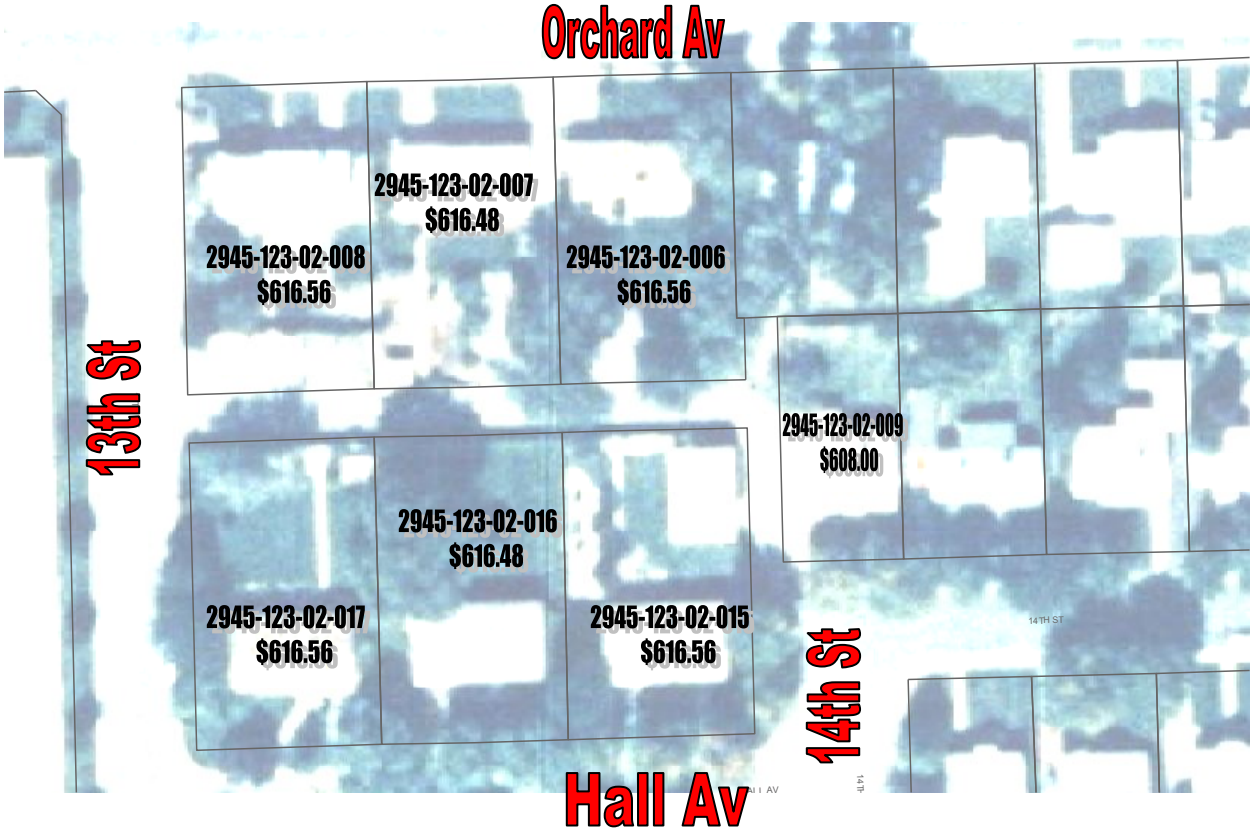


13th St

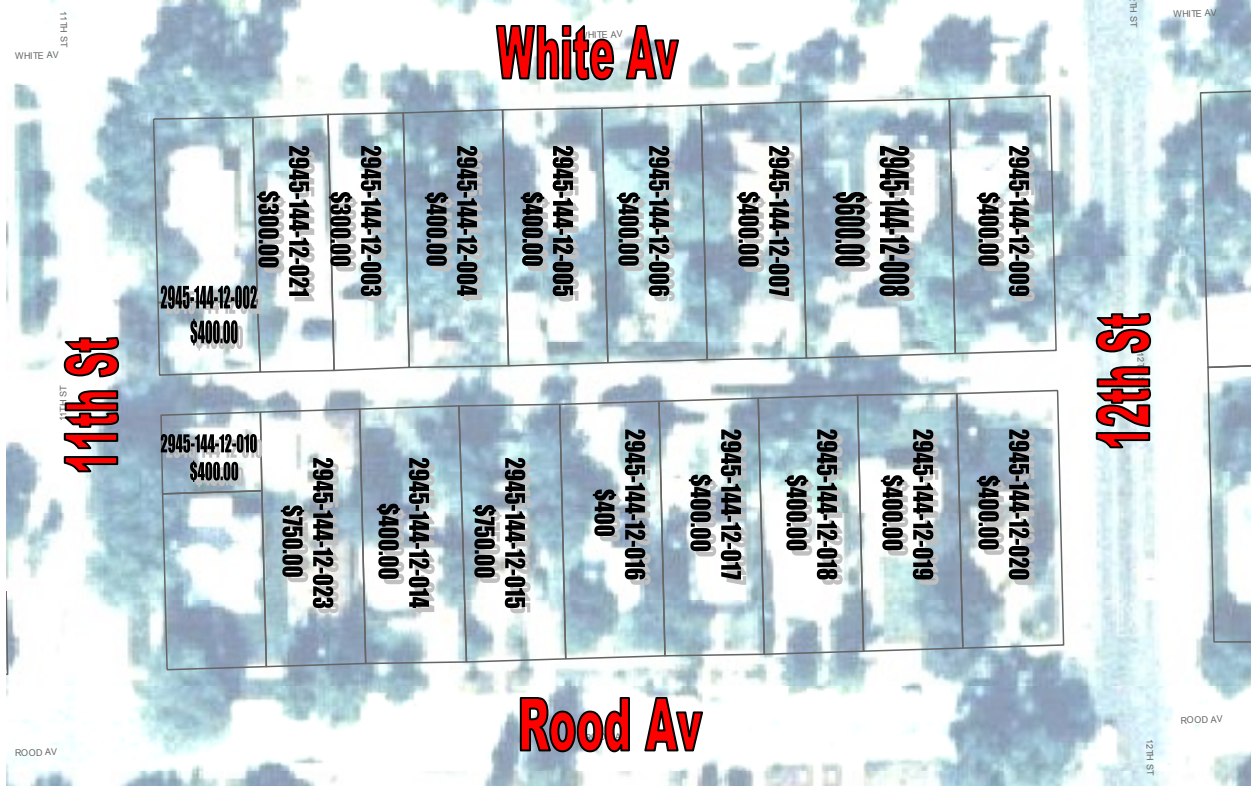
14th St

Ouray Av

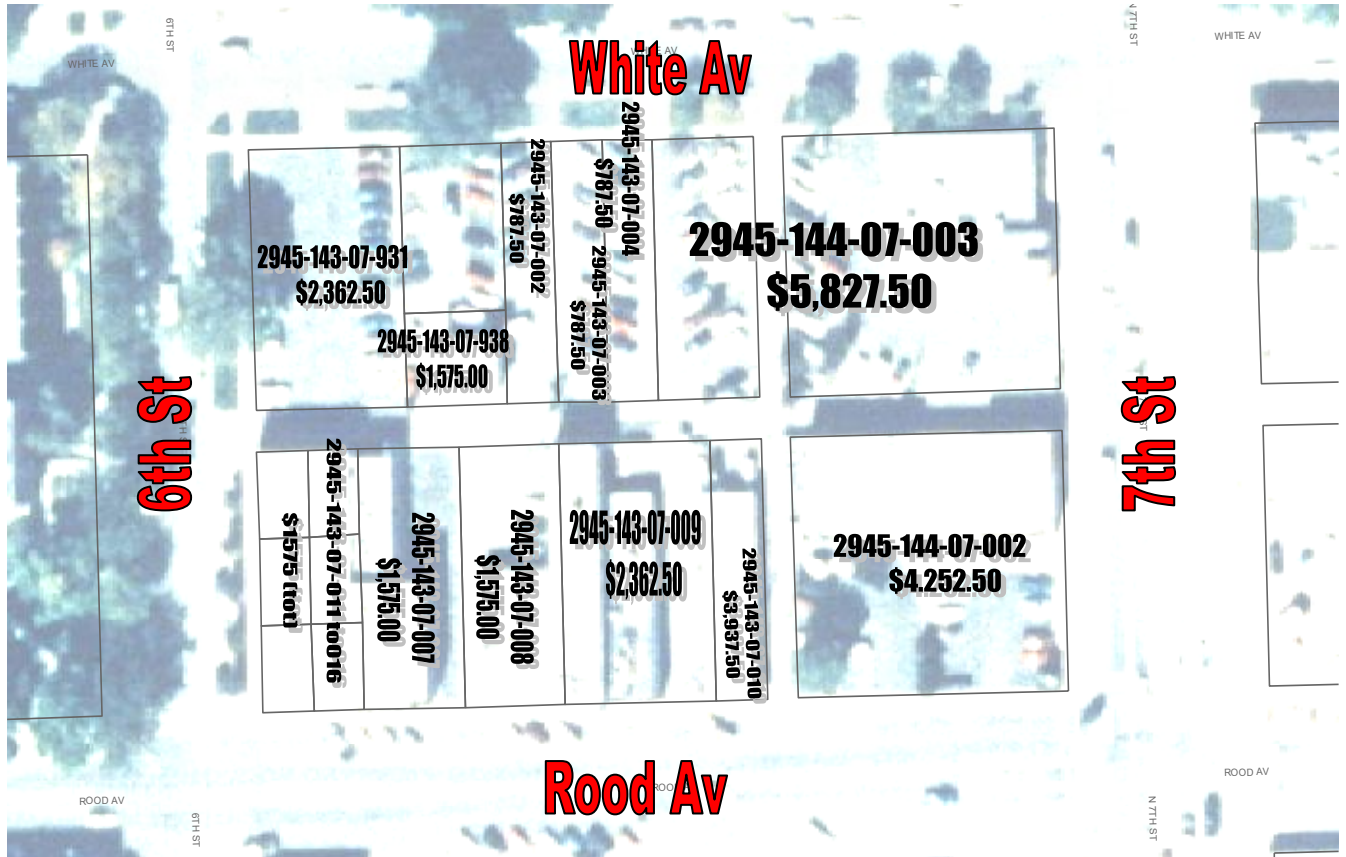
13th to 14th, Hall to Orchard



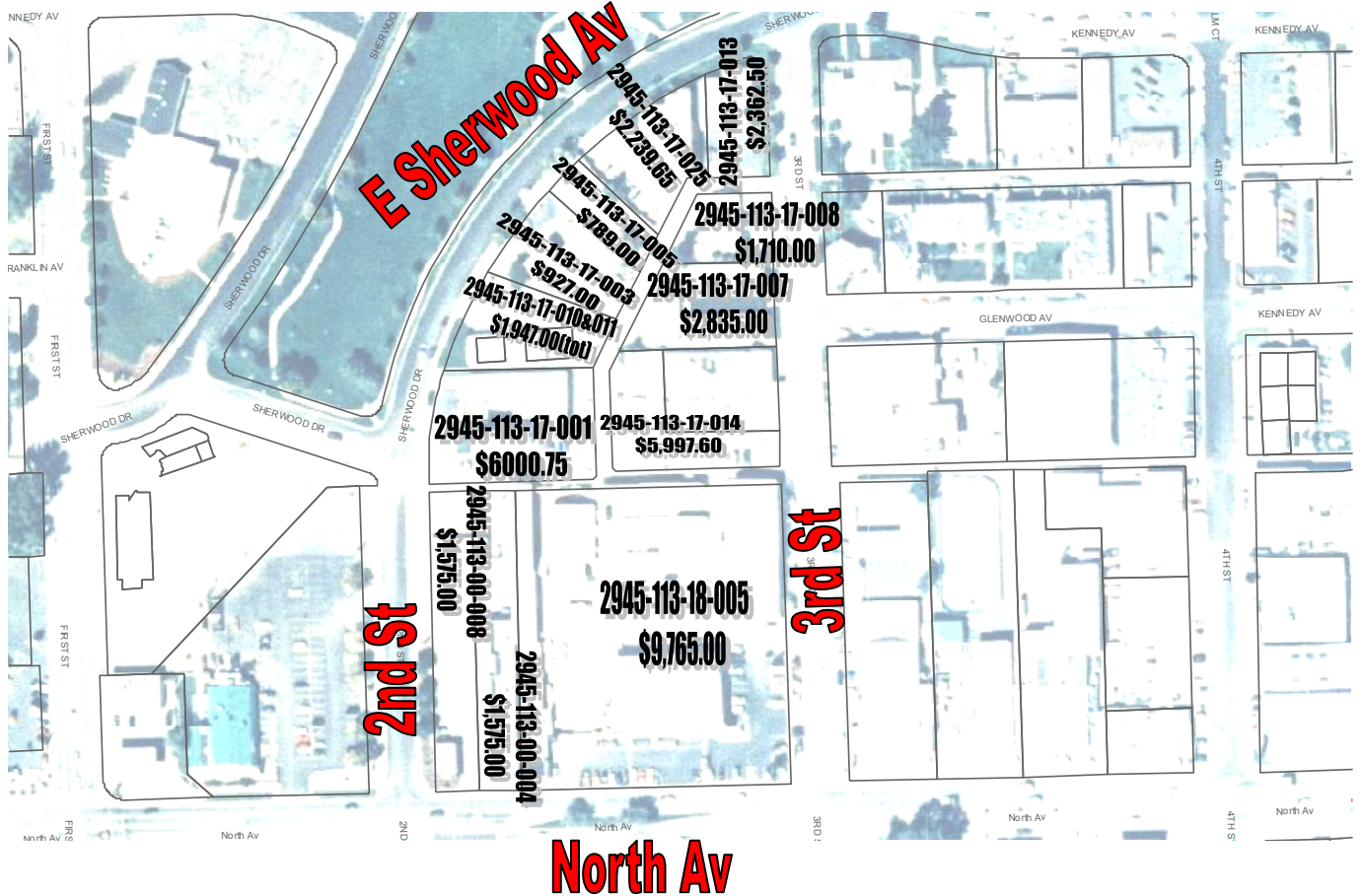
11th to 12th, Road to White



6th to 7th, Road to White



2nd to 3rd, E Sherwood to North



ORDINANCE NO. ____

AN ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-03 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT

WHEREAS, the City Council and the Municipal Officers of the City of Grand Junction, in the State of Colorado, have complied with all the provisions of law relating to certain improvements in Alley Improvement District No. ST-03 in the City of Grand Junction, pursuant to Ordinance No.178 of said City, adopted and approved June 11, 1910, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, and pursuant to the various resolutions, orders and proceedings taken under said Ordinance; and

WHEREAS, the City Council has heretofore caused to be published the Notice of Completion of said local improvements in said Alley Improvement District No. ST-03 and the apportionment of the cost thereof to all persons interested and to the owners of real estate which is described therein, said real estate comprising the district of land known as Alley Improvement District No. ST-03 in the City of Grand Junction, Colorado, which said Notice was caused to be published in The Daily Sentinel, the official newspaper of the City of Grand Junction (the first publication thereof appearing on December 19th, 2003, and the last publication thereof appearing on December 21st, 2003); and

WHEREAS, said Notice recited the share to be apportioned to and upon each lot or tract of land within said District assessable for said improvements, and recited that complaints or objections might be made in writing to the Council and filed with the Clerk within thirty (30) days from the first publication of said Notice, and that such complaints would be heard and determined by the Council at its first regular meeting after the said thirty (30) days and before the passage of any ordinance assessing the cost of said improvements; and

WHEREAS, no written complaints or objections have been made or filed with the City Clerk as set forth in said Notice; and

WHEREAS, the City Council has fully confirmed the statement prepared by the City Engineer and certified by the President of the Council showing the assessable cost of said improvements and the apportionment thereof heretofore made as contained in that certain Notice to property owners in Alley Improvement District No. ST-03 duly published in the Daily Sentinel, the official newspaper of the City, and has duly ordered that the cost of said improvements in said Alley Improvement District No. ST-03 be assessed and apportioned against all of the real estate in said District in the portions contained in the aforesaid Notice; and

WHEREAS, from the statement made and filed with the City Clerk by the City Engineer, it appears that the assessable cost of the said improvements is \$95,543.52; and

WHEREAS, from said statement it also appears the City Engineer has apportioned a share of the assessable cost to each lot or tract of land in said District in the following proportions and amounts, severally, to wit:

6TH STREET TO 7TH STREET, ROOD AVE TO WHITE AVE

TAX SCHEDULE NO.: 2945-143-07-002 LEGAL DESCRIPTION: LOT 6, BLOCK 94,
CITY OF GRAND JUNCTION
ASSESSMENT.....\$834.75

TAX SCHEDULE NO.: 2945-143-07-003 LEGAL DESCRIPTION: LOT 7, BLOCK 94,
CITY OF GRAND JUNCTION
ASSESSMENT.....\$834.75

TAX SCHEDULE NO.: 2945-143-07-004 LEGAL DESCRIPTION: LOT 8, BLOCK 94,
CITY OF GRAND JUNCTION
ASSESSMENT.....\$834.75

TAX SCHEDULE NO.: 2945-143-07-007 LEGAL DESCRIPTION: LOTS 27 & 28,
BLOCK 94, CITY OF GRAND JUNCTION
ASSESSMENT.....\$1669.50

TAX SCHEDULE NO.: 2945-143-07-008 LEGAL DESCRIPTION: LOTS 25 & 26,
BLOCK 94, CITY OF GRAND JUNCTION
ASSESSMENT.....\$1669.50

TAX SCHEDULE NO.: 2945-143-07-009 LEGAL DESCRIPTION: LOTS 22, 23, AND
24, INCLUSIVE, BLOCK 94, CITY OF GRAND JUNCTION
ASSESSMENT.....\$2504.25

TAX SCHEDULE NO.: 2945-143-07-010 LEGAL DESCRIPTION: LOT 21, BLOCK 94, CITY OF GRAND JUNCTION
ASSESSMENT.....\$4173.75

TAX SCHEDULE NO.: 2945-143-07-931 LEGAL DESCRIPTION: LOTS 1 TO 3 INCLUSIVE, BLOCK 94, CITY OF GRAND JUNCTION
ASSESSMENT.....\$2504.25

TAX SCHEDULE NO.: 2945-143-07-938 LEGAL DESCRIPTION: S 45FT OF LOTS 4 & 5, BLOCK 94, CITY OF GRAND JUNCTION S 14 1S 1W
ASSESSMENT.....\$1669.50

TAX SCHEDULE NO.: 2945-144-07-002 LEGAL DESCRIPTION: LOTS 16 THROUGH 20, INCLUSIVE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$4507.65

TAX SCHEDULE NO.: 2945-144-07-003 LEGAL DESCRIPTION: LOTS 9 THROUGH 15, INCLUSIVE, BLOCK 94, CITY OF GRAND JUNCTION
ASSESSMENT.....\$6177.15

TAX SCHEDULE NO.: 2945-143-07-011 LEGAL DESCRIPTION: UNIT 1 COURTHOUSE PLACE BUILDING CONDOMINIUM & 1/6 INTEREST IN COMMON ELEMENTS
ASSESSMENT.....\$278.25

TAX SCHEDULE NO.: 2945-143-07-012 LEGAL DESCRIPTION: UNIT 2 COURTHOUSE PLACE BUILDING CONDOMINIUM & 1/6 INTEREST IN COMMON ELEMENTS
ASSESSMENT.....\$278.25

TAX SCHEDULE NO.: 2945-143-07-013 LEGAL DESCRIPTION: UNIT 3 COURTHOUSE PLACE BUILDING CONDOMINIUM & 1/6 INTEREST IN COMMON ELEMENTS
ASSESSMENT.....\$278.25

TAX SCHEDULE NO.: 2945-143-07-014 LEGAL DESCRIPTION: UNIT 4 COURTHOUSE PLACE BUILDING CONDOMINIUM & 1/6 INTEREST IN COMMON ELEMENTS
ASSESSMENT.....\$278.25

TAX SCHEDULE NO.: 2945-143-07-015 LEGAL DESCRIPTION: UNIT 5
COURTHOUSE PLACE BUILDING CONDOMINIUM & 1/6 INTEREST IN COMMON
ELEMENTS
ASSESSMENT.....\$278.25

TAX SCHEDULE NO.: 2945-143-07-016 LEGAL DESCRIPTION: UNIT 6
COURTHOUSE PLACE BUILDING CONDOMINIUM & 1/6 INTEREST IN COMMON
ELEMENTS
ASSESSMENT.....\$278.25

2ND STREET TO 3RD STREET, NORTH AVENUE TO E. SHERWOOD DRIVE

TAX SCHEDULE NO.: 2945-113-00-004 LEGAL DESCRIPTION: BEG 470 FT E OF
SW COR S11 1S 1W; N 390 FT; E 50 FT; S 390 FT; W TO BEG; EXC S 50 FT FOR
RD PER B-1451 P530 MESA COUNTY RECORDS
ASSESSMENT.....\$1,669.50

TAX SCHEDULE NO.: 2945-113-00-008 LEGAL DESCRIPTION: BEG 420 FT E OF
SW COR S11 1S 1W; N 390 FT; E 50 FT; S 390 FT; W TO BEG; EXC S 50 FT FOR
RD PER B-1451 P-530 MESA COUNTY RECORDS
ASSESSMENT.....\$1,669.50

TAX SCHEDULE NO.: 2945-113-17-001 LEGAL DESCRIPTION: LOT 1, BLOCK 13,
SHERWOOD ADDITION, AMENDED PLAT OF BLOCKS 8, 9, 11, 12 &13, CITY OF
GRAND JUNCTION
ASSESSMENT.....\$6,360.80

TAX SCHEDULE NO.: 2945-113-17-003 LEGAL DESCRIPTION: ALL THAT PART
OF LOT 2, BLOCK 13, SHERWOOD ADDITION, AMENDED PLAT OF BLOCKS 8, 9,
11, 12 &13, N OF A LINE EXTENDING FROM MIDPOINT ON WESTERLY
BOUNDARY TO MIDPOINT OF EASTERLY BOUNDARY OF LOT, CITY OF GRAND
JUNCTION
ASSESSMENT.....\$982.62

TAX SCHEDULE NO.: 2945-113-17-005 LEGAL DESCRIPTION: BEG AT
INTERSECTION OF SOUTHWESTERLY LINE OF LOT 3, BLOCK 13, SHERWOOD
ADDITION, AMENDED PLAT OF BLOCKS 8, 9, 11, 12 &13, WITH
SOUTHEASTERLY ROW OF E SHERWOOD DR.; NELY ALONG E. SHERWOOD DR.
50 FT; S43DEG 36MIN E 126.24 FT TO ALLEY; S 28DEG W ALONG ALLEY 52.65 FT
TO SWLY LINE LOT 3; N 43DEG 36MIN W ALONG SOUTHWESTERLY LINE LOT 3
143.35 TO BEG, CITY OF GRAND JUNCTION
ASSESSMENT.....\$836.34

TAX SCHEDULE NO.: 2945-113-17-007 LEGAL DESCRIPTION: N 80 FT OF LOT 5, BLOCK 13, SHERWOOD ADDITION, AMENDED PLAT OF BLOCKS 8, 9, 11, 12 & 13, CITY OF GRAND JUNCTION
ASSESSMENT.....\$3,005.10

TAX SCHEDULE NO.: 2945-113-17-008 LEGAL DESCRIPTION: S 100 FT OF LOT 5, BLOCK 13, SHERWOOD ADDITION, AMENDED PLAT OF BLOCKS 8, 9, 11, 12 & 13, CITY OF GRAND JUNCTION
ASSESSMENT.....\$1,812.60

TAX SCHEDULE NO.: 2945-113-17-010 LEGAL DESCRIPTION: UNIT 1 + AN UNDIVIDED 1/2 OF THE COMMON ELEMENTS, SHERWOOD PARK CONDOMINIUM, AS RECORDED RECEPTION NO. 1014611, CITY OF GRAND JUNCTION
ASSESSMENT.....\$1,031.75

TAX SCHEDULE NO.: 2945-113-17-011 LEGAL DESCRIPTION: UNIT 2 + AN UNDIVIDED 1/2 OF THE COMMON ELEMENTS, SHERWOOD PARK CONDOMINIUM, AS RECORDED RECEPTION NO. 1014611, CITY OF GRAND JUNCTION
ASSESSMENT.....\$1,031.75

TAX SCHEDULE NO.: 2945-113-17-013 LEGAL DESCRIPTION: A PORTION OF LOT 4, SHERWOOD ADDITION, AMENDED PLAT OF BLOCKS 8, 9, 11, 12 & 13, SEC 11 1S 1W, DESC. AS FOLLOWS; BEG AT SE COR SAID LOT 4; N 89DEG 42MIN W 75 FT; N 0DEG 13MIN W 119.05 FT; ALONG A CURVE TO THE RIGHT 51.5 FT, WHOSE RAD IS 583.3 FT AND CHORD BEARS N 68DEG 39MIN 08SEC E 51.48FT; ALONG A CURVE TO THE RIGHT 38.68 FT, WHOSE RAD IS 20 FT AND CHORD BEARS S 55DEG 24MIN 13SEC E 32.86 FT; S 0DEG 13MIN E 119.53 FT TO BEG, CITY OF GRAND JUNCTION
ASSESSMENT.....\$2,504.25

TAX SCHEDULE NO.: 2945-113-17-014 LEGAL DESCRIPTION: BEG S 0DEG 13MIN E 97 FT FROM NE COR LOT 6, BLOCK 13, SHERWOOD ADDITION, AMENDED PLAT OF BLOCKS 8, 9, 11, 12 & 13, SEC 11 1S 1W; S 0DEG 13MIN E 43 FT; N 89DEG 36MIN 30SEC W 190.53 FT; N 44DEG 54MIN 45SEC W 7.11 FT; N 0DEG 13MIN W 112.16 FT; N 28DEG 08MIN E 25.81 FT; S 89DEG 36MIN 30SEC E 51.78 FT; S 0DEG 13MIN E 97 FT; S 89DEG 36MIN 30SEC E 131.5 FT TO BEG, CITY OF GRAND JUNCTION.
ASSESSMENT.....\$6,357.46

TAX SCHEDULE NO.: 2945-113-17-025 LEGAL DESCRIPTION: UNITS 101 THROUGH 105 INCLUSIVE & UNITS 201-202-204 & 205 SHERWOOD PARK PLAZA, RECEPTION NO. 1274960 DECL RECD B-1343 P-570 THRU P-600 MESA CO. RECORDS & COMMON ELEMENTS, CITY OF GRAND JUNCTION
ASSESSMENT.....\$2,374.03

TAX SCHEDULE NO.: 2945-113-18-005 LEGAL DESCRIPTION: LOTS 1,2&3, BLOCK 4 SHAFROTH RODGERS ADDITION SEC 11 1S 1W & BEG 520FT E OFSW COR SAID SEC 11; N 400FT; E 50FT; S 400FT; W TO BEG, & THAT PT OF W 10FT OF VAC ROW OF 3RD ST ADJACENT ON E PER CITY ORD. DESC IN B-1704 P-668, EXC N 10FT FOR ALLEY AS DESC IN B-1020 P-965 MESA CO. RECORDS, CITY OF GRAND JUNCTION
ASSESSMENT.....\$10,350.90

11TH STREET TO 12TH STREET, ROOD AVENUE TO WHITE AVENUE

TAX SCHEDULE NO.: 2945-144-12-002 LEGAL DESCRIPTION: SOUTH 39.45 FT OF LOTS 1 & 2, BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-021 LEGAL DESCRIPTION: LOT 3 AND THE WEST HALF OF LOT 4, BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$318.00

TAX SCHEDULE NO.: 2945-144-12-003 LEGAL DESCRIPTION: EAST HALF OF LOT 4 AND ALL OF LOT 5, BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$318.00

TAX SCHEDULE NO.: 2945-144-12-004 LEGAL DESCRIPTION: LOTS 6 & 7, BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-005 LEGAL DESCRIPTION: LOTS 8 & 9, BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-006 LEGAL DESCRIPTION: LOTS 10 & 11, BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-007 LEGAL DESCRIPTION: LOTS 12 & 13, BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-008 LEGAL DESCRIPTION: LOTS 14, 15 & 16,
BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$636.00

TAX SCHEDULE NO.: 2945-144-12-009 LEGAL DESCRIPTION: LOT 17, BLOCK
89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-010 LEGAL DESCRIPTION: NORTH 39 FT OF
LOTS 33 & 34, BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-023 LEGAL DESCRIPTION: LOTS 31 & 32,
BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$795.00

TAX SCHEDULE NO.: 2945-144-12-014 LEGAL DESCRIPTION: LOTS 29 & 30,
BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-015 LEGAL DESCRIPTION: LOTS 27 & 28,
BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$795.00

TAX SCHEDULE NO.: 2945-144-12-016 LEGAL DESCRIPTION: LOTS 25 & 26,
BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-017 LEGAL DESCRIPTION: LOTS 23 & 24,
BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-018 LEGAL DESCRIPTION: LOTS 21 & 22,
BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-019 LEGAL DESCRIPTION: LOTS 19 & 20,
BLOCK 89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-144-12-020 LEGAL DESCRIPTION: LOT 18, BLOCK
89, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

13TH ST TO 14TH STREET, COLORADO AVENUE TO MAIN AVENUE

TAX SCHEDULE NO.: 2945-133-14-001 LEGAL DESCRIPTION: LOTS 31 & 32,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-002 LEGAL DESCRIPTION: LOTS 29 & 30,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-003 LEGAL DESCRIPTION: LOTS 27 & 28,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-004 LEGAL DESCRIPTION: LOTS 25 & 26,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-005 LEGAL DESCRIPTION: LOTS 23 & 24,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-006 LEGAL DESCRIPTION: LOTS 21 & 22,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-007 LEGAL DESCRIPTION: LOTS 19 & 20,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-008 LEGAL DESCRIPTION: LOTS 17 & 18,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-009 LEGAL DESCRIPTION: LOTS 1 & 2,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-010 LEGAL DESCRIPTION: LOTS 3 & 4,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-011 LEGAL DESCRIPTION: LOTS 5 & 6,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-012 LEGAL DESCRIPTION: LOTS 7 & 8,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-013 LEGAL DESCRIPTION: LOTS 15 & 16,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-014 LEGAL DESCRIPTION: LOTS 9 & 10,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-015 LEGAL DESCRIPTION: LOTS 11 & 12,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-133-14-016 LEGAL DESCRIPTION: LOTS 13 & 14,
BLOCK "K", KEITH'S ADDITION, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

13TH STREET TO 14TH STREET, HALL AVENUE TO ORCHARD AVENUE

TAX SCHEDULE NO.: 2945-123-02-008 LEGAL DESCRIPTION: LOT 1 & THE
WEST 19.27 FT OF LOT 2, BLOCK 1, EASTHOLME-IN-GRANDVIEW SUB, CITY OF
GRAND JUNCTION
ASSESSMENT.....\$653.55

TAX SCHEDULE NO.: 2945-123-02-007 LEGAL DESCRIPTION: EAST 38.53 FT OF
LOT 2 & THE WEST 38.53 FT OF LOT 3, BLOCK 1, EASTHOLME-IN-GRANDVIEW
SUB, CITY OF GRAND JUNCTION
ASSESSMENT.....\$653.47

TAX SCHEDULE NO.: 2945-123-02-006 LEGAL DESCRIPTION: EAST 19.27 FT OF
LOT 3 & ALL OF LOT 4, BLOCK 1, EASTHOLME-IN-GRANDVIEW SUB, EXCEPT
THE EAST 3 FT OF THE NORTH 101.5 FT OF LOT 4, CITY OF GRAND JUNCTION
ASSESSMENT.....\$653.55

TAX SCHEDULE NO.: 2945-123-02-009 LEGAL DESCRIPTION: LOT 16, BLOCK 1, EASTHOLME-IN-GRANDVIEW SUB, CITY OF GRAND JUNCTION
ASSESSMENT.....\$644.48

TAX SCHEDULE NO.: 2945-123-02-015 LEGAL DESCRIPTION: LOT 17 & THE EAST 19.27 FT OF LOT 18, BLOCK 1, EASTHOLME-IN-GRANDVIEW SUB, CITY OF GRAND JUNCTION
ASSESSMENT.....\$653.55

TAX SCHEDULE NO.: 2945-123-02-016 LEGAL DESCRIPTION: WEST 38.53 FT OF LOT 18 & THE EAST 38.53 FT OF LOT 19, BLOCK 1, EASTHOLME-IN-GRANDVIEW SUB, CITY OF GRAND JUNCTION
ASSESSMENT.....\$653.47

TAX SCHEDULE NO.: 2945-123-02-017 LEGAL DESCRIPTION: WEST 19.27 FT OF LOT 19 & ALL OF LOT 20, BLOCK 1, EASTHOLME-IN-GRANDVIEW SUB, CITY OF GRAND JUNCTION
ASSESSMENT.....\$653.55

13TH STREET TO 14TH STREET, CHIPETA AVENUE TO OURAY AVENUE

TAX SCHEDULE NO.: 2945-132-10-001 LEGAL DESCRIPTION: LOTS 1 & 2, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-002 LEGAL DESCRIPTION: LOTS 3 & 4 AND THE WEST HALF OF LOT 5, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$530.00

TAX SCHEDULE NO.: 2945-132-10-003 LEGAL DESCRIPTION: EAST HALF OF LOT 5 AND ALL OF LOTS 6 & 7, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$530.00

TAX SCHEDULE NO.: 2945-132-10-004 LEGAL DESCRIPTION: LOTS 8 & 9 AND THE WEST HALF OF LOT 10, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$530.00

TAX SCHEDULE NO.: 2945-132-10-005 LEGAL DESCRIPTION: EAST HALF OF LOT 10 AND ALL OF LOTS 11 & 12, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$530.00

TAX SCHEDULE NO.: 2945-132-10-006 LEGAL DESCRIPTION: LOTS 13 & 14, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-008 LEGAL DESCRIPTION: LOTS 31 & 32, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-009 LEGAL DESCRIPTION: LOTS 29 & 30, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-010 LEGAL DESCRIPTION: LOTS 27 & 28, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-011 LEGAL DESCRIPTION: LOTS 25 & 26, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-012 LEGAL DESCRIPTION: LOTS 23 & 24, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-013 LEGAL DESCRIPTION: LOTS 21 & 22, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-014 LEGAL DESCRIPTION: LOTS 19 & 20, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-015 LEGAL DESCRIPTION: LOTS 17 & 18, BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

TAX SCHEDULE NO.: 2945-132-10-016 LEGAL DESCRIPTION: LOTS 15 & 16,
BLOCK 2, DUNDEE PLACE, CITY OF GRAND JUNCTION
ASSESSMENT.....\$424.00

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

Section 1. That the assessable cost and apportionment of the same, as hereinabove set forth, is hereby assessed against all the real estate in said District, and to and upon each lot or tract of land within said District, and against such persons in the portions and amounts which are severally hereinbefore set forth and described.

Section 2. That said assessments, together with all interests and penalties for default in payment thereof, and all cost of collecting the same, shall from the time of final publication of this Ordinance, constitute a perpetual lien against each lot of land herein described, on a parity with the tax lien for general, State, County, City and school taxes, and no sale of such property to enforce any general, State, County, City or school tax or other lien shall extinguish the perpetual lien of such assessment.

Section 3. That said assessment shall be due and payable within thirty (30) days after the final publication of this Ordinance without demand; provided that all such assessments may, at the election of the owner, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within the said period of thirty days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. All persons so electing to pay in installments shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively considered and held as a waiver of any and all rights to question the power and jurisdiction of the City to construct the improvements, the quality of the work and the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Section 4. That in case of such election to pay in installments, the assessments shall be payable in ten (10) equal annual installments of the principal. The first of said installments of principal shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of 8 percent per annum on the unpaid principal, payable annually.

Section 5. That the failure to pay any installments, whether of principal or interest, as herein provided, when due, shall cause the whole unpaid principal to become due and payable immediately and the whole amount of the unpaid principal

and accrued interest shall thereafter draw interest at the rate of 8 percent per annum until the day of sale, as by law provided; but at any time prior to the date of sale, the owner may pay the amount of such delinquent installment or installments, with interest at 8 percent per annum as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installments may at any time pay the whole of the unpaid principal with interest accrued.

Section 6. That payment may be made to the City Finance Director at any time within thirty days after the final publication of this Ordinance, and an allowance of the six percent added for cost of collection and other incidentals shall be made on all payments made during said period of thirty days.

Section 7. That the monies remaining in the hands of the City Finance Director as the result of the operation and payments under Alley Improvement District No. ST-03 shall be retained by the Finance Director and shall be used thereafter for the purpose of further funding of past or subsequent improvement districts which may be or may become in default.

Section 8. That all provisions of Ordinance No. 178 of the City of Grand Junction, as amended, being Chapter 28 of the Code of Ordinances of the City of Grand Junction, Colorado, shall govern and be taken to be a part of this Ordinance with respect to the creation of said Alley Improvement District No. ST-03, the construction of the improvements therein, the apportionment and assessment of the cost thereof and the collection of such assessments.

Section 9. That this Ordinance, after its introduction and first reading shall be published once in full in the Daily Sentinel, the official newspaper of the City, at least ten days before its final passage, and after its final passage, it shall be numbered and recorded in the City ordinance record, and a certificate of such adoption and publication shall be authenticated by the certificate of the publisher and the signature of the President of the Council and the City Clerk, and shall be in full force and effect on and after the date of such final publication, except as otherwise provided by the Charter of the City of Grand Junction.

Introduced on First Reading this ____ day of January, 2004.

Passed and Adopted on the _____ day of _____, 2004

Attest:

City Clerk

President of the Council

Attach 6
545 Noland Avenue Lease Extension
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Lease Extension at 545 Noland Avenue to Donald Fugate Jr., doing business as Don's Automotive					
Meeting Date		January 21, 2004					
Date Prepared		January 13, 2004				File #	
Author		Tim Woodmansee			Real Estate 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	X	Consent	Individual Consideration

Summary: A resolution authorizing a one-year extension of the lease of City property at 545 Noland Avenue to Donald Fugate Jr., doing business as Don's Automotive.

Budget: Annual revenue to the General Fund: \$4,650.00.

Action Requested/Recommendation: Adopt resolution authorizing the City Manager to execute a Lease Extension Agreement with Donald Fugate Jr., doing business as Don's Automotive.

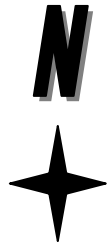
Attachments: 1) Vicinity Map; 2) Resolution, which includes proposed lease extension agreement.

Background Information: The subject property consists of a 2,520 square foot automotive garage the City acquired in 1990 as part of the Frank Dunn Riverfront land purchase. Mr. Fugate has leased the property from the City since March of 1991. The current lease expired on December 31, 2003.

Terms of the lease are "triple-net", requiring Mr. Fugate to repair and maintain all aspects of the property at his own expense. For example, in 2002 Mr. Fugate installed a new roof and a new overhead door. Mr. Fugate is responsible for paying all utilities and real estate taxes levied against the property and must maintain comprehensive general liability insurance – naming the City as an additional insured – for a minimum coverage of \$500,000, combined single limit.

The proposed rent of \$4,650 for the extended year is comparable with rents being paid for similar properties in the downtown area.

545 NOLAND AVENUE
Vicinity Map



RESOLUTION NO. _____

**A RESOLUTION EXTENDING THE LEASE OF CITY PROPERTY
AT 545 NOLAND AVENUE
TO DONALD FUGATE, JR., DOING BUSINESS AS DON'S AUTOMOTIVE**

WHEREAS, pursuant to that certain Lease Agreement dated the 1st day of September, 1994, as authorized by City Resolution No. 69-94, that certain Lease Amendment and Extension Agreement dated the 31st day of August, 1999, as authorized by City Resolution No. 94-99, that certain Lease Amendment and Extension Agreement dated the 1st day of January, 2001, as authorized by City Resolution No. 136-00, and that certain Lease Extension Agreement dated the 1st day of January, 2003, as authorized by City Resolution No. 127-02, the City leases to Donald Fugate Jr., doing business as Don's Automotive, the following described real property in the City of Grand Junction, County of Mesa, State of Colorado:

The North 150 feet of Lots 13 and 14 of Block 2, South Fifth Street Subdivision, also known as 545 Noland Avenue; and

WHEREAS, the above referenced Lease expired on December 31, 2003; and

WHEREAS, the City and Donald Fugate Jr. are desirous of entering into an agreement for the purposes of extending the lease of the above described property.

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

That the City Manager, on behalf of the City and as the act of the City, is hereby authorized to execute and enter into the attached Lease Extension Agreement with Donald Fugate Jr., doing business as Don's Automotive, extending the term of said Lease through December 31, 2004.

PASSED and ADOPTED this _____ day of January, 2004.

Attest:

President of the Council

City Clerk

LEASE EXTENSION AGREEMENT

THIS LEASE EXTENSION AGREEMENT is made and entered into as of the 1st day of January, 2004, by and between the City of Grand Junction, a Colorado home rule municipality ("City"), and Donald Fugate Jr., doing business as Don's Automotive ("Lessee").

Recitals

A. By that certain Lease Agreement dated the 1st day of September, 1994, that certain Lease Amendment and Extension Agreement dated the 31st day of August, 1999, that certain Lease Amendment and Extension Agreement dated the 1st day of January, 2001, and that certain Lease Extension Agreement dated the 1st day of January, 2003, the City has leased to Lessee, and Lessee has leased from the City, the following described real property in the City of Grand Junction, County of Mesa, State of Colorado: The North 150 feet of Lots 13 and 14 of Block 2, South Fifth Street Subdivision, also known as 545 Noland Avenue ("the Property").

B. The Lease is due to expire December 31, 2003, and it is the desire of both parties to extend the Lease in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, In consideration of the recitals above and the terms, covenants, conditions and restrictions contained herein, the parties agree as follows:

1. The term of the Lease shall be extended to a period commencing on January 1, 2004, and continuing through December 31, 2004, at which time the Lease shall expire.

All other terms, covenants, conditions, restrictions, duties, obligations and responsibilities as they appear in that Lease Agreement dated the 1st day of September, 1994, that certain Lease Amendment and Extension Agreement dated the 31st day of August, 1999, that certain Lease Amendment and Extension Agreement dated the 1st day of January, 2001, and that certain Lease Extension Agreement dated the 1st day of January, 2003, shall continue in full force and effect during the term of this Lease Extension Agreement.

Dated the day and year first above written.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Lessee:

Donald Fugate Jr., doing business as
Don's Automotive

**Attach 7
Application for USEPA Grant**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	USEPA Grant Application "TMDL Development for 303(d) Listed Streams in the Grand Valley": Consent to apply					
Meeting Date	January 21, 2004					
Date Prepared	January 14, 2004				File #	
Author	Eileen List		Environmental Compliance Coordinator			
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: The City of Grand Junction is applying for an \$80,000 grant from the USEPA to be contracted to a qualified subrecipient. The grant proposal will provide a detailed characterization of the sources and loads of selenium in Persigo Wash, Adobe Creek and Lewis Wash. Selenium characterization of washes will aid selenium remediation planning and increase understanding to land use planners about the effect of land use on selenium concentrations and loadings in the Grand Valley. Results of this study will also supplement City water quality study efforts for the Persigo Wash Temporary Modification workplan.

Budget: The City will contribute an in-kind match of \$5000 for project planning, stakeholder communication and coordination and contract administration, and a \$2000 cash match.

Action Requested/Recommendation: Approve grant application.

Attachments:

1. Staff report
2. Copy of December 4, 2003 funding request to USEPA

Background Information:

See attached staff report and funding request.

The City of Grand Junction Persigo Wastewater Treatment Plant discharges into Persigo Wash, which is listed as a stream segment impaired by selenium in the 2002

Colorado list of impaired waters (303(d) list). A detailed characterization of selenium is needed to determine the sources and loads of selenium in Persigo Wash and other Grand Valley washes. Results of this study will supplement mandated work efforts from the Water Quality Control Commission for the Persigo Wash Temporary Modification workplan water quality study effort. This grant also complements the existing "Selenium Water Quality Trading Proposal" grant received in September 2002.

December 4, 2003

Consolidated Funding Process
ATTN: Jennifer Harris
U.S. EPA Region 8 8P-W
999 18th Street, Suite 300
Denver, CO 80202-2466

Dear Ms. Harris:

Attached is an \$80,000 funding request from the City of Grand Junction, Colorado to study and characterize selenium in streams in the Grand Valley area of Western Colorado. The project is titled "TMDL Development for 303(d) listed streams in the Grand Valley: Adobe Creek, Persigo Wash and Lewis Wash".

Selenium impairment of stream segments from non-point sources in Western Colorado is of growing concern to local, state and federal governments, local water providers and local land users. Many Western Colorado tributaries are on the 2002 Colorado 303(d) list for selenium impairment and more are expected to be added to the 2004 Colorado 303(d) list. The mainstem of the Colorado River is also expected to be included on the 2004 Colorado 303(d) list, which receives selenium loadings from these tributaries. The Colorado River and portions of these tributaries are designated critical habitat for Endangered Species Act fish species.

This project will provide a detailed characterization of the sources and loads of the selenium in three specific Grand Valley washes: Adobe Creek, Persigo Wash and Lewis Wash. The information gained through this proposal applies to all the Grand Valley tributaries and is critical to aid in future selenium remediation planning by the Grand Valley Selenium Task Force, the Colorado River Fish Recovery Program and the National Irrigation Water Quality Project. The State of Colorado would also gain important information needed to support TMDL development and implementation in these water segments.

The City of Grand Junction is collaborating with Mesa County for local funding of \$4000 for this project. Please note that the Consolidated Funding Process Request is contingent on approval by the Grand Junction City Council at its next meeting on December 17, 2002.

Please call me at (970) 256-4149 if you have questions regarding the project.

Sincerely,

Eileen List
City of Grand Junction
Environmental Regulatory Coordinator
970.256.4149
eileenl@ci.grandjct.co.us

CONSOLIDATED FUNDING PROCESS REQUEST

December 4, 2003

TMDL Development for 303(d) listed streams in the Grand Valley: Adobe Creek, Persigo Wash, and Lewis Wash

EXECUTIVE SUMMARY

1. Descriptive Project Title

Selenium TMDL Development for 303(d) listed streams

2. State where project is located

Colorado

3. Environmental Setting /Problems

Persigo Wash and Lewis Wash are on Colorado's 2002 303d list of streams in consideration for aquatic impacts associated with high selenium concentrations. Adobe Creek is on Colorado's 2002 Monitoring and Evaluation list for elevated selenium concentrations and anticipated to be included on Colorado's 2004 303d list for selenium.

4. Major Goals

Characterize sources/loads of selenium in Adobe Creek, Persigo Wash and Lewis Wash. Provide local and federal task forces with selenium load and source information to aid selenium remediation planning. Provide the State of Colorado with critical information regarding the sources and loads of selenium to support TMDL development and implementation.

5. Project Summary

Water-quality samples will be collected for selenium. Streamflow will be quantified using innovative tracer-dilution methods. This data will be compiled into selenium loading curves and depicted spatially as layers in a GIS analysis. Areas where surface of diffuse ground-water loading of selenium occurs will be delineated.

6. Funds Requested

\$80,000

7. Match

Match rate is 43% (\$56,000 cash and \$5,000 in-kind)

8. Indication of whether or not you are willing to accept less funding

Yes

9. Hydrological Unit Code (<http://cfpub.epa.gov/surf/locate/index.cfm>)

14010005

10. Latitude and Longitude of project site Name of Watershed

390631 1083932 Three watersheds tributary to the Colorado River near Grand Junction, Colorado

11. Indication of whether or not maps and/or pictures are available & location

Maps of Grand Valley tributaries are available upon request

12. Sponsoring Organization

City of Grand Junction

13. Contact Name and Title

Eileen List, Environmental Regulatory Coordinator

14. Address

City of Grand Junction
Department of Public Works and Utilities
250 North Fifth Street
Grand Junction, CO 81501-2668

15. Phone number(s)

Phone: (970) 256-4149

16. Fax Number

Fax: (970) 245-8620

17. Email address (email addresses for two contacts)

Eileen List: eileenl@ci.grandjct.co.us

Darlene Wilkinson: darlenew@ci.grandjct.co.us

18. Tax Status (e.g., local government, tribe, 501(c)(3) etc.):

Local Government

19. Tax ID#:

98-03544

PROPOSAL

1. Environmental problem description

Persigo Wash and Lewis Wash were added to the Colorado's 2002 303d list of streams in consideration for the aquatic impacts associated with high non-point source selenium concentrations in the range of 20-25 micrograms per liter, as compared to the water-quality standard of 4.6 micrograms per liter. Adobe Creek is on Colorado's 2002 Monitoring and Evaluation list and is anticipated to be on Colorado's 2004 303d list for selenium. Portions of each of these streams are in designated aquatic critical habitat for ESA-listed endangered fish species. Each of these watersheds represents different land use on seleniferous soils derived from Mancos Shale. Since 1977, land use in the Lewis Wash watershed has transitioned from primarily agricultural to primarily residential. Land use in Persigo Wash has begun to transition from agricultural to residential and Persigo Wash is the receiving water for wastewater discharge from the Persigo Wash Wastewater Treatment Facility. Land use in Adobe Creek is primarily agricultural. Information developed by this project will help to evaluate some aspects of the effects of land use on selenium loading in a watershed and will be transferable to other watersheds in Colorado. This information will help to assist land use planners in evaluating how changes in land use may affect selenium loading. This understanding along with the characterization of selenium sources and loading will help guide remediation planning. More complete characterization of sources and loads will help to identify areas of high selenium loading for the purposes of determining the feasibility of decreasing selenium loads. Various remediation projects have been proposed as part of the ongoing Department of Interior National Irrigation Water Quality Program (NIWQP) and are being considered by the Grand Valley Selenium Task Force (GVSTF) and the U.S. Fish and Wildlife Upper Colorado River Endangered Fish Recovery Program (CRFP).

2. Goals of the project

Provide a detailed characterization of the sources and loads of selenium in Adobe Creek, Persigo Wash, and Lewis Wash. Provide NIWQP, GVSTF, and CRFP with the selenium load and source information to aid selenium remediation planning. Provide the State of Colorado with critical information regarding the sources and loads of selenium to support TMDL development and implementation for these waterbodies. Provide information to land use planners to increase understanding about the effect of land use on selenium concentrations and loading.

3. Description of project

a. Ecosystem/watershed or industry sector targeted by project

Adobe Creek, Persigo Wash, and Lewis Wash are stream segments that drain areas underlain by Mancos shale and are tributary to the Lower Colorado River near Grand Junction, Colorado. The targeted ecosystem includes critical aquatic habitat for endangered fish. Project area encompasses the Interstate 70 transportation corridor near Grand Junction, Colorado. Project information will be transferable to other Colorado TMDL-listed segments in irrigated watersheds with high selenium concentrations.

b. Project location

North of the Colorado River from the Government Highline canal, between the city of Palisade and the city of Fruita, including the Interstate 70 corridor and the city of Grand Junction, Colorado.

c. Background Information

Irrigation of soils derived from Mancos shale have been identified as a source of dissolved selenium that is transported by the Colorado River and tributary streams. Certain stream segments, including the Gunnison River from Delta to Whitewater, Colorado, and its tributaries, are listed on the State of Colorado 303d list of impaired waters. The mainstem of the Colorado River, from the Gunnison River confluence to the Utah border, is also anticipated to be included on Colorado's 2004 303d list for selenium. These stream segments are designated critical aquatic habitat for four ESA-listed endangered fish species (Colorado Pikeminnow, Razorback Sucker, Bonytail and Humpback Chub). Local watershed groups have formed in the Lower Gunnison River basin (Gunnison Basin Selenium Task Force, GBSTF) and in the Grand Valley (Grand Valley Selenium Task Force, GVSTF) to address the need to reduce selenium concentrations in stream segments in the area that are on the 303d list. Participants in the GVSTF include the City of Grand Junction, Mesa County, Mesa Soil Conservation District, Colorado Division of Wildlife, the City of Fruita, US Fish and Wildlife Service, Bureau of Reclamation, US Geological Survey, Mesa State College, Grand Valley Irrigation Company, Orchard Mesa Irrigation Company, Colorado River District, Grand Junction Drainage District, Colorado Water Quality Control Division, Grand Valley Water Users Association, and the Natural Resources Conservation Service. In addition, since 1988, the Department of Interior National Irrigation Water Quality Program (NIWQP) has been characterizing selenium sources and compiling information to address the effects of selenium concentrations and loading from Federal Irrigation projects and the effect of selenium concentrations on Endangered Fish. The NIWQP is working with the GBSTF and the GVSTF to identify remediation activities that will reduce selenium loading and concentrations in 303d listed stream segments. To date, about \$180,000 has been spent by the GBSTF to characterize selenium sources in the lower Gunnison River basin. The GVSTF, formed in 2002, is now beginning to identify

data needs and a process to address remediation of selenium concentrations and loads in Grand Valley streams tributary to the Colorado River. The City of Grand Junction is currently administering a \$75,000 EPA grant (Selenium Water Quality Trading Program, Lower Colorado River) that will provide an innovative mechanism for multiple water-quality and environmental benefits in the region. In addition, since 1988, the NIWQP has spent over \$2,000,000 characterizing selenium sources in the area and remediating selenium loads in backwaters of along in the lower Gunnison River Basin and the Colorado River in the critical habitat for endangered fish (15-mile reach and 18-mile reach) in the Grand Valley. The GVSTF has identified three pilot basins that represent the range of land use conditions that occur in the Grand Valley on soils derived from Mancos Shale. Land use in the Lewis Wash watershed has transitioned from primarily agricultural to primarily residential. Land use in Persigo Wash has begun to transition from agricultural to residential. In addition, Persigo Wash is the receiving water for wastewater discharge from the Persigo Wash Wastewater Treatment Facility. Land use in Adobe Creek is primarily agricultural. The GVSTF has identified the need to develop water-quality information in these watersheds for use in planning and directing remediation activities to address selenium concentrations and loading in these streams.

d. Work to be completed to achieve the goals listed above - including who is responsible for the work (staff or outside help)

Synoptic water-quality sampling will be done in the Lewis Wash, Persigo Wash, and Adobe Creek downstream from the Government Highline Canal to the Colorado River. Innovative tracer techniques developed by Kimball (1997) and used by Butler and Leib (2002) will be used to obtain streamflow associated with selenium concentrations. These tracer techniques will be used to quantify diffuse ground-water contributions to streamflow more accurately than would be possible with manual streamflow measurement methods. Streamflow will be measured and water-quality samples will be collected at a spatially tight sampling network that will bracket areas identified as selenium sources. These data will be collected during base streamflow when water in the streams represents areas within the watershed and is not mixed with tail water that is transferred between basins during the irrigation season. These data will be used to develop profiles of selenium concentration and selenium loads that will provide information on selenium sources in the subject basins. These selenium profiles will then be used to identify areas where remediation would have the greatest effect in reducing selenium concentrations and loads.

e. Approximate hours necessary to complete the work

About 1,600 hours will be needed to complete the project. This includes: performing the reconnaissance in the basins, set up the tracer injections, collect and process water-quality samples, quality assure the data, and develop an interpretive report. This work will be accomplished by contractors with the expertise and experience

in collecting and interpreting these types of data. Volunteers from GVSTF, including students from Mesa State College will work with these contractors to accomplish the work.

f. Equipment needs, sampling and analysis (Quality Assurance plan exists or will be developed) and location information

Contractors will be able to provide the needed equipment. Sampling supplies (bottles, filters, gloves, preservatives) and calibration standards for field meters will be purchased using project funds.

Laboratory analyses will be provided by the USGS National Water Quality Laboratory.

A Quality Assurance Project Plan will be developed.

4. Outputs and Progress Reports

Outputs will be completed within 1.5 years of the project start date. A final report of project results (locations and quantification of selenium loading sources) will be published and actively disseminated to the public and other watersheds in Colorado. Water-quality data will be provided in EDD format compatible with STORET. Progress reports will be submitted to EPA 2 times per year and at the conclusion of the project. Progress reports will include status of each project task.

5. Milestones

By quarter year:

Task	Q1	Q2	Q3	Q4	Q5	Q6
Reconnaissance	X					
Tracer Injections and water-quality sampling		X	X			
Data QA/QC			X	X		
Data analysis and interpretation				X	X	X

6. For Cooperative Agreements Only: Describe the anticipated level and nature of involvement between the federal government and the recipient.

None

BUDGET

CFP grant funds of \$80,000 are requested. No other EPA funding source has been requested. Total matching funds will be 43% of total project funds (40% cash match and 3% in kind services). The City of Grand Junction and Mesa County will provide \$4,000 cash match, and the USGS will provide \$52,000 cash match. The City of Grand Junction will provide \$5,000 of in-kind match for project planning, stakeholder communication and coordination, and contract administration.

Budget by expenditure category

Budget Category	Funds Requested	Matching Contributions (including in-kind)	Indirect Costs	Total (sum of funds requested and matching)	What will be purchased and/or accomplished
Salaries & Benefits	\$63,600	\$48,525	49%	\$112,125	Prepare and follow the Quality Assurance Project Plan, collect the water samples, complete interpretations, progress, and final report describing location and relative contributions of Surface and ground-water selenium sources.
Travel	\$1,000	\$730	49%	\$1730	Lodging and per diem for the field staff during sampling activities, and to pay for use of the sampling vehicle.
Equipment					
Supplies/ Materials	\$1,500	\$1145	20%	\$2645	Bottles, filters, calibration standards, tracer injectate, and sample preservatives.
Contractual Services	\$12,400	\$9,460	20%	\$21,860	Laboratory analysis by USGS NWQL
Printing/ Outreach	\$1,000	\$760	49%	\$1,760	Publication of final report. Preparation of outreach materials
Other	\$500	\$380	49%	\$880	Overnight shipping of samples to the laboratory, incidentals expenses
Totals	\$80,000	\$61,000	31%	\$141,000	

Budget by task

Task	EPA grant	Local match	Total
Reconnaissance	\$ 4,000	\$3,200	\$6,710
Tracer Injections and water-quality sampling	\$48,000	\$35,000	\$80,540
Data analysis and QA/QC	\$12,000	\$9,000	\$20,130
Data interpretation	\$16,000	\$13,800	\$26,850
Total	\$80,000	\$61,000	\$141,000

LETTERS OF COMMITMENT and/or SUPPORT

Letters of support from the Colorado River Conservation District and Mesa County, vital participants in the Grand Valley Selenium Task Force, are attached.

This project was also discussed with Philip Hegeman, Colorado Water Quality Control Division's TMDL Coordinator. Mr. Hegeman endorses the project and feels it is a worthwhile project to pursue. However, the Water Quality Control Division has a set policy against providing support letters for the CFP program for outside agencies due to competing grant proposals from the State of Colorado.



Consolidated Funding Process
Attn: Jennifer Harris
U.S. EPA Region 8 8P-W
999 18th Street, Suite 300
Denver, CO 80202-2466

December 4, 2003
(submitted electronically to City of Grand Junction via e-mail)

Dear Ms. Harris,

We are writing to convey our full support and endorsement for the City of Grand Junction's Consolidated Funding Process grant application for "TMDL Development for 303(d) listed streams in the Grand Valley: Adobe Creek, Persigo Wash, and Lewis Wash". As you may know, the Colorado River Water Conservation District (CRWCD) is a planning and policy agency dedicated to conserving the water resources of the Colorado River Basin within the state of Colorado.

The CRWCD has been involved with our partners in both the Uncompahgre and Grand Valleys since selenium impairment of stream segments from non-point sources was identified in Western Colorado as a concern to local, state and federal governments, local water providers and local land users. Although many of the stream segments in the Grand Valley are included on Colorado's 303d list of impaired waters for selenium, very little information exists about the sources and loadings from the tributaries to the Colorado River. In addition, portions of these stream segments are designated critical aquatic habitat for Endangered Species Act fish species and this grant will help characterize selenium sources and loadings within critical habitat and may therefore benefit these endangered fish species.

Furthermore, this grant funding would provide the Grand Valley Selenium Task Force, a group formed to address selenium issues in the Grand Valley of Mesa County (which includes the CRWCD as a member agency), much needed information to help identify potential selenium remediation measures.

Lastly but importantly, the proposal would aid the State of Colorado with critical information for the development of Total Maximum Daily Load (TMDL) and implementation measures required for those listed impaired stream segments.

Thank you for your consideration and the ability to comment on this very worthwhile grant proposal.

Sincerely,

Dave Merritt
Chief Engineer



Mesa County Department of Public Works
Administration - Building - Engineering - Transportation
Fleet Management - Solid Waste Management
750 Main Street • P.O. Box 20,000 • Grand Junction, Colorado 81502-5022
Phone (970) 244-1765 Fax (970) 255-7171

December 4, 2003

(submitted electronically to City of Grand Junction via e-mail)

Consolidated Funding Process

Attn: Jennifer Harris

U.S. EPA Region 8 8P-W

999 18th Street, Suite 300

Denver, CO 80202-2466

Dear Jennifer,

Mesa County supports and endorses the City of Grand Junction's Consolidated Funding Process grant application for "TMDL Development for 303(d) listed streams in the Grand Valley: Adobe Creek, Persigo Wash, and Lewis Wash".

Selenium impairment of stream segments from non-point sources in Western Colorado is of growing concern to local, state and federal governments, local water providers and local land users. Portions of these stream segments are designated critical aquatic habitat for Endangered Species Act fish species. Many of these stream segments are included on Colorado's 303d list of impaired waters for selenium yet little information exists about the sources and loadings from the tributaries to the Colorado River.

This proposal would provide the Grand Valley Selenium Task Force, a group formed to address selenium issues in the Grand Valley of Mesa County, much needed information to aid in the identification of selenium remediation planning efforts. The proposal would also aid the State of Colorado with critical information for their Total Maximum Daily Load development and implementation.

Thank you for your time and ability to comment on this worthwhile grant proposal.

Sincerely,

Julie Eyre, P.E.
Staff Engineer

SIGNATURE OF APPLICANT

I certify that the above information is true and accurate.

Signature of Project Officer Date

Eileen List, Environmental Regulatory Coordinator
Name, Title

Consolidated Funding Process CHECKLIST - Please mark an X next to each component that applies to your proposal. The purpose of the following checklist is to assist EPA in assuring all proposals are reviewed by the appropriate program experts and / or teams and is not intended to reflect priorities for funding

Eligible Activities

- Applied Research
- Investigations
- Experiments
- Training
- Demonstrations
- Surveys
- Studies

Water Program, NPDES Water Quality Cooperative Agreements:

- Pretreatment
- Biosolids
- Wet Weather (e.g. storm water, sanitary sewer overflows)
- Concentrated Animal Feeding Operations
- Wastewater
- Coal Bed Methane
- Mining
- Emerging Pollutants of concern
- Other eligible activities that reduce, prevent, or eliminate direct discharges of pollutants in Surface Water

Ecosystem Protection Program

Priority Focus Areas

- Monitoring & Assessing the health of aquatic ecosystems to improve targeting and effectiveness of program actions
- San Juan Mountain area in Colorado

Wetland Program areas:

- Project directly related to wetlands protection or assessment.

TMDL Development:

- End product is an assessment or monitoring information related to a 303(d) listed water- body for the development of a TMDL
- End product is an assessment of a 303(d) listed waterbody
- End product is a TMDL for a 303(d) listed waterbody
- End product is implementation of a TMDL

Regional Geographic Initiative

- Studies problems that are multi-media, demonstrates state, local and/or other stakeholder participation; and/or
- Geographically-based
- Fills critical gap in the Agency's ability to protect human health and the environment
- Showcases places, sectors or innovative projects;

_____ Based on a regional, state, tribal or other strategic plan;
_____ Funding encourages coordination and cooperation between media programs and partners.

Source Water

_____ Source Water Protection

Attach 8
Setting a Hearing on Zoning the Grand Bud Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Grand Bud Zone of Annexation, located at the NW corner of 28 ½ Road and Highway 50						
Meeting Date	January 21, 2004						
Date Prepared	January 12, 2004				File #GPA-2003-184		
Author	Kathy Portner		Planning Manager				
Presenter Name	Kathy Portner		Planning Manager				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance zoning the Grand Bud Annexation, located at the NW corner of 28 ½ Road and Highway 50, RMF-8 (Residential Multi-family, 8 units per acre).

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for February 4, 2004.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. General Location Map
3. Aerial Photo
4. Growth Plan Map
5. Zoning Map
6. Applicant's letter requesting RMF-8 zoning
7. Zoning Ordinance

AGENDA TOPIC: GPA-2003-184 Grand Bud Zone of Annexation

ACTION REQUESTED: Request to zone the Grand Bud Annexation RMF-8
 (Residential Multi-family, 8 units per acre)

BACKGROUND INFORMATION					
Location:		NW corner of 28 ½ Road and Highway 50			
Applicants:		Grand Bud, LLC Mike Joyce, Development Concepts			
Existing Land Use:		Vacant			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential Single Family			
	South	Residential Single Family			
	East	Residential Single Family			
	West	Undeveloped/Vacant			
Existing Zoning:		Mesa County RSF-4			
Proposed Zoning:		RMF-8			
Surrounding Zoning:	North	RMF-5			
	South	County RSF-4			
	East	County RSF-4			
	West	County C and PC			
Growth Plan Designation:		Residential Medium, 4 to 8 units per acre			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION:

Request to zone the Grand Bud Annexation, located at the NW corner of 28 ½ Road and Highway 50, RMF-8 (Residential Multi-family, 8 units per acre).

RECOMMENDATION:

Staff and Planning Commission recommend approval.

ANALYSIS

1. Background

The 23.5 acre site, located at the NW corner of 28 ½ Road and Highway 50, was recently annexed to the City of Grand Junction. The owners signed an annexation petition to enable them to request a Growth Plan Amendment, in accordance with the Persigo Agreement. The property had a Mesa County zoning of RSF-4. The Future Land Use Map of the Growth Plan designates the entire property as Residential Medium (4-8 units per acre). Prior to the 2003 update to the Growth Plan, the property was designated as Public because the site was originally identified through the Orchard Mesa Neighborhood Plan as a potential site for a new high school. The School District has since determined that the site is not needed for a future school.

The owners had requested an amendment to the Growth Plan to change the Future Land Use map designation from Residential Medium to Commercial on a portion of the property. That request was denied by both the Planning Commission and the City Council.

The applicant is now requesting the City zone the property RMF-8 (Residential Multi-family, 8 units per acre).

2. Zoning of Annexed Properties

Section 2.14.F of the Zoning and Development Code states: “lands 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 existing County zoning”. The property was zoned RSF-4 prior to annexation. The applicant is requesting RMF-8, which is consistent with the Future Land Use Map designation of Residential Medium (4 – 8 units per acre).

3. Section 2.6 –Rezoning

Zoning map amendments must only occur if:

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

The Future Land Use map designation of Residential Medium allows for a range of residential zone district densities to be considered, including RSF-4, RMF-5 and RMF-8.

- 2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc. and such changes were not anticipated and are not consistent with the plan.*

There have not been changes in the area that are inconsistent with the Growth Plan, but the RMF-8 zoning is one of the options that can be considered for this site.

- 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.*

RMF-8 zoning will offer more flexibility in residential design to create transitions on-site between the subdivisions to the north and east, Highway 50 to the south and the heavy commercial property to the west. 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 zone district.

- 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.*

The proposal for RMF-8 is supported by the following goals and policies of the Growth Plan:

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

Policy 5.2: The City will encourage development that uses existing facilities and is compatible with existing development.

Goal 15: To achieve a mix of compatible housing types and densities dispersed throughout the community.

Policy 15.1: The City will encourage the development of residential projects that compatibly integrate a mix of housing types and densities with desired amenities.

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

Public facilities and services are currently available and can address the impacts of development consistent with the RMF-8 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.*

The RMF-8 zoning will allow for design flexibility to better integrate the development with the subdivision to the north and the commercial property to the west.

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

The proposed RMF-8 zoning can accommodate a variety of housing types, benefiting the community and neighborhood.

FINDINGS OF FACT/CONCLUSIONS

After reviewing GPA-2003-184, zoning the Grand Bud Annexation, staff makes the following findings of fact and conclusions:

1. The proposed zoning of RMF-8 is consistent with the Growth Plan.
2. The review criteria in Sections 2.14.F and 2.6.A of the Zoning and Development Code have been met.

STAFF RECOMMENDATION:

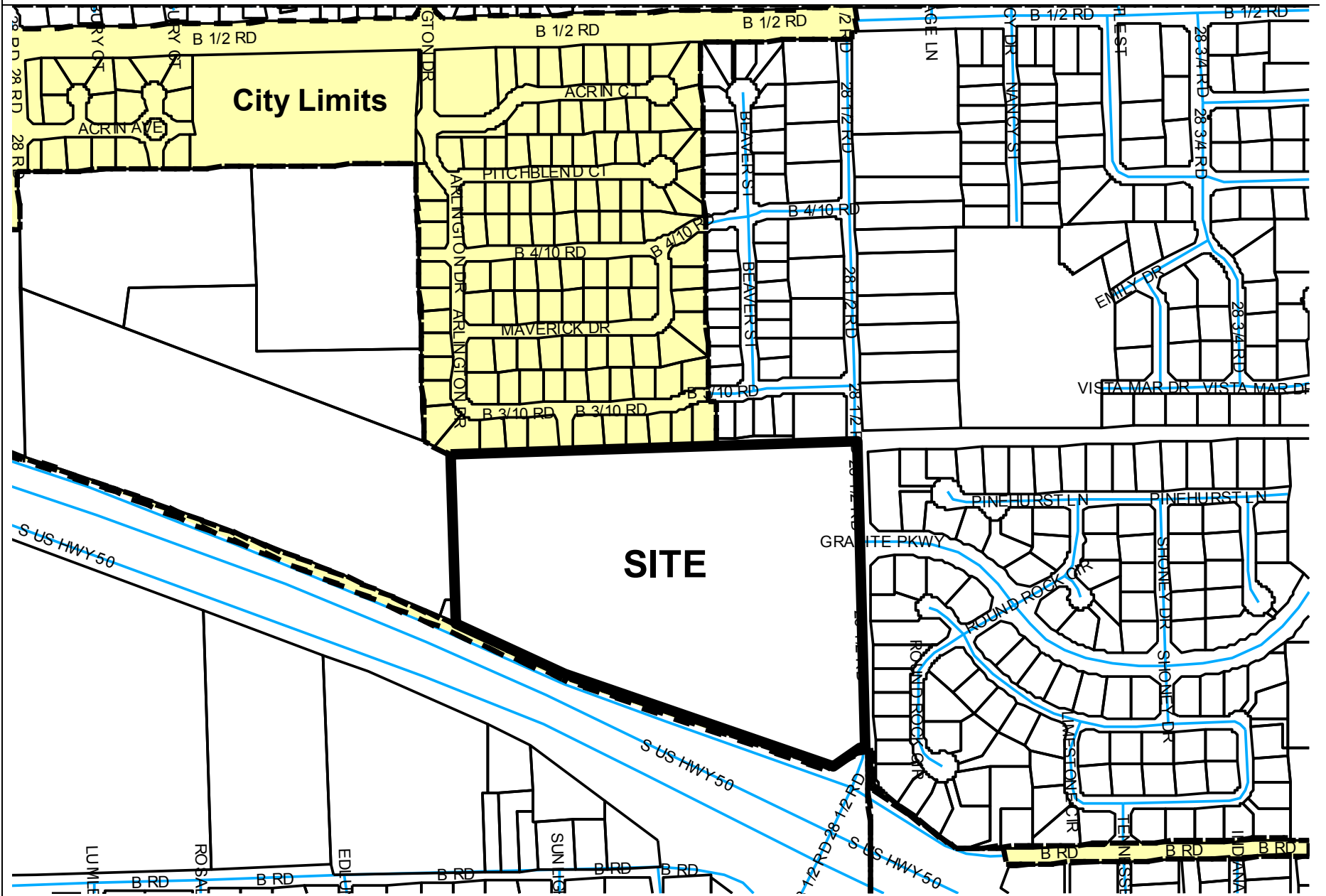
Staff recommends approval of the RMF-8 zone district, with the findings that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-8 district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



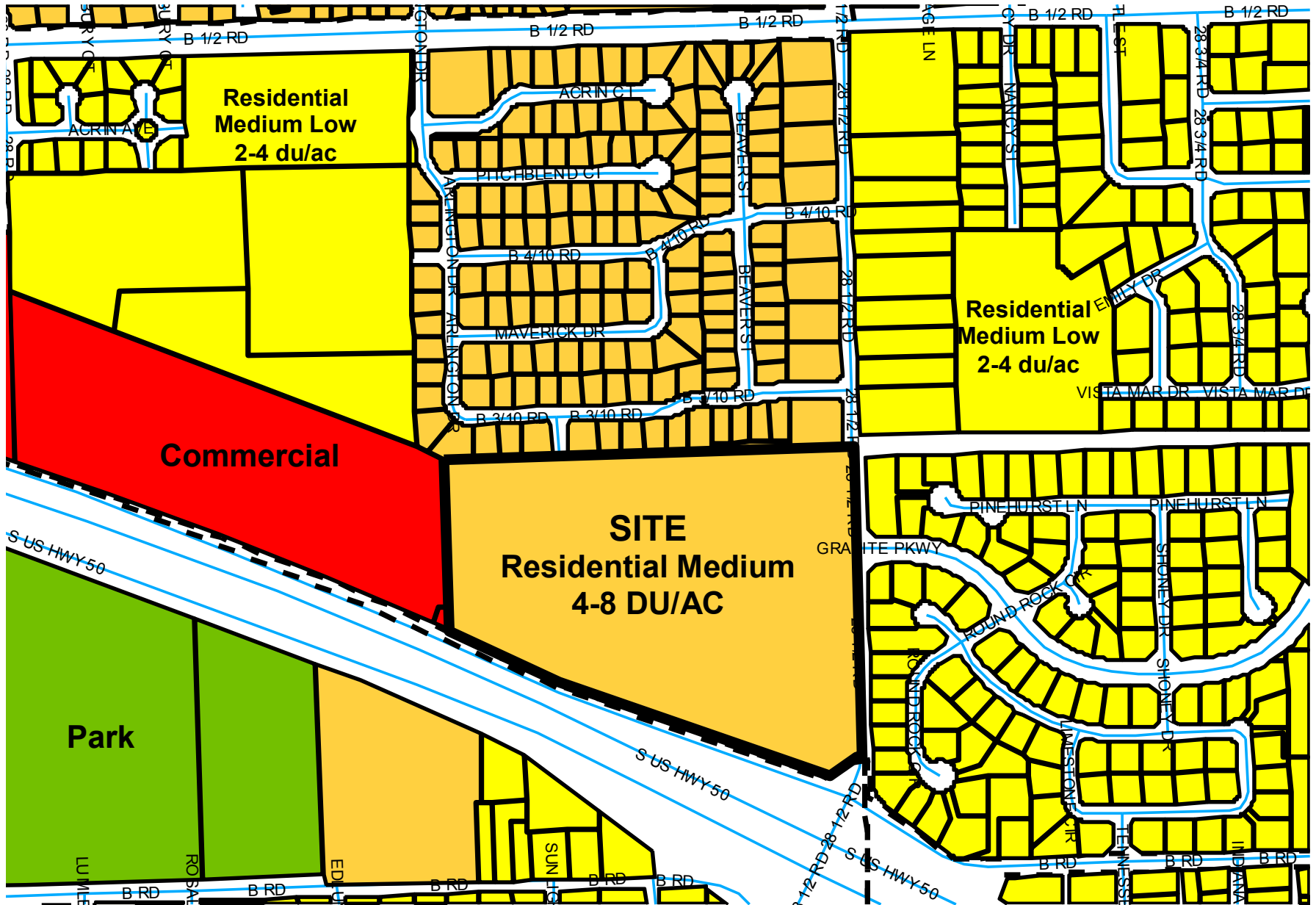
Aerial Photo Map

Figure 2



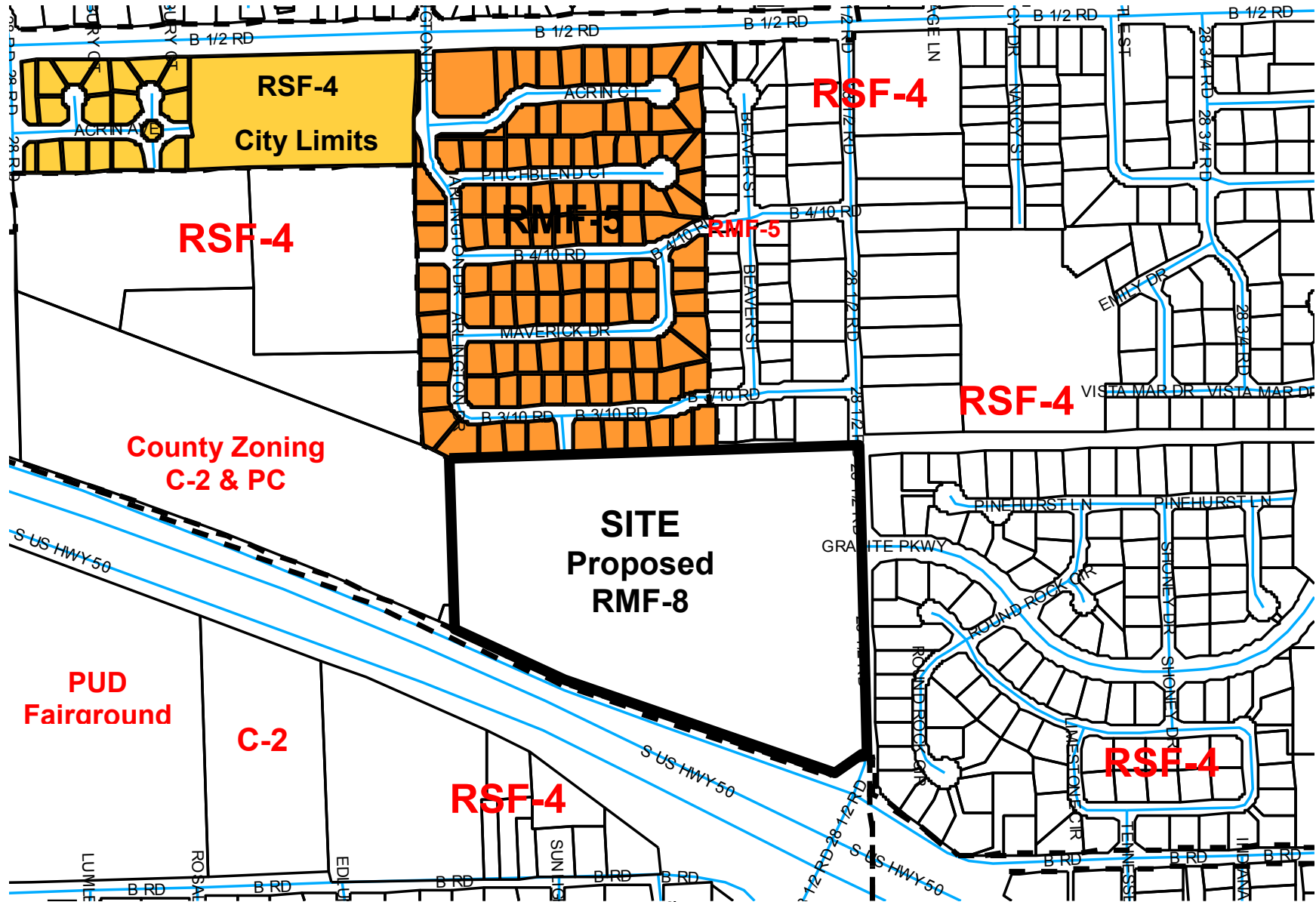
Future Land Use Map

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."

HOSKIN, FARINA, ALDRICH & KAMPF

Professional Corporation

ATTORNEYS AT LAW

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Grand Junction, Colorado 81502

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Brandin Hay
David M. Dodero

Anthony F. Prinster
Of Counsel

William H. Nelson
(1926-1992)

December 9, 2003

Ms. Katherine M. Portner
Planning Manager
City of Grand Junction
Community Development Department
250 North 5th Street
Grand Junction, Colorado 81501-2668

Re: Grandbud, LLC –
Property at Northwest Corner of 28½ Road and U.S. Highway 50

Dear Ms. Portner:

Pursuant to our telephone conversations, please accept this letter as the request of Grandbud, LLC for a zone designation for the property it owns at the northwest corner of 28½ Road and U.S. Highway 50 (Parcel No. 2943-303-00-045) (“Site”) from its current zone of county residential, 4 dwelling units per acre (RSF-4) to the City’s Residential Multifamily eight dwelling units per acre (RMF-8). In support of this request, please note the following:

SITE INFORMATION

The Site consists of 23.486 acres of vacant undeveloped land situate to the west of 28½ Road and north of U.S. Highway 50 in Orchard Mesa. A copy of the full legal description is attached hereto as Exhibit 1. The Site has recently been annexed into the City of Grand Junction, but presently has a Mesa County zone designation of RSF-4. As noted above, Grandbud, LLC is requesting that the City designate the zone for the Site as RMF-8.

SURROUNDING LAND USE AND ZONING

The Site is recognized to be in an area of transition, with surrounding land use and zoning being as follows:

Ms. Katherine M. Portner

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- West – County C-2 occupied by Sorter Construction Company.
- South – Mesa County Fairgrounds, Big J RV Park mobile home park and single family homes (County RSF-4, C-1, PUD and City RSF-4).
- East – Granite Springs Subdivision (County RSF-4).
- North – Arrowhead Acres Subdivision and Orchard Villa Estates (City RMF-5 and County RMF-5).

SITE HISTORY AND SERVICE

From the adoption of the 1996 Growth Plan until the Growth Plan's amendment in May of 2003, the Site was designated as "Public/Institutional" consistent with the 1995 Orchard Mesa Neighborhood Plan's designation of the Site for a future high school. The May 2003 Growth Plan amendment redesignated the Site as residential medium density, RMF-5-8.

The site is served by the following:

- Xcel Energy (electric and natural gas).
- Qwest (telephone).
- Orchard Mesa Irrigation District (irrigation water).
- Bresnan Communications (cable television).
- Orchard Mesa Sanitation District (sanitary sewer).
- Ute Water Conservancy District (potable water).
- Grand Junction Fire Department (fire protection).
- Grand Junction Police (police protection).

The property is also served by adjoining transportation corridors. To the east is 28½ Road designated as a collector street. Immediately to the south is frontage road for U.S. Highway 50, and to the south of that, U.S. Highway 50 itself.

CODE SECTION 2.4

Section 2.4 of the City of Grand Junction's Zoning and Development Code (Code) requires a review of the proposed zoning for consistency with the Growth Plan and Future Land Use Map (collectively "Growth Plan"). The requested zone is consistent with the Growth Plan designation of RMF-5-8. The applicant is unaware of any inconsistency between the requested zoning for the Site and the Growth Plan.

Ms. Katherine M. Portner
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The requested zone is consistent with the applicable policies and goals of the Growth Plan identified below:

- Policy 1.3 is supported by the applicant's request for a zone consistent with the Growth Plan designation.
- Policy 1.7 is supported by the zoning request for residential uses compatible with existing residential uses to the north, east and south.
- Policy 2.3 is supported by a zoning request that will allow for a residential development that should enhance the esthetic appeal of the U.S. Highway 50 gateway to the City of Grand Junction.
- Policy 4.4 is supported because the site is served by adequate public facilities.
- Policies 4.4 and 4.5 are supported by the existence of adequate water and sanitary sewer systems as well as other public services and facilities that serve the Site including the uses proposed under the RMF-8 zone.
- Policy 5.2 is supported by the proposed zone being compatible with existing residential development to the north, east and south.
- Policy 10.1 is supported by a residential zone density compatible with adjoining neighborhoods in a transitional area consistent with the Growth Plan and with existing public facilities to support the site.
- Goal 11 and Policies 11.1 through and including 11.3 are supported by permitting a zone density that would be not only compatible with adjacent residential uses to the north, east and south, but also facilitate development of multifamily units in several residential categories.
- Policies 13.2 and 13.3 are supported by the requested zone which would allow for the development of multifamily residential units in gateway areas of high visibility, i.e. U.S. Highway 50, of the type desired by the adjoining neighbors.
- Goal 15 and Policies 15.1 through 15.4 are supported by the proposal of a per acre unit density of eight that will encourage and facilitate the use of mixed housing types and densities to provide for a variety of housing types within a development, and to facilitate the development of appropriate housing categories adjacent to adjoining U.S. Highway 50 and the commercial property to the east.

Ms. Katherine M. Portner
Page 4
December 9, 2003

- Goal 23 is supported inasmuch as the adjoining streets (28½ Road to the east and U.S. Highway 50 to the south) provide appropriate and adequate transportation services for the density proposed by applicant.

CODE SECTION 2.6

Section 2.6.A provides approval criteria for amendments to the zoning in the City, which are addressed as follows:

1. **“The existing zone was an error at the time of adoption.”** Response: It is not believed that the existing county zone RSF-4 was an error at the time of its adoption. The zone requested by this letter is believed to be consistent both with the county zone designation and the zone designation pursuant to the Growth Plan.
2. **“There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc., and such changes were not anticipated and are not consistent with the plan.”** Response: Generally speaking, the site is located in an area of transition in Orchard Mesa. Notwithstanding such transition, the Growth Plan was amended in May of 2003 to reflect a determination that the site would no longer be used for a high school site. Thus, there has been a change to that extent, which resulted in a growth plan redesignation of the site from public/institutional to RMF-5-8.
3. **“The proposed zone is compatible with the neighborhood and will not create adverse impact 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.”** Response: The rezone is compatible with existing residential development to the north, east and south. The density of RMF-8 is proposed to facilitate mixed uses to buffer the commercial properties to the west and U.S. Highway 50 to the south. The proposed zone will not adversely impact traffic, parking, storm water or drainage, water, air or noise pollution or create excessive nighttime lighting or other nuisances inasmuch as it is compatible with the adjoining residential properties and this Site’s previously identified capability of handling this intensity of use.
4. **“The proposal conforms with and furthers the goal and policies of the growth plan, other adoptive plans, and policies, the requirements of this**

Ms. Katherine M. Portner
Page 5
December 9, 2003

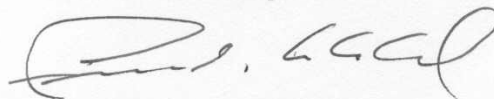
Code and other city regulations and guidelines.” Response: Insofar as applicant is aware, the proposals for the RMF-8 zone is not only consistent with the Growth Plan, but the adopted plans and policies of the City including the Orchard Mesa Neighborhood Plan.

5. **“Adequate public facilities and services are available or will be made available concurrent with the projected impact of the proposed development.”** Response: Adequate public facilities and services are presently in place sufficient to serve the site and any projected impacts of an RMF-8 zone.
6. **“There is not an adequate supply of land available in the neighborhood or surrounding area to accommodate the zoning community needs.”** Response: Applicant has not obtained data sufficient to respond to this statement. It is believed that the proposed zone is consistent with the desires of the surrounding neighbors, community development staff and is consistent with the Growth Plan.
7. **“The community or neighborhood will benefit from the proposed zone.”** Response: Since the proposal is consistent with the growth plan and the overwhelming desires of the neighborhood, and will present an attractive and beneficial development and gateway corridor, this zone should benefit the community and neighborhood.

I hope the foregoing adequately addresses the information you request to support the zone designation of RMF-8 for the Grandbud, LLC Site. If there is additional information you would like to have, or would like to have the existing information presented in a different format, would you please contact me immediately. Thank you for your cooperation and attention to this request.

Very truly yours,

HOSKIN, FARINA, ALDRICH & KAMPF
Professional Corporation



FREDERICK G. ALDRICH

FGA:ecg

xc: Grandbud, LLC

CITY OF GRAND JUNCTION, COLORADO

Ordinance No.

**AN ORDINANCE ZONING THE GRAND BUD ANNEXATION TO RMF-8
LOCATED AT THE NW CORNER OF 28 ½ ROAD AND HIGHWAY 50**

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 zoning the Grand Bud Annexation to the RMF-8 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 is 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 public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 zone district be established.

The Planning Commission and City Council find that the RMF-8 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-8 with a density not to exceed 8 units per acre.

GRAND BUD ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Southwest Quarter (SE ¼ SW ¼) and the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of the SE ¼ SW ¼ of said Section 30, and assuming the East line of the SE ¼ SW ¼ bears N 00°04'01" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°04'01"E along the East line of the SE ¼ SW ¼ of said Section 30, a distance of 346.57 feet to the POINT of BEGINNING; thence from said Point of Beginning, N

89°55'59" W a distance of 20.00 feet; thence S 83°51'30" W a distance of 91.53 feet to a point on the Northerly right of way for U.S. Highway 50, as laid out and now in use; thence N 69°37'00" W, along said North right of way, a distance of 883.90 feet to a point being the beginning of a 11,585.00 radius, non-tangent curve, concave Southwest, whose long chord bears N 62°54'49" W with a long chord length of 381.99 feet; thence 382.01 feet Northwesterly along the arc of said curve, through a central angle of 01°53'21" to a point; thence N 00°04'43" W along a line 55.00 feet East of and parallel to, the West line of the SE ¼ SW ¼, a distance of 534.71 feet, more or less, to a point on the North line of the SE ¼ SW ¼ of said Section 30; thence S 89°57'39" E along the North line of the SE ¼ SW ¼ of said Section 30, a distance of 1268.85 feet, more or less, to a point being the Northeast corner of the SE ¼ SW ¼ of said Section 30; thence S 89°57'17"E along the North line of the SW ¼ SE ¼ of said Section 30, a distance of 30.00 feet to a point; thence S 00°04'01" W along a line 30.00 feet East of and parallel to, the East line of the SE ¼ SW ¼ of said Section 30, being the East right of way for 28 ½ Road, as shown on the Plat of Granite Springs Filing No. 1, as recorded in Plat Book 16, Page 13 and Granite Springs Filing No. 3, as recorded in Plat Book 18, Page 352, both of the Public Records of Mesa County, Colorado, a distance of 968.34 feet; thence N 89°55'59" W a distance of 30.00 feet, more or less, to the Point of Beginning.

CONTAINING 24.153 Acres (1,052,120.6 Sq.Ft.) more or less, as described.

Introduced on first reading this 21st day of January, 2004 and ordered published.

Adopted on second reading this _____ day of _____, 2004.

ATTEST:

President of Council

City Clerk

**Attach 9
Historic Structure Survey Phase III Consultant Selection
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Recommendation on Selection of a Consultant to Complete the Phase III Historic Structures Survey						
Meeting Date	January 21, 2004						
Date Prepared	January 15, 2004				File #	NA	
Author	Kristen Ashbeck		Senior Planner				
Presenter Name	Kristen Ashbeck		Senior Planner				
Report results back to Council		No	X	Yes	When	Updates as project proceeds and when completed	
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: The City was awarded a grant from the Colorado Historical Society State Historical Fund (SHF) to complete Phase III of a Historic Structures Survey. A competitive bid process was conducted and staff recommends awarding the project to Reid Architects, Inc. The total budget for the survey is \$100,000, \$60,000 from the SHF and \$40,000 match from the City.

Budget: The City's match of \$40,000 has already been included in the current working budget for 2003-2004.

Action Requested/Recommendation: It is recommended that City Council authorize the City Manager to execute a contract with Reid Architects, Inc. in the amount of \$100,000 to complete the Phase III Historic Structures Survey.

Background: Pursuant to the recently-adopted City of Grand Junction *Strategic Plan 2002-2012*, the community has identified a goal being to "facilitate efforts that sustain the historic character of the community". To that end, Objective 26 of the *Plan* further states that "By 2004, complete Phase Three of the historic survey". The City was awarded a grant from the Colorado Historical Society State Historical Fund (SHF) to complete the survey to implement this objective.

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

A competitive bid process was conducted and nine proposals were received (see attached list). The Request for Proposals stated that the project had a budget ceiling of

\$100,000 and all proposals came in with that proposed estimate. The proposals were evaluated by a reviewing team comprised of Community Development staff, representatives of the Museum of Western Colorado and the Historic Preservation Board and one interested individual outside of the City. The proposals were evaluated on criteria of knowledge and experience of the persons working on the project as well as the ability of the consultant to best meet the needs for the City's dual-purpose for the survey to: 1) further the City's historic resources data base; and 2) provide some basic information for use when the City creates neighborhood programs within the areas covered by the survey.

Reid Architects, Inc. was ranked as the most qualified firm by 3 out of 4 of the reviewers. Staff recommends awarding the project to Reid Architects, Inc. as this firm best demonstrated the overall knowledge, organization, relevant experience and ability to meet State requirements for building documentation as well as examine the larger picture of how this information can fit into the City's neighborhood programming.

ATTACHMENTS

- A.** List of Consultants Submitting Proposals for the Phase III Historic Structure Survey
- B.** Survey Maps

Associated Cultural Resource Experts
8341 Sangre de Cristo Road Suite 202
Littleton Colorado 80127

Cultural Resource Planning
PO Box 295
Durango Colorado 81302

Development Construction Services, Inc.
619 Main Street Suite 110
Grand Junction Colorado 81501

Frontier Colorado Research
18735 West 59th Place
Golden Colorado 80403

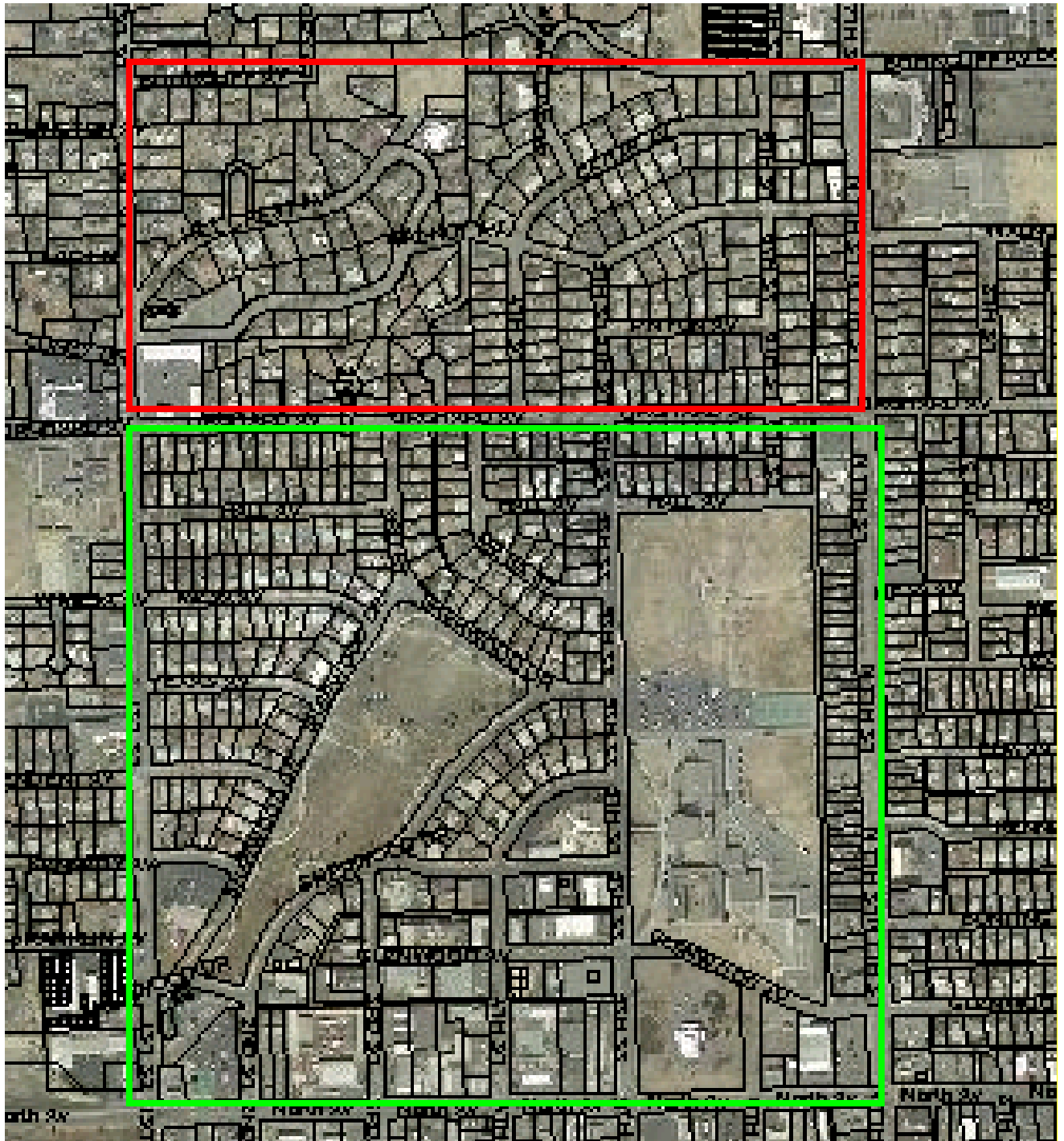
Prism Interpretive Services
1040 Grand Avenue
Delta Colorado 81416

Reid Architects, Inc.
412 North Mill Street
PO Box 1303
Aspen Colorado 81612

Scheuber + Darden Architects LLC
3025 South Parker Road Suite 941
Aurora Colorado 80014

SWCA Environmental Consultants
8461 Turnpike Drive Suite 100
Westminster Colorado 80031

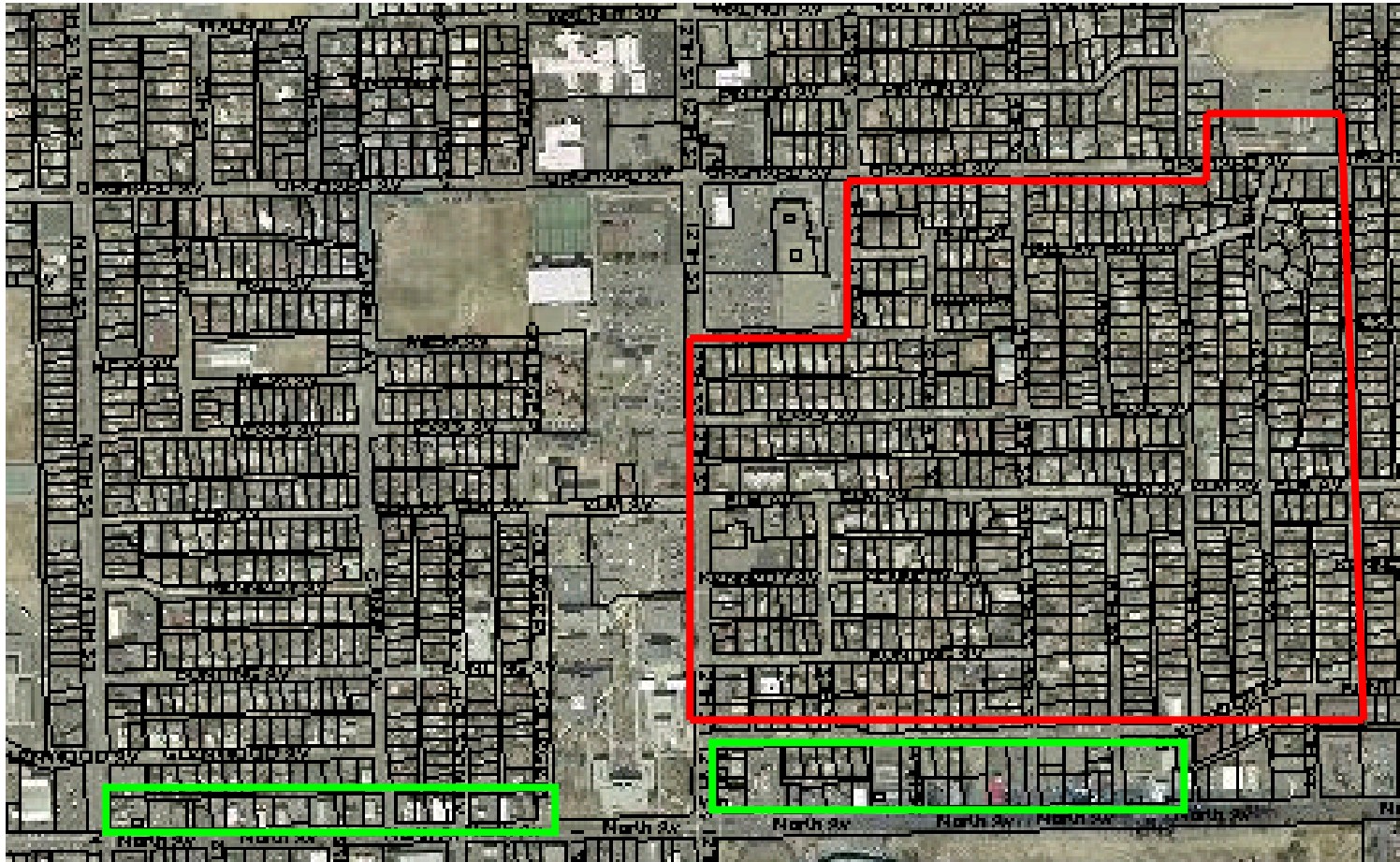
Three Gables Preservation
320 Pine Glade Road
Nederland Colorado 80466



PRIORITY 1 AREAS: Hillcrest Park and Brownson Subdivision



PRIORITY 2 AREAS: Sherwood Park, North Avenue Commercial



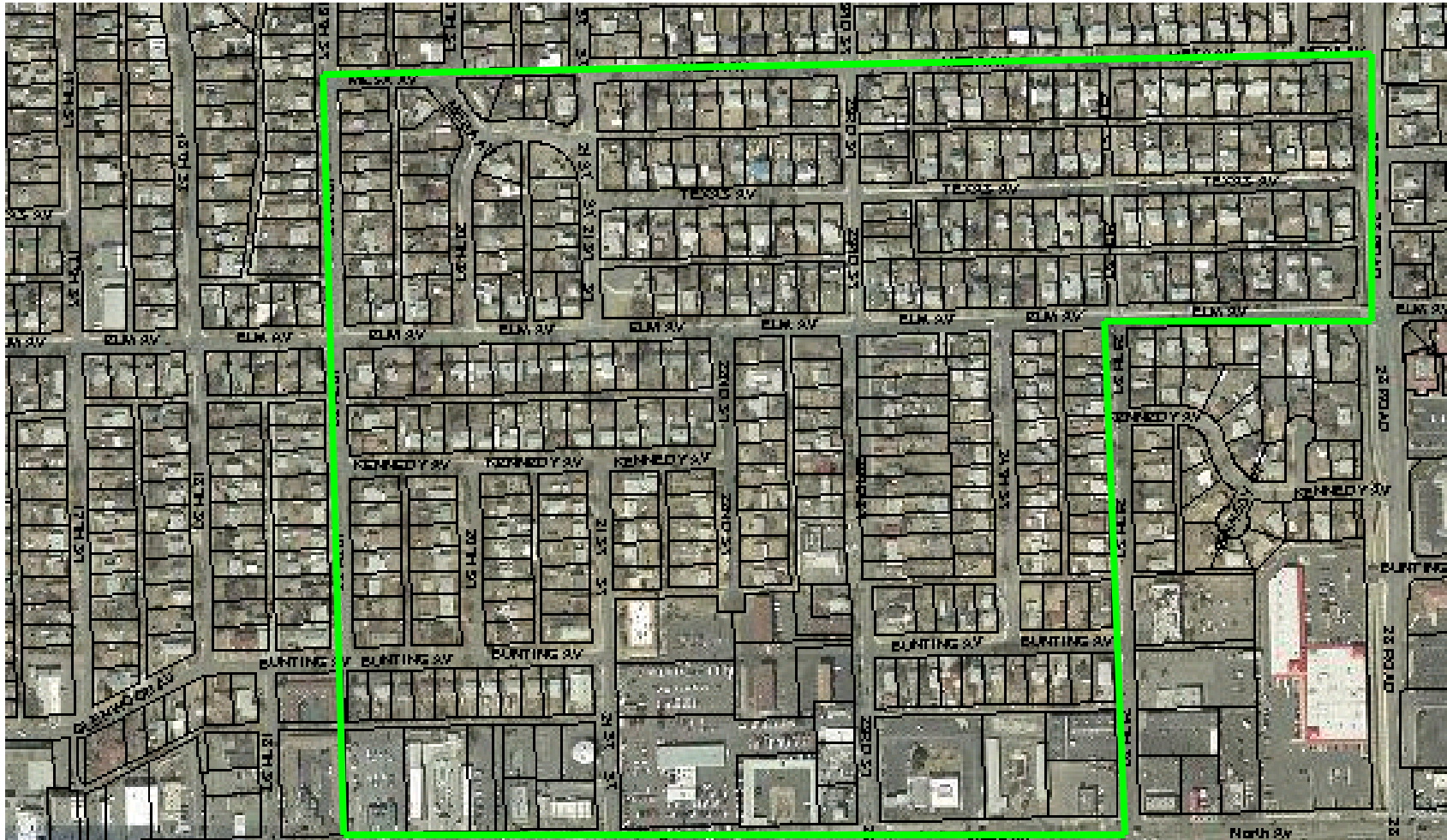
PRIORITY 1 AREA: Grandview Subdivision and Orchard Avenue School



PRIORITY 2 AREAS: North Avenue Commercial

GRAND JUNCTION HISTORIC SURVEY PHASE 3

Project Map 2



PRIORITY 2 AREA: North 23rd Street Area

GRAND JUNCTION HISTORIC SURVEY PHASE 3

Project Map 3



PRIORITY 1 AREA: Southeast Lincoln Park Area

GRAND JUNCTION HISTORIC SURVEY PHASE 3

Project Map 4

Attach 10
Setting a Hearing on Zoning the Bogart Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Zoning the Bogart Annexation, located at 563 22 ½ Road					
Meeting Date		January 21, 2004					
Date Prepared		January 12, 2004			File #ANX-2003-254		
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		X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance zoning the Bogart Annexation consisting of 1.409 acres in land, located at 563 22 ½ Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed ordinance and set a public hearing for February 4, 2004.

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:		563 22 ½ Road	
Applicants:		Jack Bogart	
Existing Land Use:		1 single family house	
Proposed Land Use:		Simple subdivision to build 1 additional house	
Surrounding Land Use:	North	Single Family Residential 1 du/1.33 ac avg. +/-	
	South	2 single family homes on 2 lots totaling 4.75 ac +/-	
	East	Single Family Residential 1 du/1.25 ac avg. +/-	
	West	Single Family Residential ½ ac lots avg. +/-	
Existing Zoning:		RSF-4 (Mesa County)	
Proposed Zoning:		RSF-2 (City)	
Surrounding Zoning:	North	RSF-4 (Mesa County)	
	South	RSF-4 (Mesa County)	
	East	RSF-4 (Mesa County)	
	West	RSF-4 (Mesa County)	
Growth Plan Designation:		Residential Medium Low 2-4 du/ac	
Zoning within density range?		X	Yes
			No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the RSF-2 district is consistent with the Growth Plan density of Residential Medium Low 2-4 du/ac. The existing County zoning is RSF-4. 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.

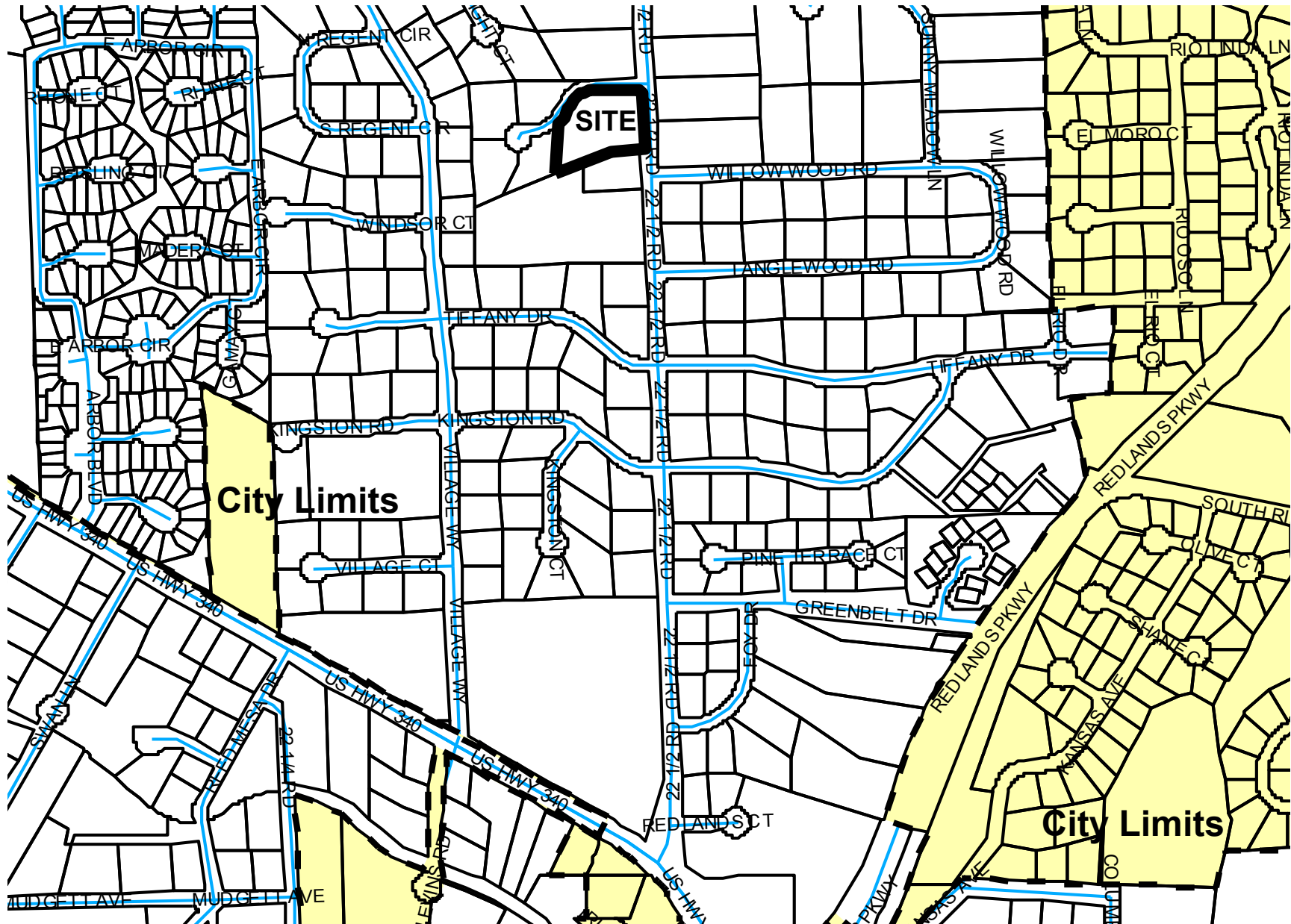
STAFF RECOMMENDATION

Staff recommends approval of the RSF-2 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 RSF-2 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



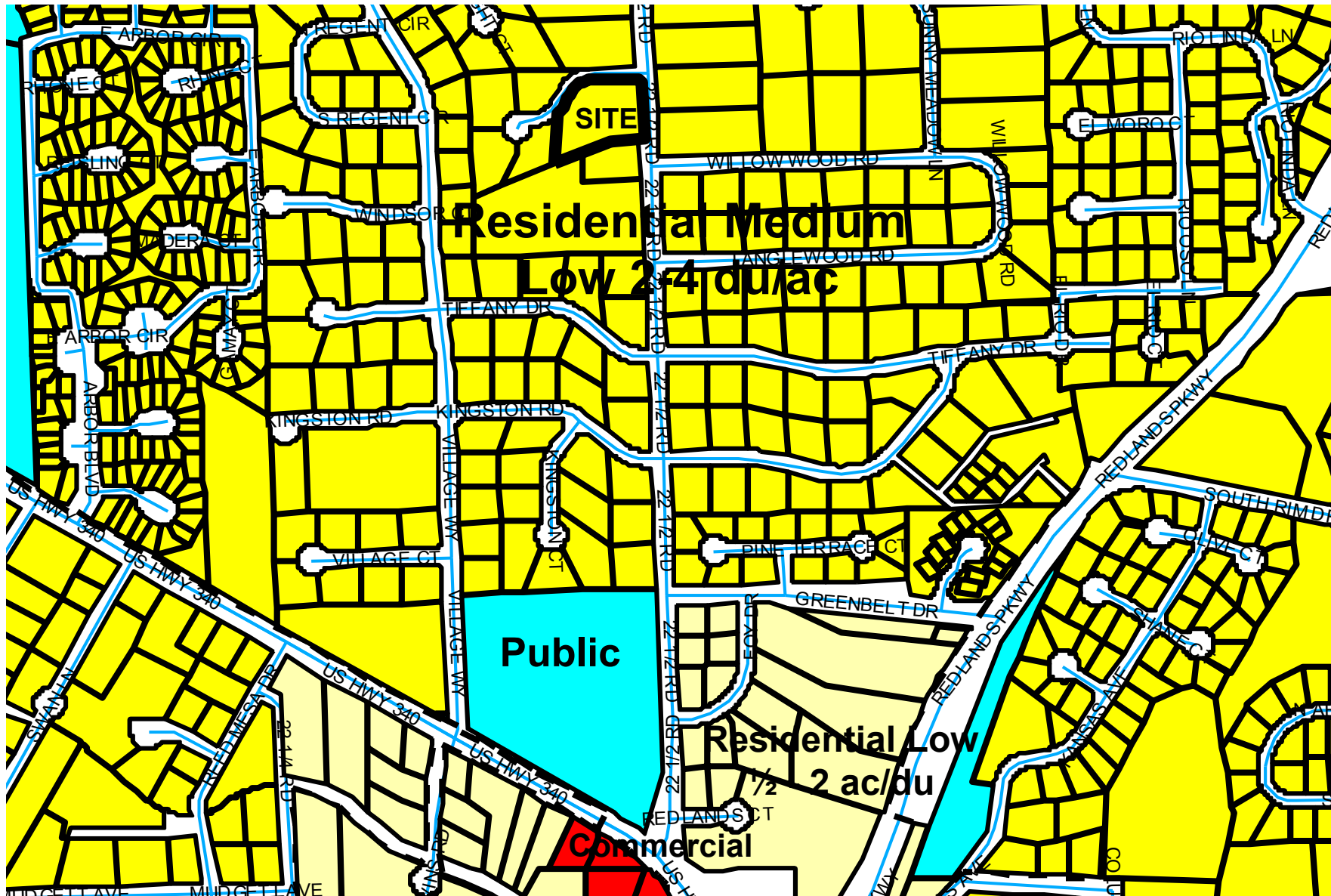
Aerial Photo Map

Figure 2



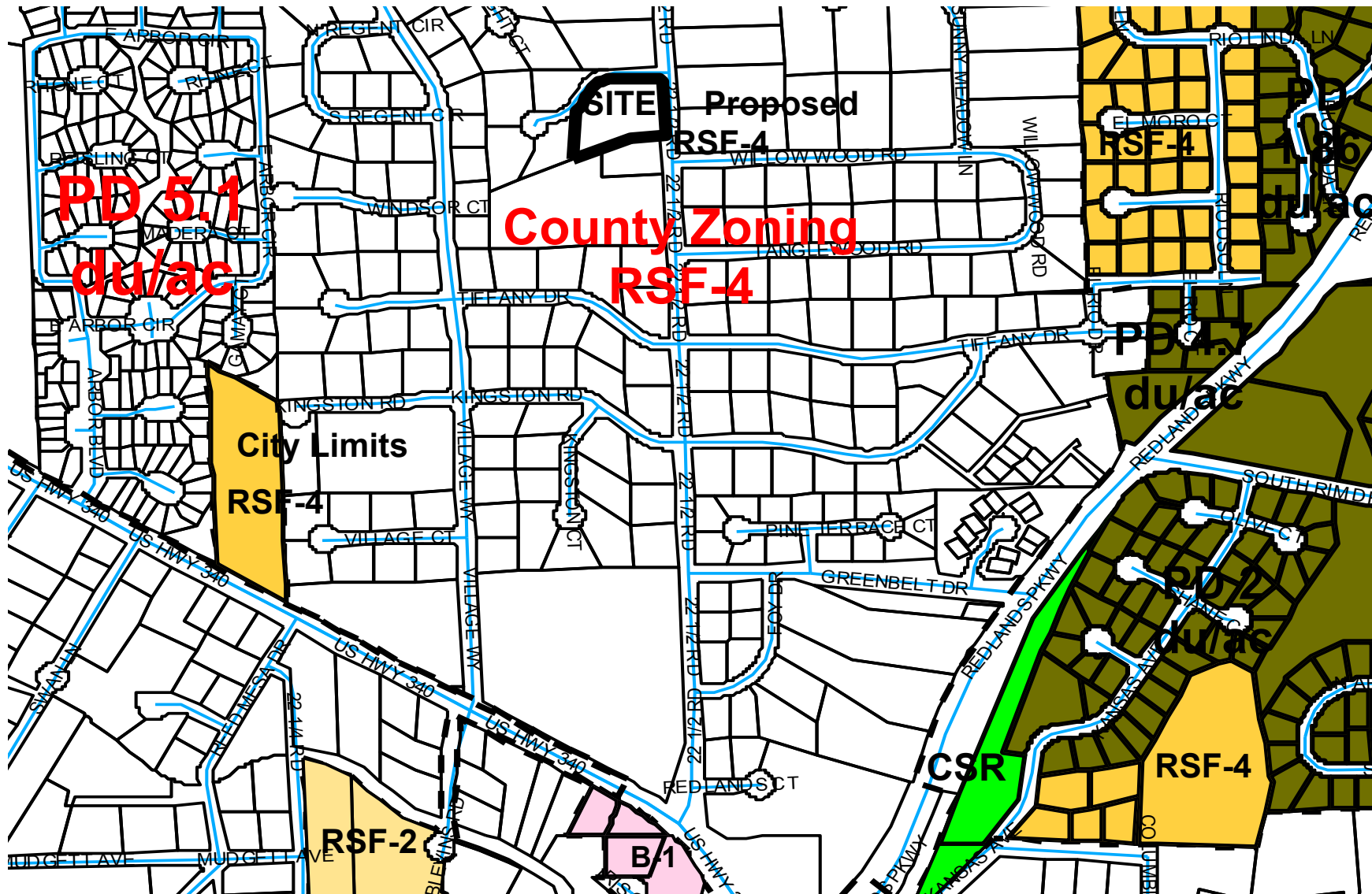
Future Land Use Map

Figure 3



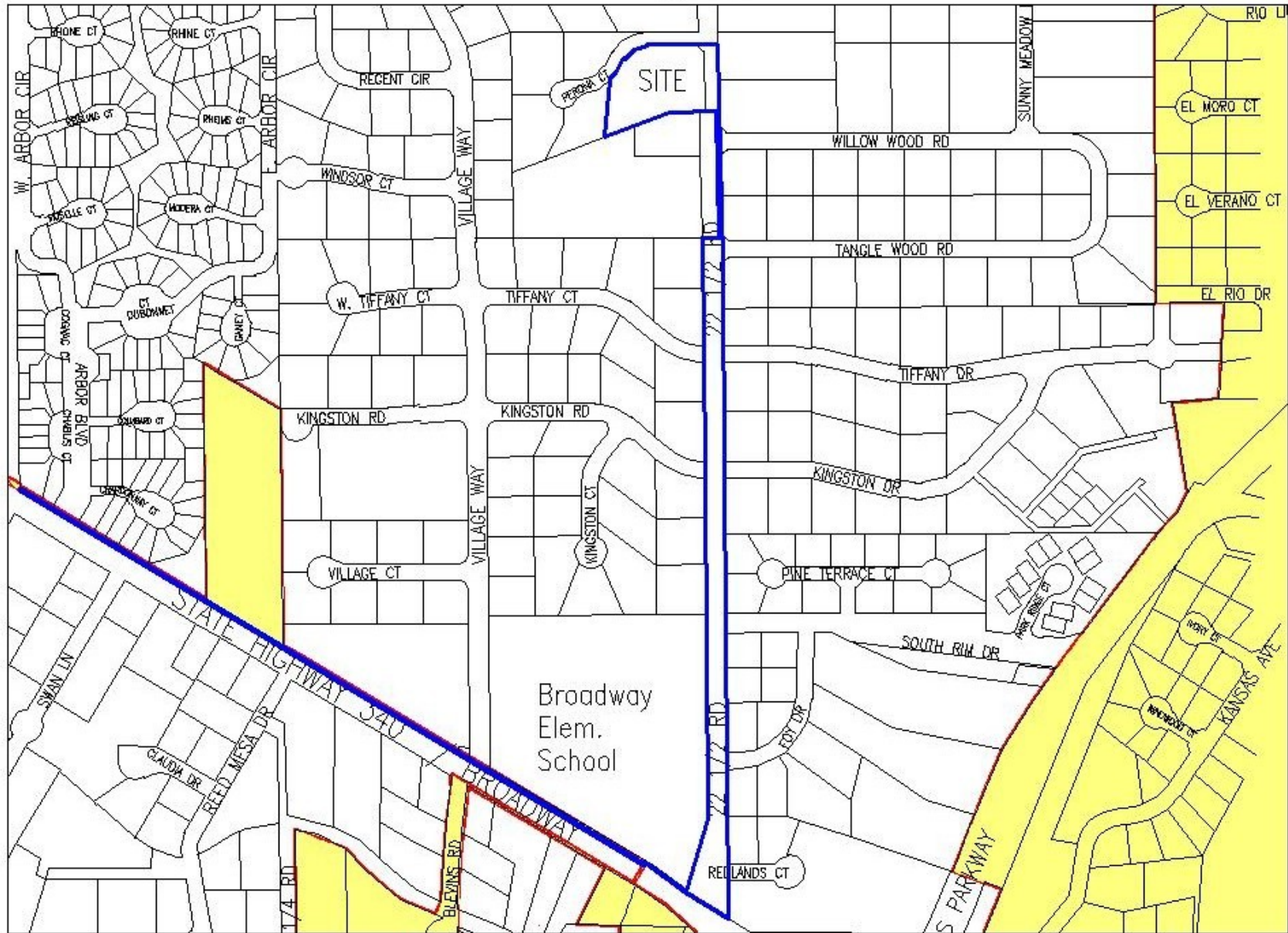
Existing City and County Zoning

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."

Bogart Annexation Figure 5



 City Limits  Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE BOGART ANNEXATION TO
RSF-2**

LOCATED AT 563 22 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 Bogart Annexation to the RSF-2 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 RSF-2 zone district be established.

The Planning Commission and City Council find that the RSF-2 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 RSF-2 with a density not to exceed 2 units per acre.

BOGART ANNEXATION

Lot 5 Mountain Acres, Sec 7 1S 1W

CONTAINING 1.409 Acres (61,376.04 Sq. Ft.), more or less, as described.

Introduced on first reading this 21st day of January, 2004 and ordered published.

Adopted on second reading this _____ day of _____, 2004.

ATTEST:

Mayor

City Clerk

**Attach 11
SSID Manual Update**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	SSID Manual Update					
Meeting Date	January 21, 2004					
Date Prepared	January 14, 2004				File # TAC-2003-01.04	
Author	Lori V. Bowers			Senior Planner		
Presenter Name	Lori V. Bowers			Senior Planner		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X		Formal Agenda	X	Consent
						Individual Consideration

Summary: Introduction of a Proposed Ordinance to adopt the recent changes to the SSID Manual (Submittal Standards for Improvements and Development) as referenced in the Zoning and Development Code, Ordinance No. 3390, effective January 20, 2002.

Budget: N/A

Action Requested/Recommendation: Introduce a Proposed Ordinance and set a Public Hearing for January 21st, 2004.

Attachments:

Background information
Ordinance (Published by pamphlet)

Background Information: Staff recently completed needed changes to the SSID Manual that reflect changes in the Zoning and Development Code adopted in 2002. A complete revised SSID manual is available for review in the Community Development Department, as well as the City Clerk's office.

The last time the SSID Manual was formally updated was in 1995. There were other updates done in 1998. It was first released in 1993 as a concerted effort by the Community Development Department and the Public Works Department to help guide the development community in quality planning, design and construction. Requiring consistency in all types of development was the primary goal of the document. Over the years it has become the guidance manual for all City development applications. Over the past several years Staff has made some minor changes to some of the checklists and have provided them to developers, so the development community has had some exposure to the upcoming changes.

The manual pertains to all development activity as defined by the City of Grand Junction's Zoning and Development Code, specifically Section 6.8. The Departments of Community Development and Public Works have the responsibility to enforce the provisions of the SSID Manual and the Zoning and Development Code. The SSID manual helps eliminate uncertainties regarding what is expected by the various review agencies. The SSID manual is used as a guide for the level of detail and process that is involved in the design of projects and application submittal guidelines and requirements. The manual is highly technical in nature, with many cross-references throughout the document. It contains flow charts, abbreviations, definitions and engineering terms for the benefit of consistent review and interaction between the City and the developer.

FINDINGS OF FACT:

After reviewing the Draft SSID Manual, file number TAC-2003-01.04, staff and the Planning Commission recommend to City Council make the following findings of fact and conclusions:

3. The proposed changes are consistent with the Growth Plan.
4. The changes are consistent the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission at their regularly scheduled meeting of January 13, 2004, the Commission recommended to the City Council approval of item number TAC-2003-01.04, the text amendments for the SSID Manual, finding that the request is consistent with the Growth Plan and the Zoning and Development Code.

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY OF GRAND JUNCTION'S "SUBMITTAL STANDARDS FOR IMPROVEMENTS AND DEVELOPMENT", SSID MANUAL, AND AUTHORIZING PUBLICATION OF THE AMENDMENTS BY PAMPHLET

Recitals:

Ordinance No. 3390 adopted the City of Grand Junction Zoning and Development Code, including Submittal Standards for Improvements and Development (SSID).

Since the adoption of the Zoning and Development Code certain corrections, deletions and amendments to the SSID Manual have been proposed. Many of the amendments proposed for adoption are corrections and additions necessitated by working with and through the "new" Zoning and Development Code.

The revised SSID manual is available for review in the Community Development Department and the City Clerk's office. Because of the number of pages constituting the amendments the Council has determined that publication in book or pamphlet, as authorized by the Charter, is appropriate.

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

1. The SSID *Submittal Standards for Improvements and Developments* is hereby amended to read as shown in the published book or pamphlet. Specific references to each section number of each amendment, as well as the specific changes to the text are shown therein.
2. On January 13, 2004, the Planning Commission considered the amendments to the SSID manual and recommended approval to the City Council of the text amendments to the SSID Manual
2. All amendments are necessary or required by law and the amendments are in accordance with law.
3. Because of the number of pages (approximately 150) publication by book or pamphlet is authorized in accordance with the Charter Article VI, Paragraph 51.
4. The hearing prior to final passage shall be held on February 4, 2004 at 7:30 p.m. in the Council chambers located at 250 N. 5th Street Grand Junction Colorado. The purpose of such hearing being the consideration of the amendments to the SSID Manual, as stated in this ordinance.
5. The book or pamphlet containing the amendments shall be available for inspection in the City Community Development Department and the City Clerk's Office, 250 N.5th Street, Grand Junction CO. Hours for inspections shall be 8:00 a.m. to 5:00 p.m., Monday through Friday except legal holidays.

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

INTRODUCED ON FIRST READING this 21th day of January, 2004.

PASSED, ADOPTED AND APPROVED this ___ day of _____ 2004.

Attest:

President of the Council

City Clerk

Attach 12
Setting a Hearing for Zoning the Tomkins Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Tomkins Annexation, located at 2835 and 2837 D Road.						
Meeting Date	January 21, 2004						
Date Prepared	January 12, 2004				File #ANX-2003-235		
Author	Lori V. Bowers		Senior Planner				
Presenter Name	Lori V. Bowers		Senior Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance zoning Tomkins annexation RMF-8, located at 2835 and 2837 D Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for February 4, 2004.

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. Annexation map
- 21. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION

Location:		2835 and 2837 D Road		
Applicants:		Darter LLC, Developer; Kathy Tomkins, owner; Jeff Crane, representative		
Existing Land Use:		Single family residential on large lot		
Proposed Land Use:		Medium density single-family residential		
Surrounding Land Use:	North	Public, State Home and Training School and Veteran's Cemetery		
	South	Single-family residential, vacant land		
	East	Single-family residential, vacant land		
	West	Commercial property		
Existing Zoning:		Mesa County RSF-R		
Proposed Zoning:		RMF-8		
Surrounding Zoning:	North	Public		
	South	RSF-R (County)		
	East	RSF-R (County)		
	West	Commercial (County)		
Growth Plan Designation:		Residential Medium 4 to 8 dwelling units per acre		
Zoning within density range?	X	Yes		No

Staff Analysis:

- Background – The property is currently in the annexation process, known as the Tomkins Annexation. A petition for annexation was presented on December 17th, 2003. The properties obtain access from D Road, which currently is classified as a minor arterial.
- Consistency with the Growth Plan – The subject property went through the Growth Plan Amendment process in 2003. It was changed from the Commercial designation to the residential medium category of 4 to 8 dwelling units per acre. The current County zoning is RSF-R, which is not consistent with the Growth Plan. The applicants request the zoning designation of RMF-8, which is consistent with the Growth Plan, but is at the upper most end of the scale. RMF-8 zoning allows for attached and detached single-family dwellings; duplex, townhouse and other types of multi-family units. RMF-8 is a transitional district between lower density single family districts and higher density multi-family or business development. The property to the west is currently zoned commercial in the County and the growth plan indicates that this property should remain as commercial upon annexation. Public land exists to the north and shall remain public as the uses are the Veteran's Cemetery and the State Rehabilitation Center.
- Zoning: The requested zone of annexation to the RMF-8 zoning district is consistent with the Growth Plan density of Residential Medium. The existing County zoning is RSF-R. 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:

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

Staff 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.

Applicant's response: The existing zoning was determined as a part of Mesa County. The annexation will require a new zoning consistent with the growth plan for the City of Grand Junction. RMF-8 zoning would be consistent with 4 to 8 du/ac as recommended in the Growth Plan.

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

Staff response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

Applicant's response: The character of the area has changed from undeveloped agricultural property to medium density single-family residential uses. Flint Ridge is zoned at RMF-8 while others are zoned at RSF-4.

6. 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 due to the nature of the RMF-8 zonings purpose. RMF-8 is a transitional district between lower density single family districts and higher density multi-family or business development. Property to the west is currently zoned as commercial, although there are existing single family residences in this area. Future improvements to facilities will occur if the preliminary plan goes forward. The proposed rezone to RMF-8 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the RMF-8 zone district, therefore this criterion is met.

Applicant's response: The proposed rezone is compatible with the neighborhood. The extension of C $\frac{3}{4}$ Road will alleviate congestion on D Road will not create adverse impacts to traffic. The proposed development will safely divert storm water east to Indian Wash and there will be no generated air or water pollution.

7. 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;

Staff 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.

Applicant's response: This project is consistent with the goals of the growth plan to gain a fiscally responsible growth pattern by ensuring land use compatibility, maintaining more compact development patterns, and ensuring adequate public facilities.

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

Staff response: Adequate public facilities are available or will be supplied at the time of further development of the property consistent with the RMF-8 zone district.

Applicant's response: All necessary utility infrastructure is already in place at the site and includes domestic water, sanitary sewer, storm sewer, irrigation water, electricity, telephone, gas, and cable.

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

Staff response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

Applicant's response: There is a large and growing market for affordable housing in Grand Junction and very few areas currently zoned RMF-8. RSF-4 zoning does not provide the density needed to truly create affordable single-family housing. It is currently very difficult to find parcels of land this size that can accommodate this type of affordable residential development.

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

Staff response: The zoning request is in conjunction with an annexation request. Therefore this criterion is not applicable.

Applicant's response: The proposed amendment will meet the goals and policies of the growth plan thereby benefiting the community with improved infrastructure, traffic circulation and an expanded tax base.

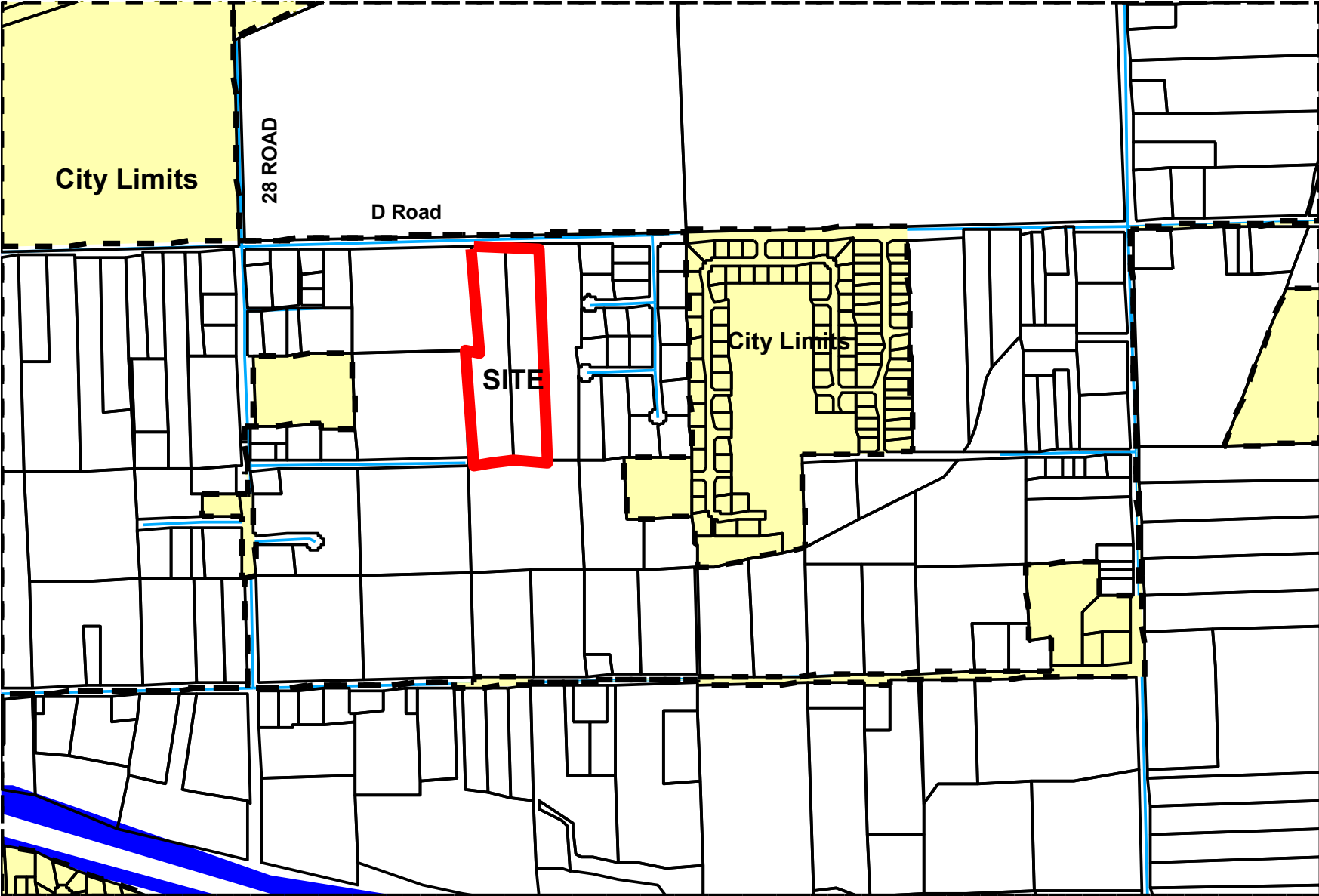
STAFF RECOMMENDATION

Staff recommends approval of the RMF-8 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, at their regularly scheduled meeting of January 13, 2004, recommended approval of the requested zone of annexation to the City Council, by a vote of 5 to 1, finding the zoning to the RMF-8 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.

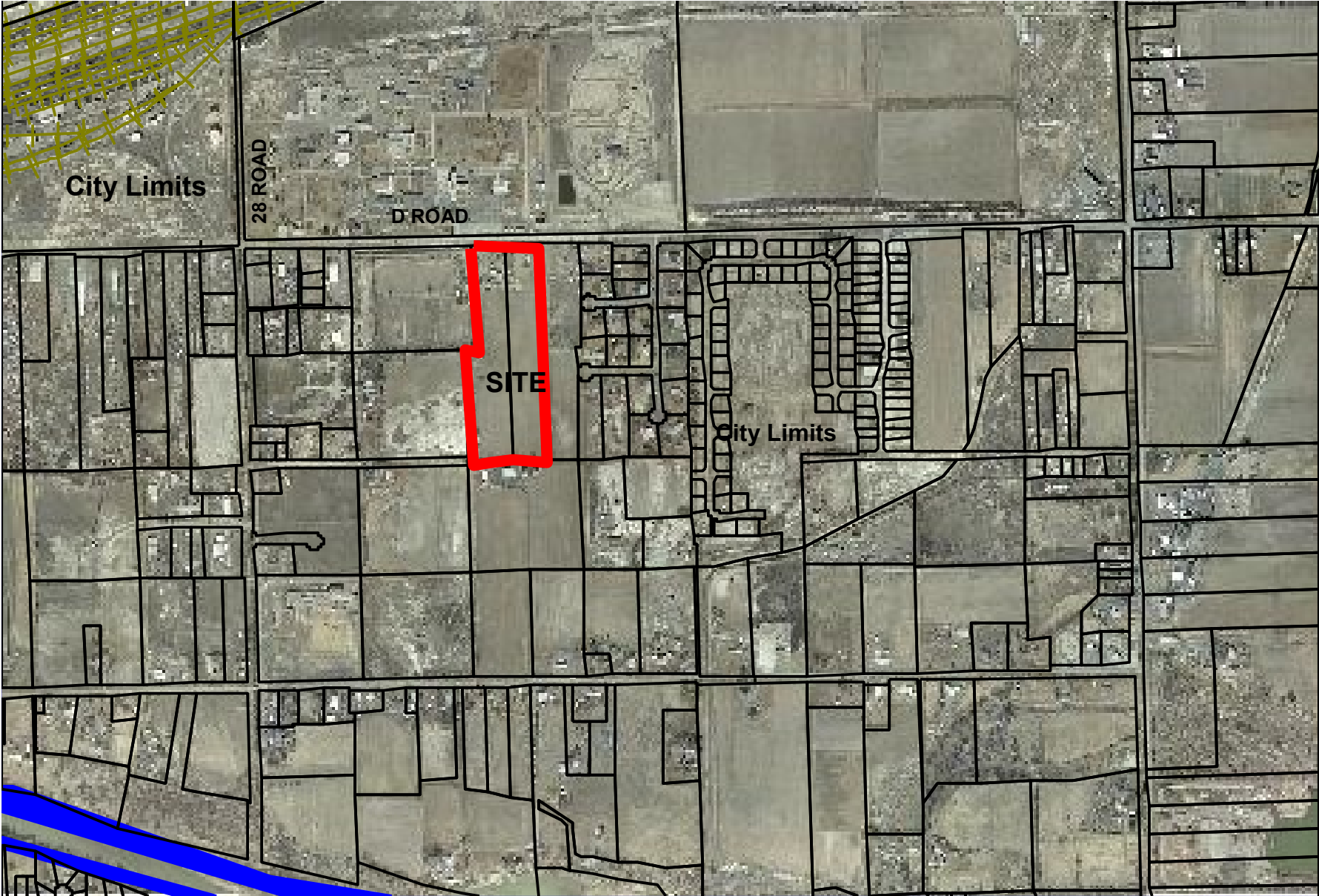
Site Location Map

Figure 1



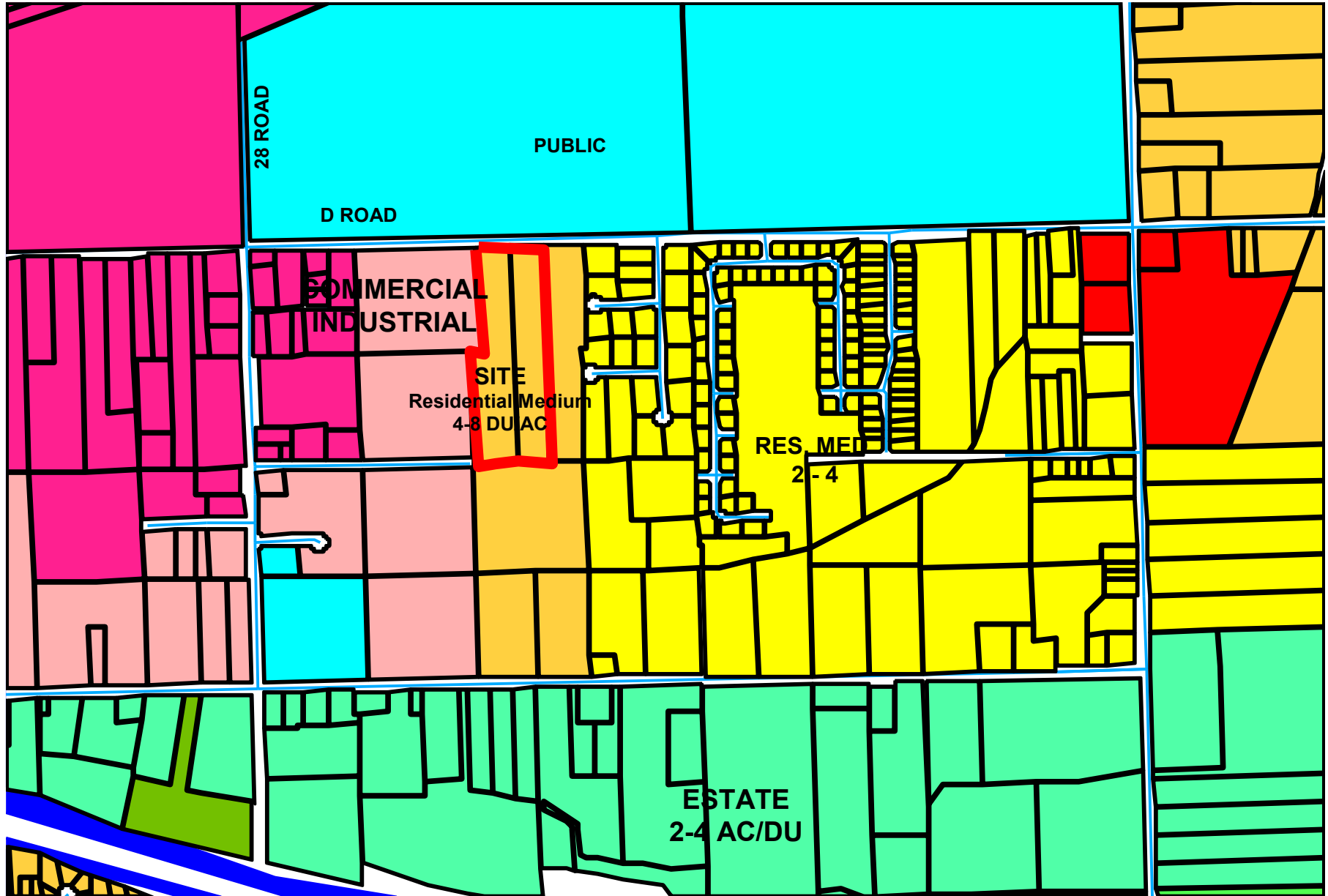
Aerial Photo Map

Figure 2



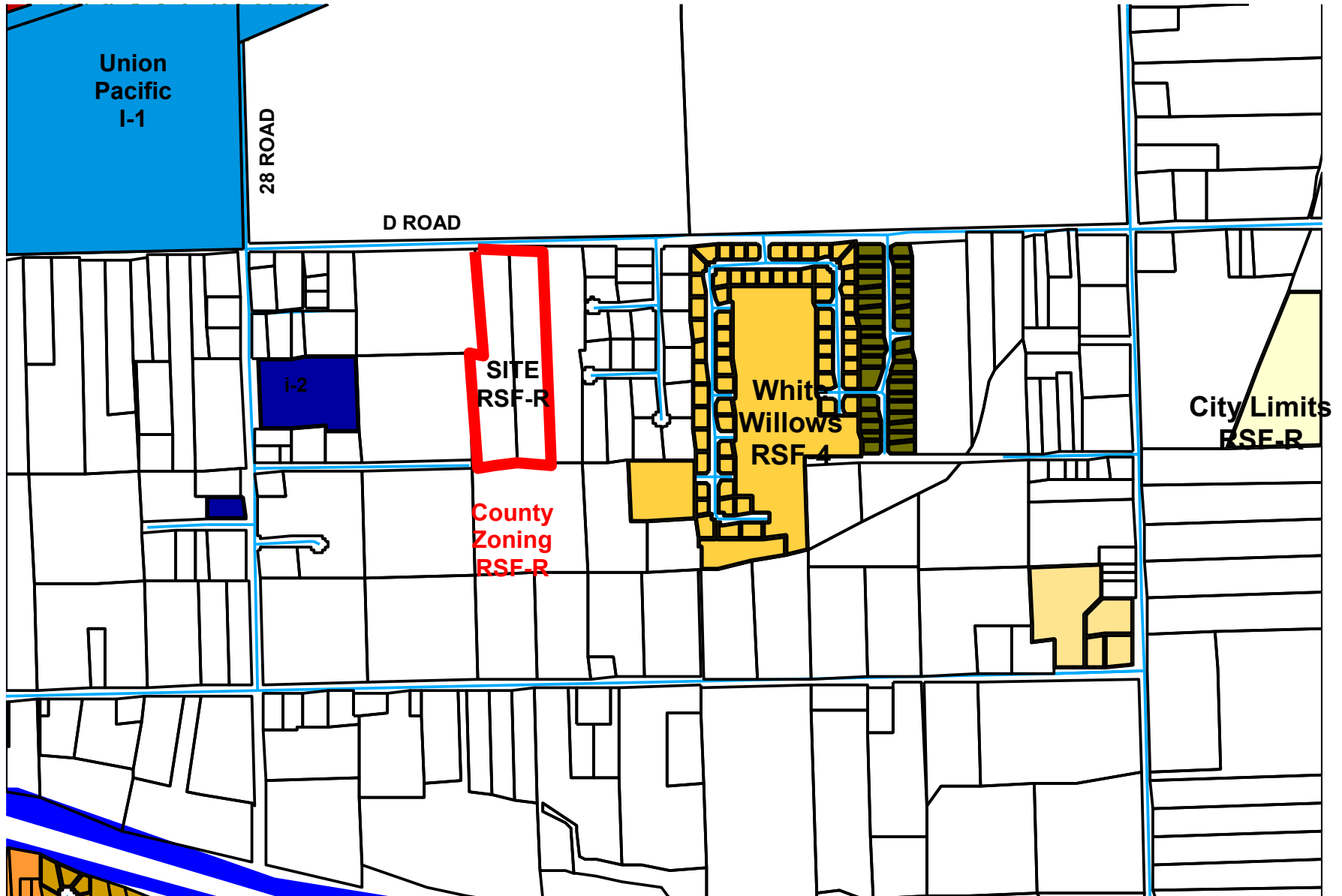
Future Land Use Map

Figure 3



Existing City and County Zoning

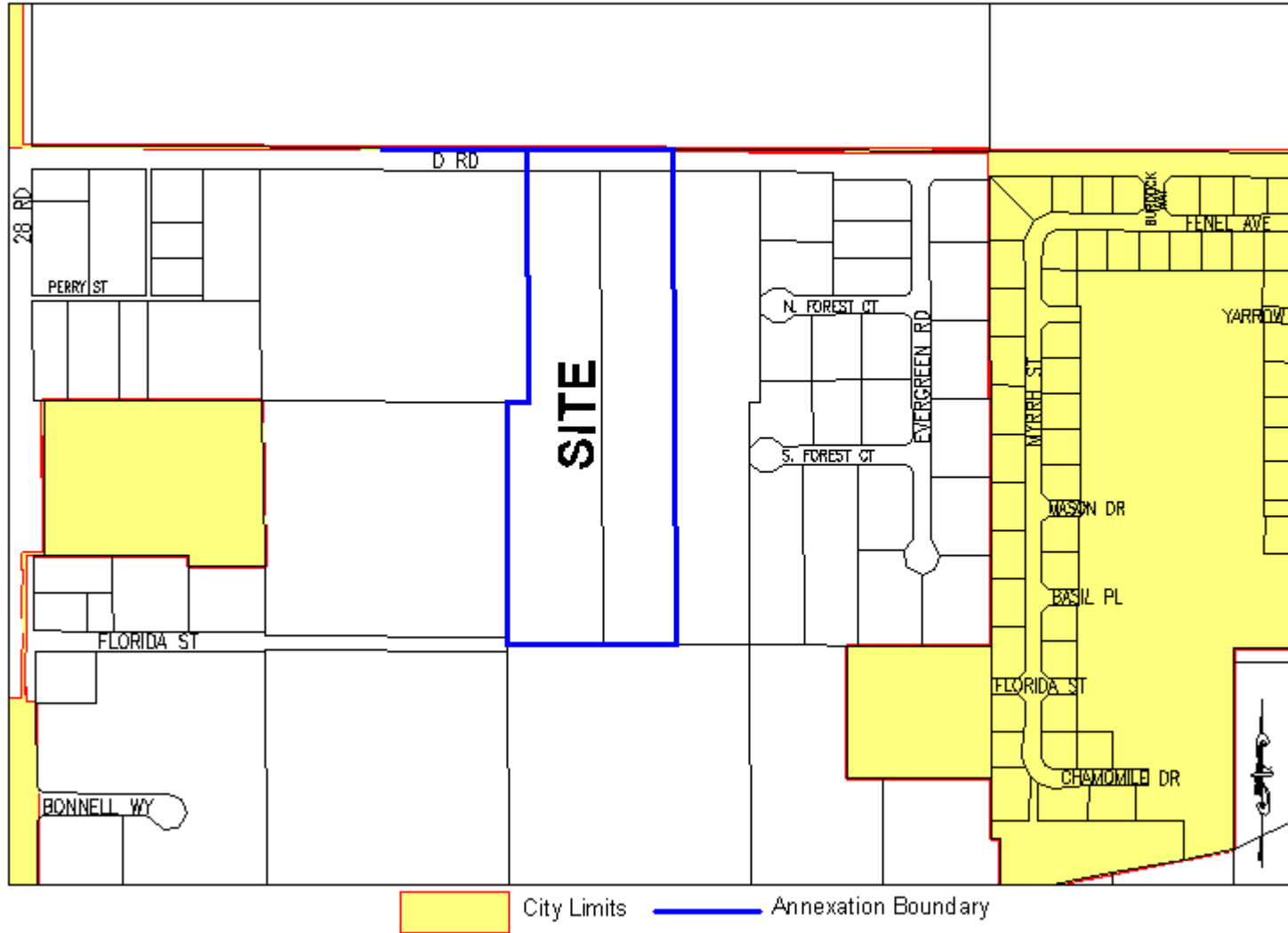
Figure 4



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."

Tomkins Annexation

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE TOMKINS ANNEXATION TO
RMF-8**

LOCATED AT 2835 and 2837 D 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 Tomkins Annexation to the RMF-8 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-8 zone district be established.

The Planning Commission and City Council find that the RMF-8 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-8 with a density not to exceed 8 dwelling units per acre.

TOMKINS ANNEXATION

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 19, Township 1 South, Range 1 East and the Southwest Quarter (SW 1/4) of Section 18, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the North Quarter (N 1/4) corner of said Section 19, and assuming the North line of the NW 1/4 of said Section 19 bears N 89°39'17" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°39'17" W along the North line of the NW 1/4 of said Section 19, a distance of 866.64 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°06'43" W a distance of 1324.51 feet, more or less, to a point on the

South line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 19; thence N 89° 39'45" W along said South line, a distance of 460.60 feet, more or less, to a point being the Southwest corner of the NE 1/4 NW 1/4 of said Section 19; thence N 00°06'43" E along the West line of the NE 1/4 NW 1/4 of said Section 19, a distance of 662.39 feet; thence S 89°33'30" E a distance of 60.60 feet; thence N 00°06'43" E along a line 60.60 feet East of and parallel to, the West line of the NE 1/4 NW 1/4 of said Section 19, a distance of 688.28 feet, more or less, to a point on a line 26.00 feet North of and parallel to, the North line of the NW 1/4 of said Section 19; thence N 89°39'17" W along said line, a distance of 400.01 feet; thence N 00°20'43" E a distance of 2.0 feet; thence S 89°39'17" E along a line 28.00 feet North of and parallel to, the North line of the NE 1/4 NW 1/4 of said Section 19, a distance of 800.00 feet; thence S 00°06'43" W a distance of 28.00 feet, more or less, to the Point of Beginning.

CONTAINING 13.360 Acres (581,951 Sq. Ft.), more or less, as described.

Introduced on first reading this 21st day of January, 2004 and ordered published.

Adopted on second reading this _____ day of _____, 2004.

Mayor

ATTEST:

City Clerk

Attach 13
Setting a Hearing to Rezone the Tom Foster Property
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Introduction of a proposed ordinance to rezone the Tom Foster property, located at 515 and 517 Kansas Avenue, from PD to RSF-4					
Meeting Date	January 21, 2004					
Date Prepared	January 12, 2004				File # RZ-2003-231	
Author	Lisa E. Cox, AICP			Senior Planner		
Presenter Name	same			same		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X		Formal Agenda	X	Consent
						Individual Consideration

Summary: Introduction of a proposed ordinance to rezone the Tom Foster property, located at 515 and 517 Kansas Avenue, from Planned Development (PD) to RSF-4, Residential Single Family-4.

Budget: N/A

Action Requested/Recommendation: Introduce a Proposed Ordinance and set a Public Hearing for February 4, 2004

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. Rezoning Ordinance

BACKGROUND INFORMATION				
Location:		515 and 517 Kansas Avenue		
Applicants:		Tom Foster		
Existing Land Use:		Residential		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Vacant		
	East	Residential		
	West	Residential		
Existing Zoning:		Planned Development (PD)		
Proposed Zoning:		Residential Single Family-4 (RSF-4)		
Surrounding Zoning:	North	PD (residential)		
	South	CSR		
	East	PD (residential)		
	West	CSR		
Growth Plan Designation:		Residential Medium Low, 2-4 du/ac		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: The two parcels (a total of 1.28 acres) to be rezoned currently have a single family residence and a triplex located on them. The request to rezone property located at 515 and 517 Kansas Avenue from Planned Development (PD) to Residential Single Family-4 (RSF-4) is made to allow the applicant to subdivide the property for single family detached dwelling units.

RECOMMENDATION: Recommend approval.

ANALYSIS:

1. Background

The subject property was annexed into the City on Oct. 22, 1995 and was fully developed at that time. The zoning in Mesa County was Planned Development, based on approximately 4 dwelling units per acre (RSF-4). When the property was annexed, the PD zoning was maintained in the City.

The property, which consists of two parcels, is developed with a single family detached residence and a triplex. The applicant wishes to remove the triplex, adjust lot lines between the two parcels, and construct detached dwelling units on the new lots.

When property zoned PD is annexed from Mesa County, the City does not receive any information about the final plan, allowable uses, or development standards which provided the basis for the PD zoning. Because this information is not available, it is necessary to rezone property to a straight zone at the time of redevelopment. As such, the applicant has requested a rezone from PD to RSF-4 to redevelop the subject property.

2. Consistency with the Growth Plan

The Growth Plan land use classification for this property is Residential Medium Low, 2-4 dwelling units per acre. The RSF-4 implements the Residential Medium Low classification and is within the allowable density range.

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

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

1. The existing zoning was in error at the time of adoption. *The PD zoning of the property was retained through the annexation process, so there was no error in zoning. The rezone application is made to allow redevelopment of the property and to clarify the allowable uses and development standards for subject property.*
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. *Because the annexation area, including subject property, was developed at the time of annexation, there has not been an appreciable change in the character of the neighborhood. The neighborhood has developed in the manner directed by the Growth Plan.*
3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances

The proposed rezone to RSF-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 rezone is consistent with the goals and policies of the Growth Plan and is in keeping with the allowable densities of the Residential Medium Low land use classification.*

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. *The subject property is developed at this time. The rezone is being proposed to allow redevelopment.*
7. The community or neighborhood will benefit from the proposed zone. *The community will benefit from continued use of existing infrastructure.*

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Foster Rezone application, RZ-2003-231, requesting a rezone from PD to RSF-4, the Planning Commission made the following findings of fact and conclusions:

5. The requested rezone is consistent with the Growth Plan and Future Land Use Map.
6. The review criteria in Section 2.6.A of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

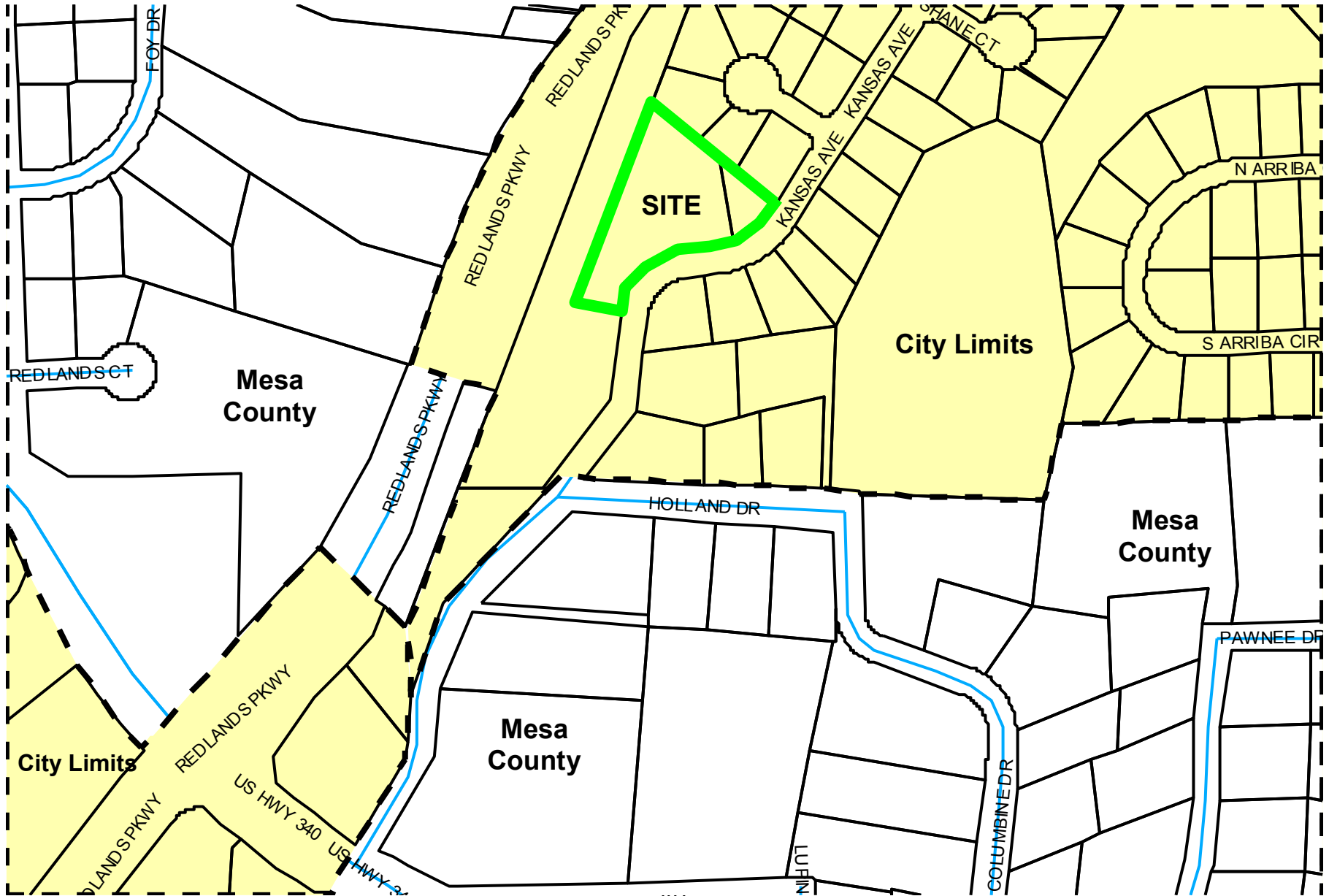
On item RZ-2003-231, request to rezone the Tom Foster property, located at 515 and 517 Kansas Avenue, from PD to RSF-4, the Planning Commission moved to forward a recommendation of approval to City Council, with the finding that the request is consistent with the goals and policies of the Growth Plan and all applicable sections of the Zoning and Development Code.

Attachments:

1. Figure 1: Site Location Map
2. Figure 2: Aerial Photo Map
3. Figure 3: Future Land Use Map
4. Figure 4: Existing City and County Zoning Map
5. Rezone Ordinance

Site Location Map

Figure 1



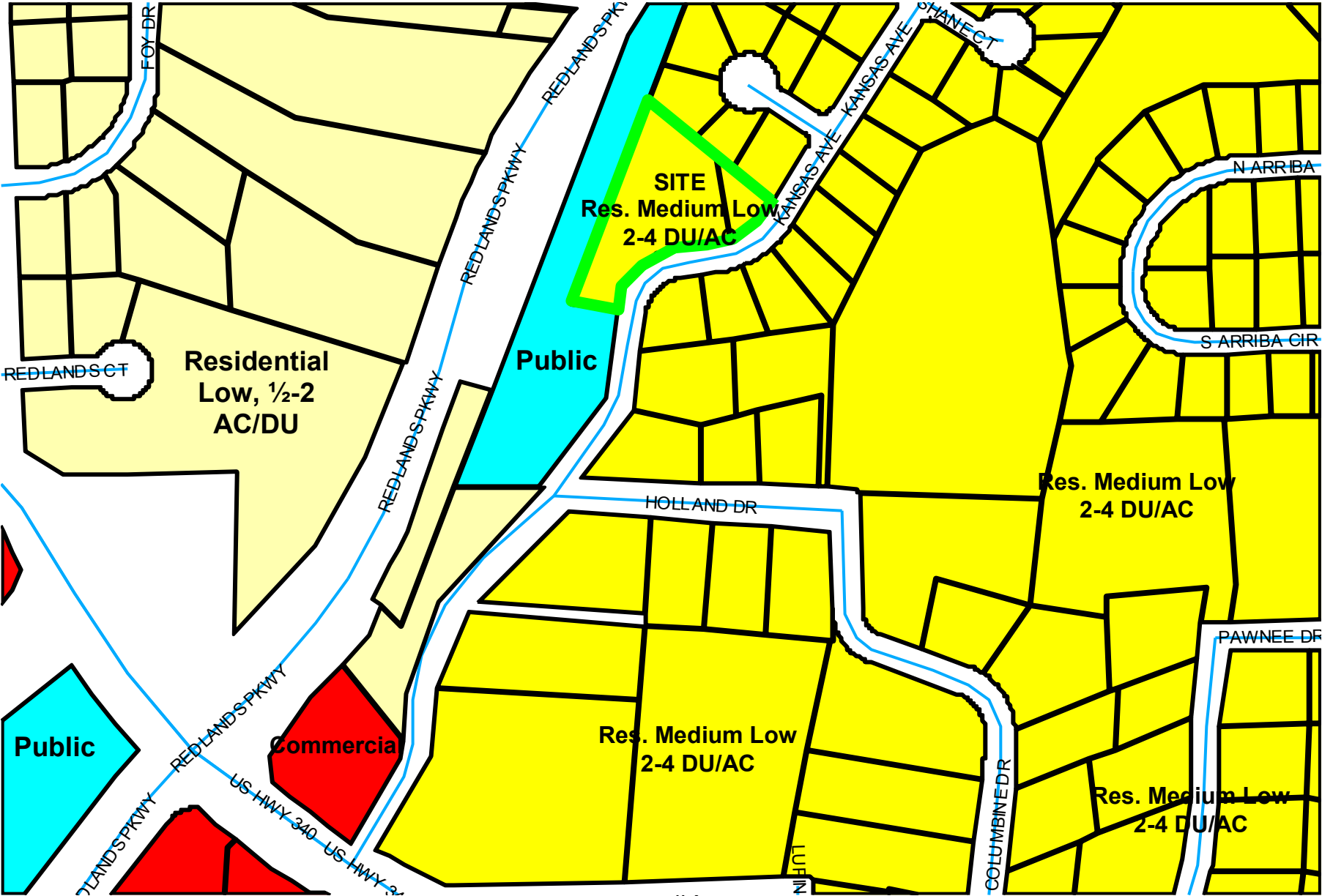
Aerial Photo Map

Figure 2



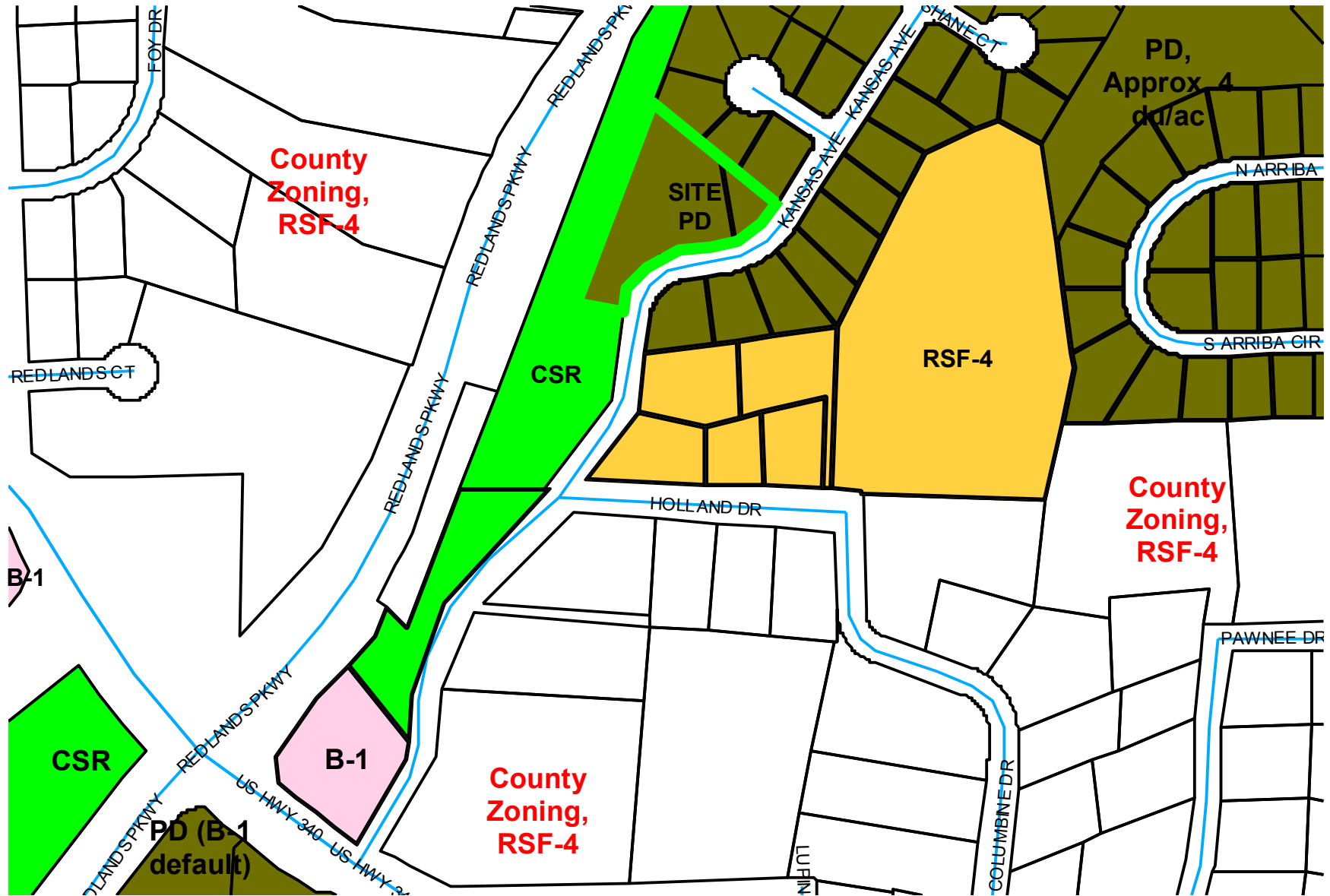
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. ____

**An Ordinance Rezoning the Tom Foster property,
located at 515 and 517 Kansas Avenue,
from Planned Development (PD)
to Residential Single Family-4 (RSF-4)**

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 Tom Foster property, located 515 and 517 Kansas Avenue, from the from Planned Development (PD) to Residential Single Family-4 (RSF-4), for the following reasons:

1. The zone district is consistent with the goals and policies of the Growth Plan.
2. The zone district meets the criteria found in Section 2.6.A of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Residential Single Family-4 (RSF-4) zone district be established.

The Planning Commission and City Council find that the Residential Single Family-4 (RSF-4) zoning is in conformance with the stated criteria of Section 2.6.A 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 to the Residential Single Family-4 (RSF-4) zone district:

Lots 1 and 2 in Tom Foster Minor Subdivision.

Introduced on first reading this 21st day of January, 2004.

PASSED and ADOPTED on second reading this ____ day of February, 2004.

Mayor

ATTEST:

City Clerk

Attach 14
Setting a Hearing to Vacate a 10' Strip of Right-of-Way
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Introduction of a proposed ordinance to vacate a 10' strip of right-of-way, located along the eastern 10' of Lot 16, Bookcliff Heights Subdivision					
Meeting Date	January 21, 2004					
Date Prepared	January 12, 2004			File # VR-2002-121		
Author	Lisa E. Cox, AICP		Senior Planner			
Presenter Name	same		same			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance to vacate a 10' strip of right-of-way located along the eastern 10' of Lot 16, Bookcliff Heights Subdivision.

Budget: N/A

Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for February 4, 2004

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. Vacation Ordinance

BACKGROUND INFORMATION					
Location:		Eastern 10' Lot 16, Bookcliff Heights Subd.			
Applicant:		St. Mary's Hospital			
Existing Land Use:		Park			
Proposed Land Use:		Park			
Surrounding Land Use:	North	Medical			
	South	Residential			
	East	Medical/Residential			
	West	Park/Open Space			
Existing Zoning:		PD with B-1 default			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	PD (St. Mary's Hospital)			
	South	RMF-5			
	East	PD/RO			
	West	PD (St. Mary's Hospital)			
Growth Plan Designation:		Public			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: The applicant has requested that a 10' wide right-of-way strip located between the park/open space of St. Mary's west hospital campus, the Marillac Clinic and the Villa Del Orro condominiums be vacated to allow for future expansion of the St. Mary's campus.

RECOMMENDATION: Staff recommends approval.

ANALYSIS

1. Background

The 10' right-of-way strip is located along the eastern side of Lot 16 of the Bookcliff Heights Subdivision. Lot 16 is owned by St. Mary's Hospital and is used as a park for open space. The 10' strip affects the hospital's future plans for expansion of the west campus, specifically the plans for the Marillac Clinic and parking garage.

St. Mary's has requested that the 10' strip be vacated to allow for the future expansion. The 10' strip was originally dedicated from the Bookcliff Heights Subdivision. Because St. Mary's owns Lot 16 in its entirety, it is anticipated that the vacated right-of-way will revert back to St. Mary's ownership.

In reviewing the request to vacate, the Public Works department has requested that any utilities currently located in the ROW (to be vacated) which are not in a utility easement, have an easement dedicated concurrent with the recordation of the vacation ordinance.

2. Consistency with the Growth Plan

The request to vacate the 10' right-of-way is 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 10' strip is not intended for use as a street.*
- b. No parcel shall be landlocked as a result of the vacation. *There will not be any landlocked parcels as a result of the vacation request.*
- 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. *The request to vacate shall not interfere with access to other parcels.*
- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services). *There are no anticipated adverse impacts to the community as a result of the request to vacate.*
- 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. *Public facilities and services will not be inhibited by the request to vacate. Any necessary utility easements will be dedicated concurrently with the recordation of the vacation ordinance.*

- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc. *St. Mary's will continue maintenance of the 10' strip to be vacated where it is not needed to accommodate future expansion on the west campus of St. Mary's Hospital.*

FINDINGS OF FACT/CONCLUSIONS

After reviewing the St. Mary's Hospital ROW Vacation application, VR-2002-121, for the vacation of a 10' right-of-way strip, the Planning Commission made the following findings of fact and conclusions:

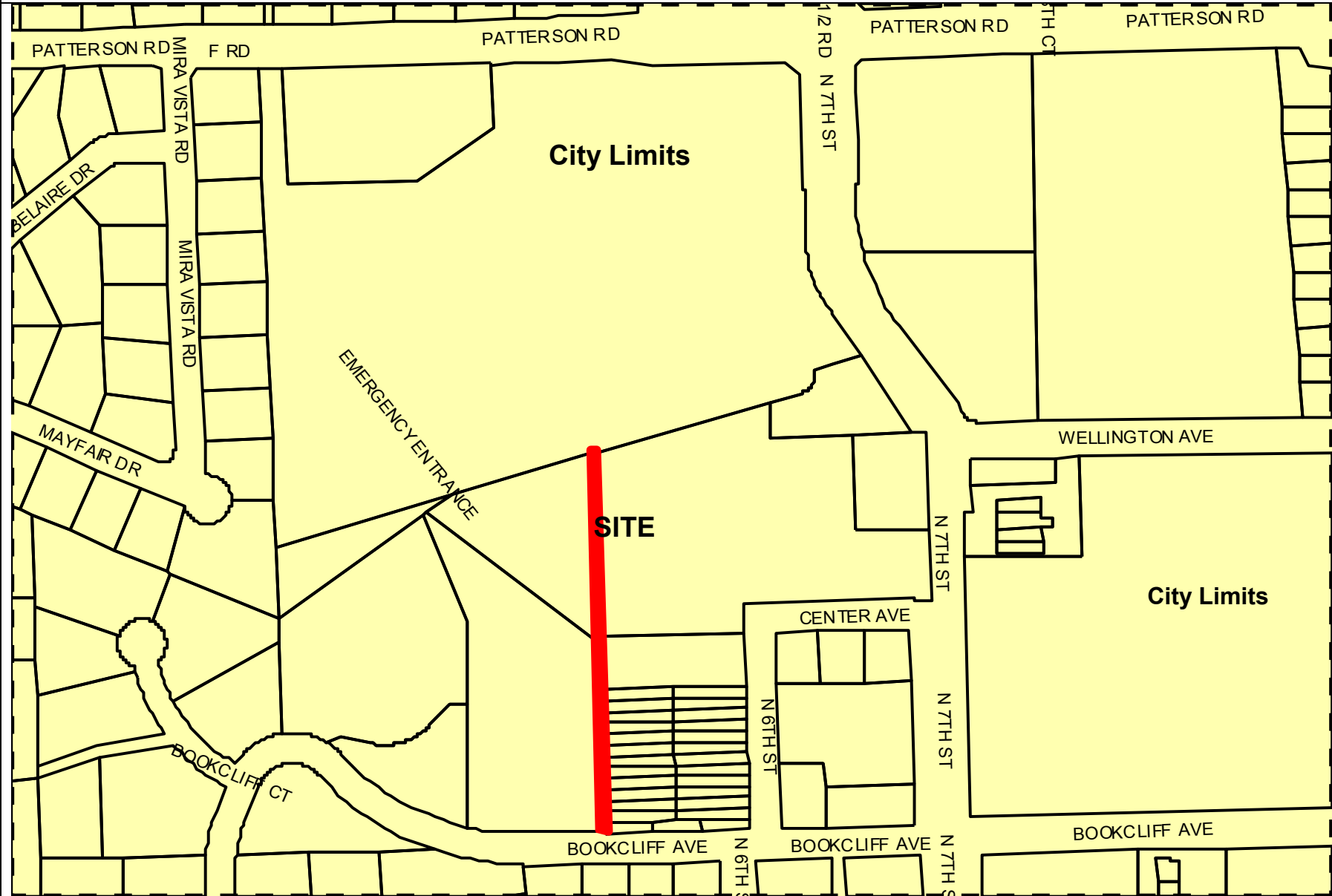
7. The requested vacation is consistent with the goals and policies of the Growth Plan.
8. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.
 3. Any required utility easement(s) be dedicated concurrently with the recordation of the vacation ordinance.

PLANNING COMMISSION RECOMMENDATION:

On item VR-2002-121, St. Mary's Hospital request to vacate Right-of-Way, the Planning Commission adopted a motion to forward a recommendation of approval to the City Council with the findings that the request satisfies the goals and policies of the Growth Plan and Section 2.11.C of the Zoning and Development Code, subject to the condition that any required utility easement(s) be dedicated concurrently with the recordation of the vacation ordinance.

Site Location Map

Figure 1



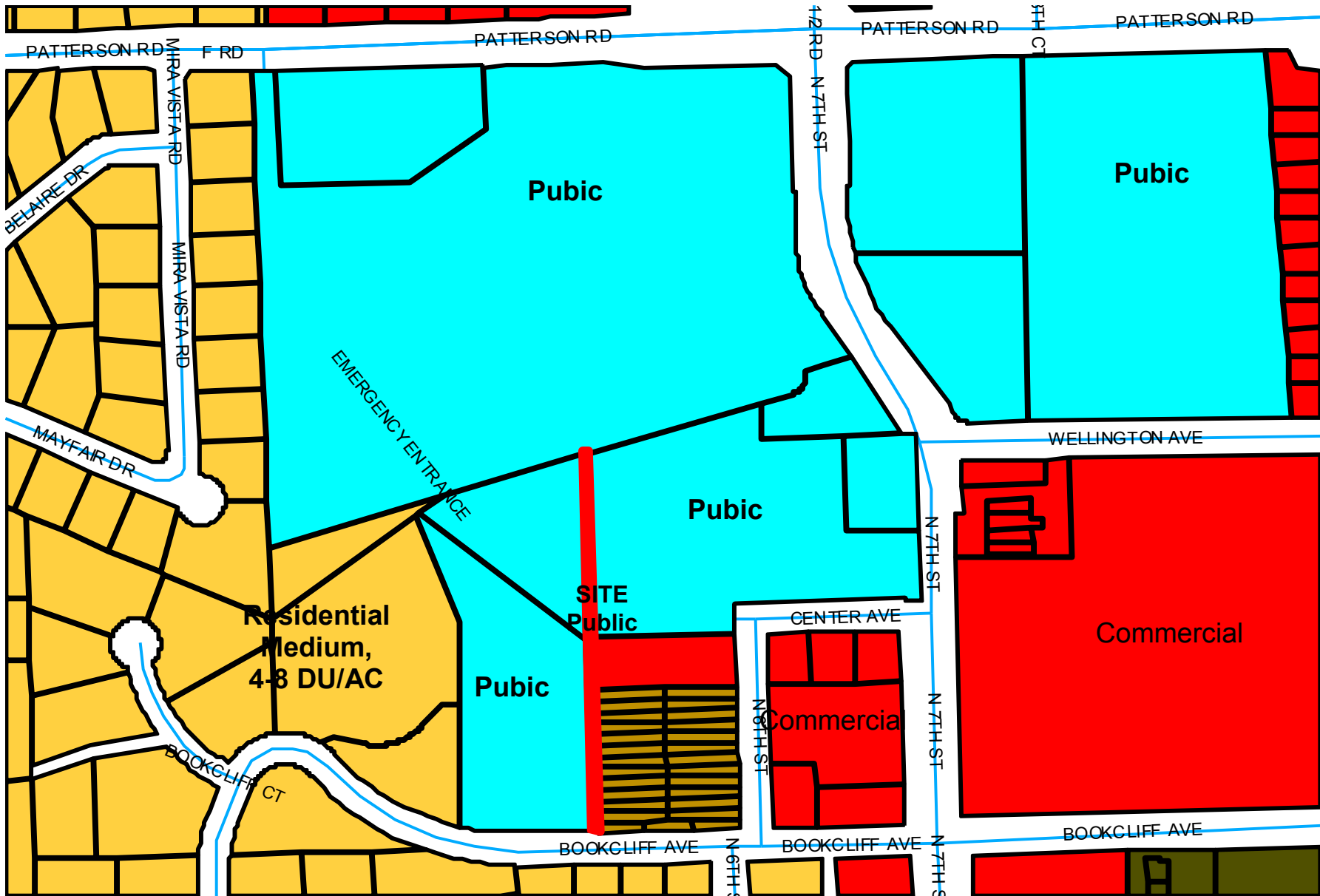
Aerial Photo Map

Figure 2



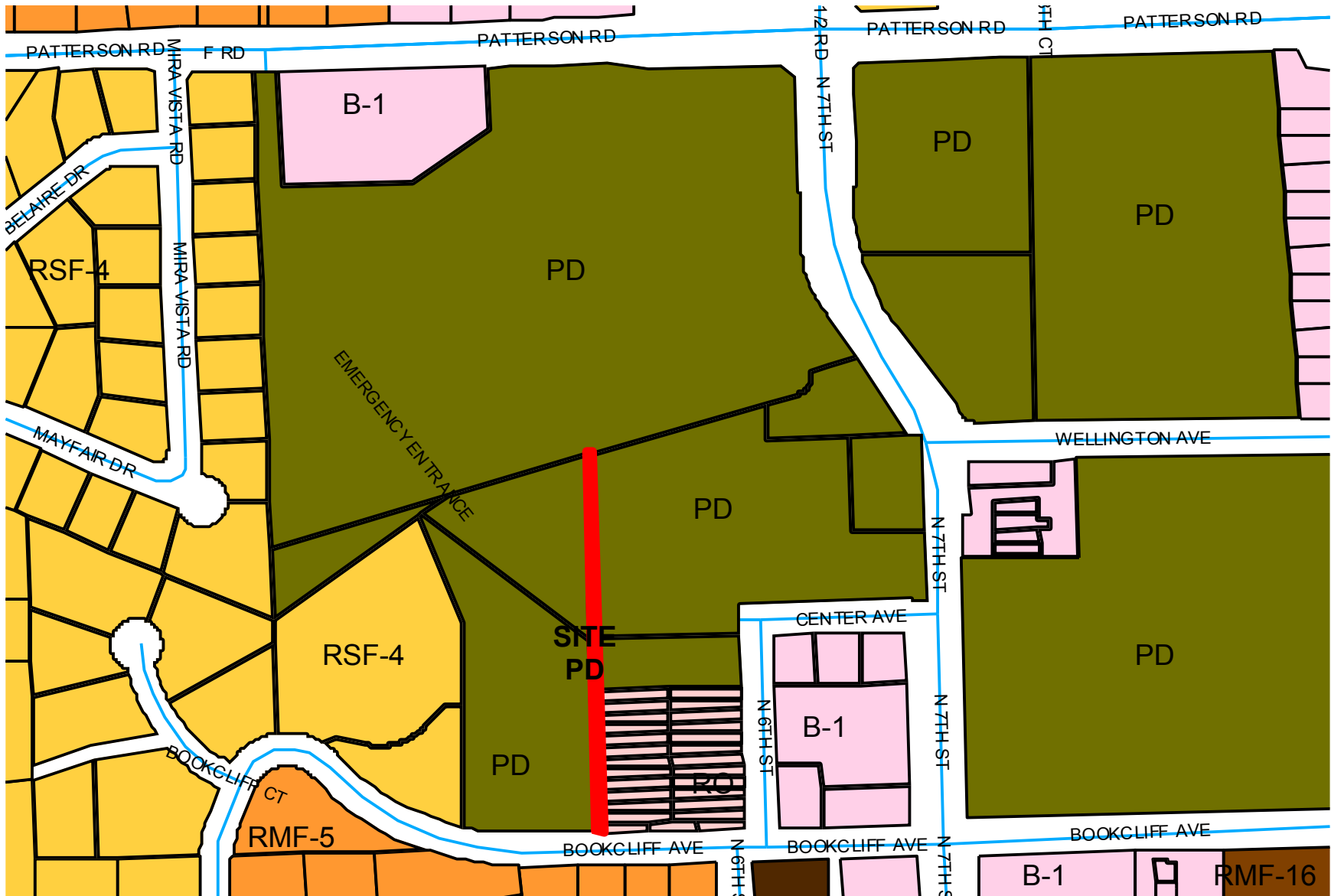
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. ____

**An Ordinance Vacating a 10' strip of Right-of-Way
LOCATED along the eastern 10' of Lot 16, Bookcliff Heights Subdivision**

RECITALS:

A request to vacate a 10' strip of right-of-way located on the eastern 10' of Lot 16 of the Bookcliff Heights Subdivision has been submitted by St. Mary's Hospital.

The 10' strip of right-of-way was not intended for vehicular traffic and is not needed by St. Mary's Hospital. The request to vacate is made to allow expansion on the western campus of St. Mary's Hospital.

The City Council finds that the request to vacate the 10' right-of-way 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 Zoning Code to have been met, and recommends that the vacation be approved as requested subject to the condition that any required utility easement(s) be dedicated concurrently with the recordation of the vacation ordinance.

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

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

1. Applicants shall pay all recording/documentation fees for the Vacation Ordinance, any easement documents and dedication documents.
2. Any required utility easement(s) be dedicated concurrently with the recordation of the vacation ordinance.

The following right-of-way is shown on "Right-of-Way Vacation Site Plan" as part of this vacation of description.

Dedicated right-of-way to be vacated:

That 10' wide strip as shown on Bookcliff Heights (Plat Bk 7 Pg 72) lying east of the east line of Lot 16 of said Bookcliff Heights Sub.

Introduced for first reading on this 21st day of January, 2004

PASSED and ADOPTED this _____ day of _____, 2004.

ATTEST:

President of City Council

City Clerk



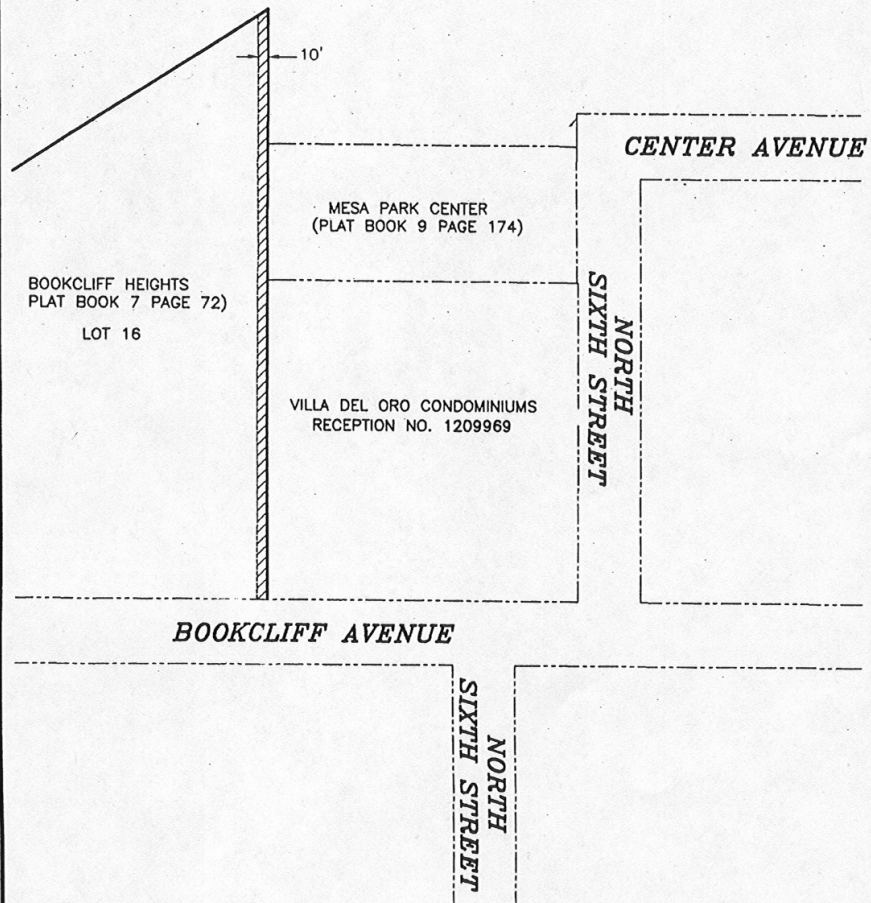
NOT TO SCALE.

LEGEND



ALLEY TO BE VACATED

**ST. MARY'S
HOSPITAL**



v

	File Name: D:\1119\LEGDOC\ROWEXHBT.DWG			
	RIGHT-OF-WAY VACATION SITE PLAN			
ROLLAND ENGINEERING 505 Ridgeway Blvd Grand Jct., CO 81503 (970) 243-8300	Designed KTS	Checked RAH Date 4/18/02	Print 1119 P#	Sheet 2 Of 2

Attach 15

**Combined Sewer Elimination Project, Basins 7 & 11
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	Construction Contract for Combined Sewer Elimination Project, Basins 7 and 11					
Meeting Date	January 21, 2004					
Date Prepared	January 14, 2004				File # - N/A	
Author	Bret Guillory, Utility Engineer					
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: This is the fourth of six contracts associated with the Combined Sewer Elimination Project (CSEP). It consists of the installation of 3600 feet of sanitary sewer and storm drainage pipes and the disconnection of various storm drain inlets from sanitary sewer lines and their reconnection to storm drainage lines. The low bid for this work was submitted on January 8, 2004, by **Mendez, Inc.** in the amount of **\$495,522.00**.

Budget: This project was budgeted for 2004 construction. Funding is provided through two sources. Originally, a low-interest loan for \$9,472,208 was secured for the Combined Sewer Elimination Project (Phase I – 2003 and Phase II – 2004) from the Colorado Water Pollution Control Revolving Fund Loan through the Colorado Water Resources and Power Development Authority. An additional \$1,007,742 was budgeted from Fund 904 – Sewer Backbone to cover higher than anticipated costs and changes in the project scope.

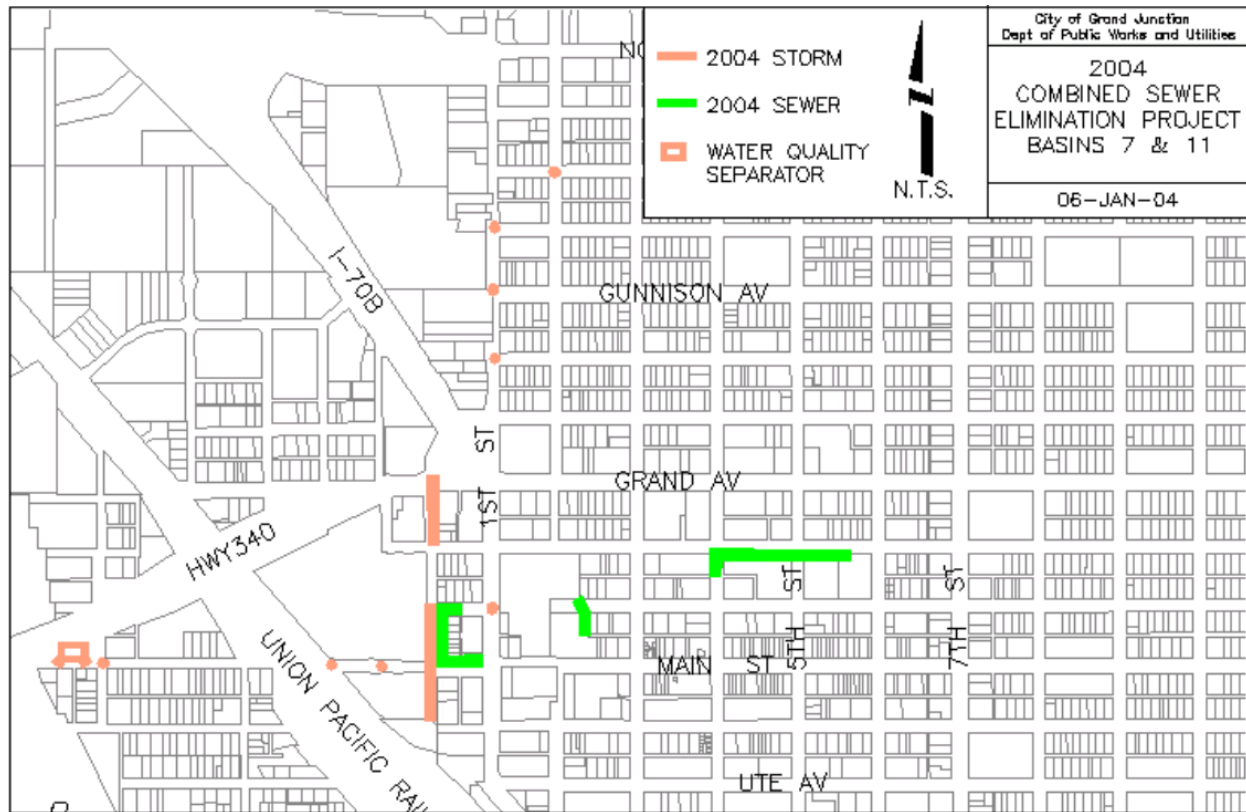
Project Funds (All CSEP Storm Drainage Projects):	
WRAPDA loan	\$9,472,208
Fund 904	<u>1,007,742</u>
Total Project Funds	\$10,479,950
Project Costs (All CSEP Storm Drainage Projects):	
Eng) Design both phases (contracted with Sear-Brown / Rolland)	\$1,202,514
Construction Phase I Basin 10 (complete)	375,545
Construction Phase I Basin 8 (under construction)	4,430,000
Construction Phase II Basins 7 & 11	495,522
Construction Phase II Basins 9, 13 & 14 (estimate)	3,321,000
Inspection (contracted w/ Sear-Brown)	228,474

As-builts (contracted w/ Sear-Brown)	18,500
City Administration	30,000
Total Project Cost	\$10,101,555
<hr/>	
Available Funds	\$378,395

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **Combined Sewer Elimination Project, Basins 7 and 11** with **Mendez, Inc.** in the amount of **\$495,522.00**.

Attachments: none

Background Information: The storm water improvements to be made in the Basins 7 & 11 contract include approximately 2035 feet of 6" sanitary sewer lines, 1,552 feet of storm pipe ranging between 12" and 30" diameter, 3 new inlets, 16 new manholes, the reconnection of existing inlets and the construction of a water quality separator structure. As shown on the map below, the work is located in the southwest portion of the downtown area.



The following bids were opened on January 8, 2004:

<u>Bidder</u>	<u>From</u>	<u>Bid Amount</u>
Mendez, Inc.	Grand Junction	\$495,522.00
Sorter Construction, Inc.	Grand Junction	\$596,030.00

Skyline Contracting, Inc.	Grand Junction	\$629,473.40
Downey Excavation, Inc.	Montrose	\$656,842.05
M.A. Concrete Construction	Grand Junction	\$805,295.75
Parker Excavating, Inc.	Pueblo	\$854,117.97
Engineer's Estimate (Sear-Brown)		\$626,821.31

Attach 16

CSEP Waterline Replacements

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Construction Contract for 2004 Waterline Replacements					
Meeting Date	January 21, 2004					
Date Prepared	January 15, 2004	File # - N/A				
Author	Bret Guillory, Utility Engineer					
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: This is the fifth of six contracts associated with the Combined Sewer Elimination Project (CSEP). It consists of the installation of 24,000 feet of water lines throughout the City. The low bid for this work was submitted on January 13, 2004, by **MM Skyline Contracting, Inc.** in the amount of **\$1,777,408.60**.

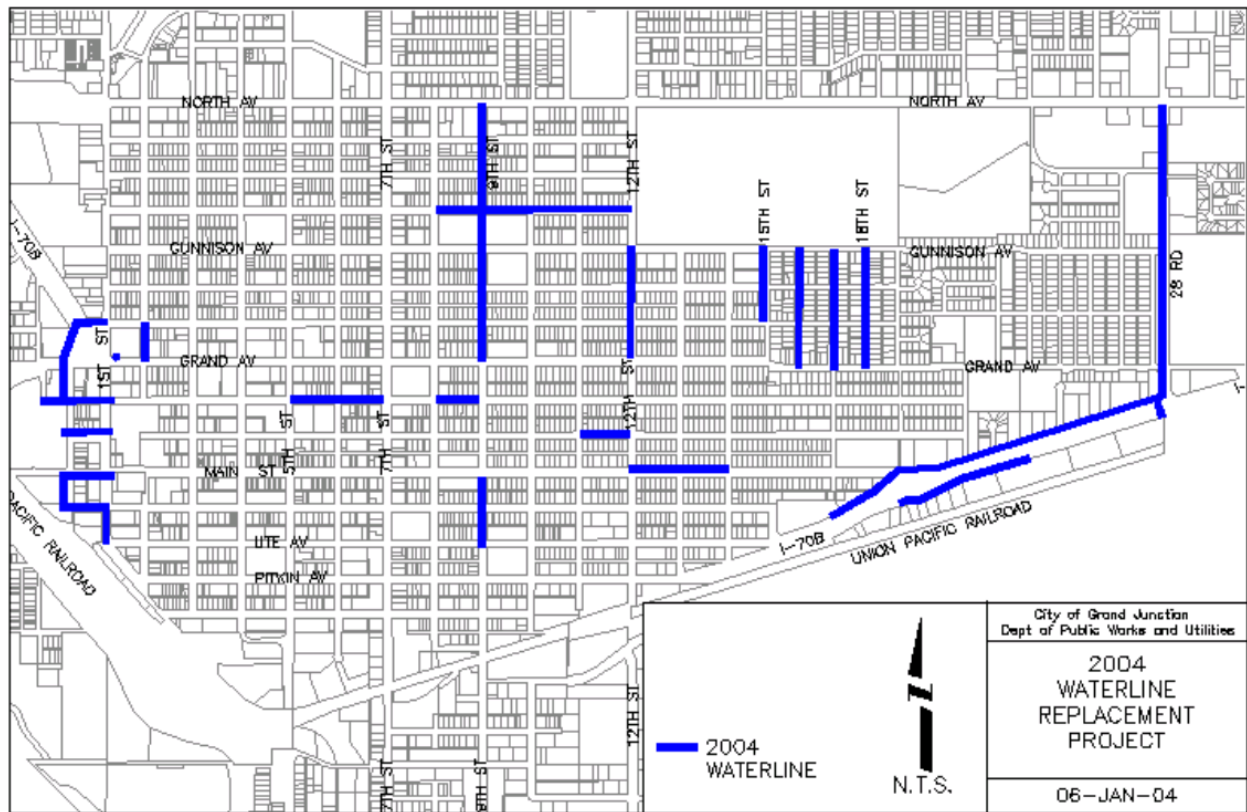
Budget: This project was budgeted for 2004 construction. \$5,250,000 was secured for waterline construction in 2003 and 2004, as a component of the Combined Sewer Elimination Project, partially from the Colorado Water Pollution Control Revolving Fund Loan through the Colorado Water Resources and Power Development Authority (\$3,497,200), and partially from Fund 3011 (\$1,752,800).

<u>Project Funds – 2003 and 2004 Waterline Replacement Projects</u>	
WRAPDA Loan	<u>\$3,497,200</u>
Fund 3011	1,752,800
Total Funds	\$5,250,000
<u>Project Costs – 2003 and 2004 Waterline Replacement Projects</u>	
Eng) Design both phases (contracted with Sear-Brown / Rolland	\$321,775
2003 Waterline Replacement Project (complete)	1,691,936
CSEP Basin 8 Waterlines (complete)	55,934
2004 Waterline Replacement Project (Bid Amount)	1,777,409
CSEP Basin 13 & 14 Waterline (estimate)	134,700
Inspection (contracted w/ Sear-Brown)	142,010
As-builts (contracted w/ Sear-Brown)	12,200
City Administration	15,000
<u>Total Costs</u>	<u>\$4,150,964</u>
Available Funds Remaining 3011 F04800	\$1,099,036

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **2004 Waterline Replacements with MM Skyline Contracting, Inc.** in the amount of **\$1,777,408.60.**

Attachments: none

Background Information: The work to be performed in this contract includes installing approximately 24,000 linear feet of PVC Waterline ranging in size from 6-inch to 18-inch, service line replacements, all pertinent valves and fittings, and associated work including water meters, fire hydrants, aggregate base course and asphalt removal and replacement. As shown on the map below, the work is generally located south of North Avenue between First Street and 28 Road.



The following bids were opened on January 13, 2004:

<u>Bidder</u>	<u>From</u>	<u>Bid Amount</u>
MM Skyline Contracting, Inc.	Grand Junction	\$1,777,408.60
M.A. Concrete Constr.	Grand Junction	\$1,928,622.27
Mendez, Inc.	Grand Junction	\$1,977,757.15
Mountain Region Corp.	Grand Junction	\$2,070,573.70
Parker Excavating	Pueblo	\$2,767,835.22
Engineer's Estimate (Rolland Engineering)		\$2,059,403.15

Attach 17

29 – E.6 Bridge Widening at the Grand Valley Canal

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Construction Contract for the 29 - E.6 Bridge Widening at the Grand Valley Canal							
Meeting Date		January 21, 2004							
Date Prepared		January 14, 2004				File # - N/A			
Author		Kent W. Marsh, Project 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				Consent	X	Individual Consideration

Summary: Award of a construction contract for the **29 - E.6 Bridge Widening** to G.A. Western Construction Company in the amount of \$181,274.16.

Budget: This project is funded under Fund 2011, Program Year 2004.

The estimated project costs will be:

Construction Contract	\$181,274.16
Construction Inspection and Administration	\$12,000.00
Total Project Costs	\$193,274.16

2004 Funding:

City Budget (includes County's 50% share)	\$1,395,000.00
Central Grand Valley Sanitation District (reimbursement)	\$300,657.12
Xcel Energy, Bresnan Communications (easement costs)	\$13,314.00

Total Funding	\$1,708,971.12
29 – E.6 Bridge Widening	\$193,274.16
Phase III Utilities Construction Contract	\$532,234.66
Phase III Street (estimate)	\$857,810.00
Balance 2004	\$125,652.30

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **29 - E.6 Bridge Widening** with G.A. Western Construction Company in the amount of \$181,274.16.

Attachments: none

Background Information: The **29 - E.6 Bridge Widening** project is part of a larger project that will improve 29 Road from Pinyon Street to the south side of Patterson Road. All bridge widening work is within City / County Right-of-Way or temporary construction easements.

Bridge widening work will be underway while M.A. Concrete Construction continues installing utilities included in the Phase III Utilities contract. G.A. Western Construction must have all work within the channel completed on or before April 1, when the Grand Valley Irrigation Company begins delivering irrigation water to users within the Grand Valley.

Bids for the project were opened on January 6, 2004. The City of Grand Junction received only one bid on the project. The bid was submitted by G.A. Western Construction in the amount of \$181,274.16.

<u>Bidder</u>	<u>From</u>	<u>Bid Amount</u>
G.A. Western Construction	Grand Junction	\$181,274.16
Engineer's Estimate		\$148,023.10

The bid submitted by G.A. Western is approximately 22% higher than the engineer's estimate. Much of the increase can be attributed to extra precautions required to pour concrete during the unusually cold weather as well as the use of cast-in-place deck forms. City has identified approximately \$10,000 in savings that will be incorporated into the Contract prior to the start of construction.

**Attach 18
Riverside Parkway Design**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Amendment of Engineering Services Contract with Carter & Burgess for Riverside Parkway.					
Meeting Date	January 21, 2004					
Date Prepared	January 14, 2004				File #	
Author	Jim Shanks		Riverside Parkway Program Manager			
Presenter Name	Mark Relph		Public Works & Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: This proposed amendment to the existing engineering services contract with Carter & Burgess increases the scope of services to include the entire 1601 study area for Riverside Parkway at US-50. The scope of services also includes the preparation of preliminary plans for the entire Riverside Parkway project and right-of-way acquisition services for that portion of the project that is outside of the 1601 study area.

Budget: Sufficient funds exist in the 2004 Riverside Parkway budget to complete the 1601 process, complete the preliminary engineering and acquire the right-of-way outside of the 1601 area.

1601 Approval Process	\$ 1,415,685
Riverside Parkway Preliminary Engineering and right-of-way acquisition outside 1601 area.	\$2,585,927
Total Fee	\$4,001,612
Previously authorized	(\$300,000)
 Riverside Parkway Budget:	 \$75,000,000.00

Action Requested/Recommendation: Authorize the City Manger to amend the existing contract with Carter & Burgess for a total fee of \$4,001,612.

Attachments: 1) Summary of Work 2) Riverside Parkway Contract Amendment

Background Information: On November 4, 2003, a majority of the City electorate voted to authorize the City to issue \$80 million in bonds to fund the Riverside Parkway. The authorized funding will expedite the design and construction of this transportation corridor.

In July, 2003 the City invited four consulting engineering firms to submit proposals to complete the feasibility study and environmental assessment to comply with CDOT policy directive 1601 to approve the intersection of Riverside Parkway and US-50 Highway (5th Street). Two of these firms submitted proposals and were interviewed by a team of City staff. Carter & Burgess was selected as the most qualified firm and a contract to complete the first portion of the 1601 work not to exceed \$300,000 was authorized by the City Council on July 16. This is identified as **Task A** on the table below.

The initial scoping work for the 1601 process has been completed and a scope of work for the completion of the entire process has been developed. It is expected that the completion of the 1601 process including final approval by the Colorado Transportation Commission will be completed by the end of 2004. The final product will include preliminary engineering plans for the selected route and intersection configuration at 5th Street. This is identified as **Task B** on the table below.

The Riverside Parkway team recommends that the preliminary engineering work for the remainder of the project be completed to coincide with the preliminary engineering work for the 1601 area (west of 4th Street to 27 ½ Road). Once the preliminary engineering work for the entire project has been completed, the City can begin the process of acquiring a design-build contractor to construct the project. Since Carter & Burgess is contracted to complete the preliminary engineering for the 1601 area, it makes sense that they also perform the same work for the remaining portions of the project. This is identified as **Task C** on the table below.

Since time is a critical element of this project it is important to proceed with the right-of-way acquisition as soon as plans are available to show where additional right-of-way is needed. This work is proposed to be done under the umbrella of the Carter & Burgess contract by the sub-consulting firm of HC Peck and Associates from Denver. This firm is very experienced in right-of-way acquisition and has completed timely right-of-way acquisition for many complex projects including the TREX project in Southeast Denver. Their scope of work includes assisting the City in developing and adopting a Property Relocation Policy. This is included in **Task C** on the table below.

The scope negotiated to date includes ROW acquisition for only the area outside the 1601 study area. Once a preferred alternative is developed through the 1601, a more detailed ROW acquisition scope of work will be negotiated. This is shown as **Task D** on the table.

Of the total contract amount, approximately \$650,000 will be performed by local sub-consultants including surveying, geotechnical investigations and soils testing, utility potholing, utility inspections, traffic control and a portion of the property appraisal work.

Tasks E and F include work in developing the request for proposals for the Design/Build contract (**Task E**) and contract administration assistance and inspection during construction (**Task F**).

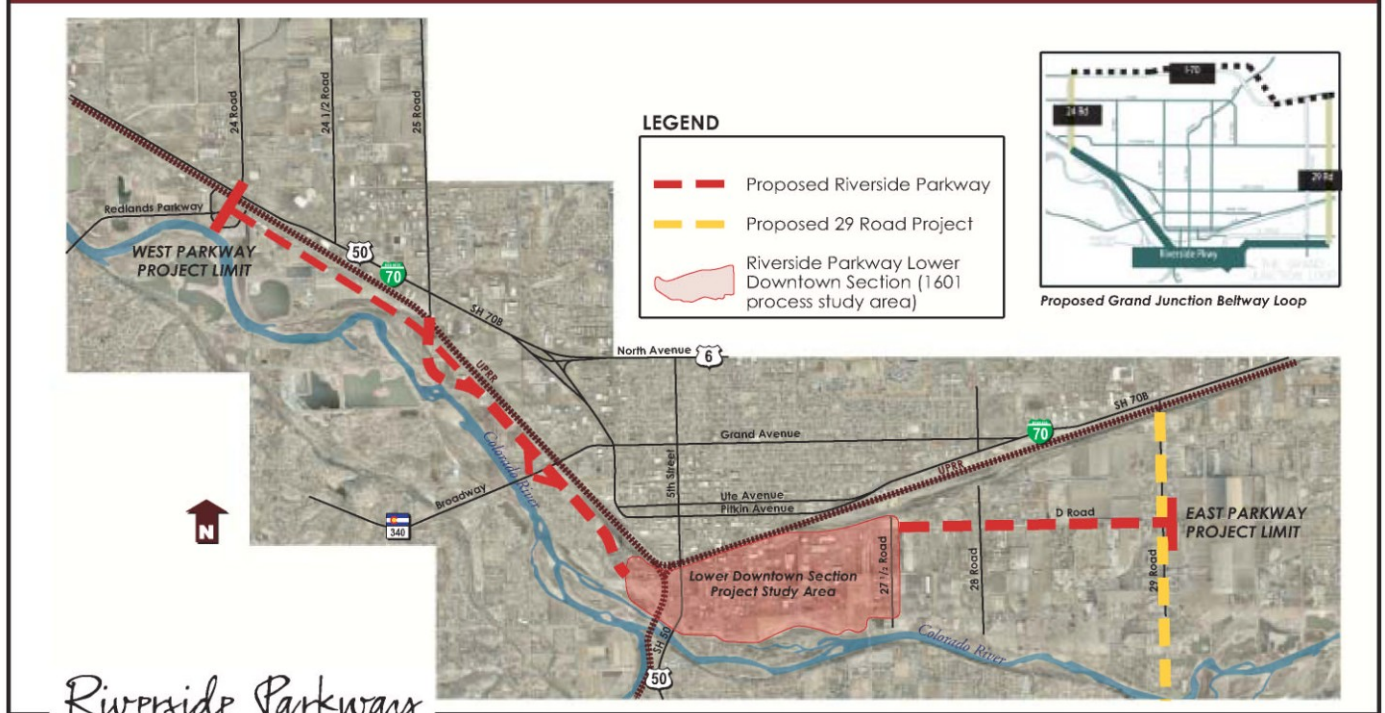
The table below identifies the work Carter Burgess is currently under contract, this proposed amendment, as well as potential future work that could also go to Carter Burgess.

Task		Value	Status
A.	Begin 1601, Review Kimberly Horn Alternatives Analysis and develop and evaluate 25 Rd Alternatives	\$ 300,000	Already under contract
B.	1601 Process includes 30% plans for area.	\$ 1,115,685	This contract amendment
C.	30% Plans and ROW acquisition for area outside 1601	\$ 2,585,927	This contract amendment
D.	ROW acquisition for 1601 area	To be negotiated	Yet to be determined
E.	Develop RFPs and solicit and assist City in review of Design/Build Proposals.	To be negotiated	Yet to be determined
E.	Project Construction Administration as City's "owners/rep" including inspection.	To be negotiated	Yet to be determined

City of Grand Junction



Proposed Riverside Parkway



Riverside Parkway
lower downtown section

November 18, 2003
Open House

**RIVERSIDE PARKWAY
SUMMARY OF WORK - CARTER & BURGESS CONTRACT PAGE 1 OF 2**

1601 Interchange Approval Process Tasks A and B	Task Total	Totals
Project Management	\$168,342	
Data Collection & Analysis	\$98,507	
Transportation Analysis	\$101,476	
Alternative Development & Screening	\$121,155	
Preliminary Engineering	\$209,208	
Environmental Assessment	\$205,302	
System & Project Level Feasibility Study	\$105,108	
Public Information & Involvement	\$149,834	
25 Road Alternative Development	\$52,654	
Sub-total		\$1,211,586
Sub-Consultants		
Traffic Counts (CounterMeasures)	\$12,600	
Floodplain Analysis (Ayers & Assoc)	\$30,217	
Historical Analysis (Hermsen Consultants)	\$66,400	
Archaeology (Metcalf Archaeological)	\$3,750	
Haz-mat Background (Walsh Environmental)	\$2,000	
Endangered Wildlife (ERO Resources)	\$21,187	
Sub-total		\$136,154
Direct Expenses		
Reproduction	\$25,000	
Supplies & Postage	\$3,000	
Travel	\$36,145	
Environmental Data Resources	\$2,000	
Advertising	\$1,000	
Transcriber	\$800	
Sub-total		\$67,945
Total 1601 Process		\$1,415,685

**RIVERSIDE PARKWAY
SUMMARY OF WORK - CARTER & BURGESS CONTRACT PAGE 2 OF 2**

Preliminary Engineering - Remainder of Project Task C	Task Total	Total
Project Management	\$135,644	
Surveying & Right-of-way mapping	\$368,241	
Utility Investigation & Coordination	\$227,027	
Geotechnical Engineering	\$8,128	
Preliminary Engineering	\$633,904	
Environmental	\$65,852	
Agency Coordination	\$50,662	
Public Information & Involvement	\$110,098	
Non-specific additional work requested by City	\$80,000	
Sub-total		\$1,679,556
Sub-Consultants		
Traffic Counts (CounterMeasures)	\$3,200	
Utility Potholing (Rippy's Locating Service)	\$112,800	
Traffic Control for Potholing (CC Enterprises)	\$35,250	
Geotechnical Investigations (Geotechnical Engineering Group)	\$79,008	
Surveying (Thompson-Langford \$245,00 included above)		
Lighting (Clanton & Associates)	\$10,000	
Irrigation Design (IDC)	\$13,000	
Right-of-Way Acquisition (HC Peck Does not include 1601 area)	\$472,977	
Threatened & Endangered Species (ERO Resources)	\$7,315	
Sub-total		\$733,550
Direct Expenses		
Reproduction	\$10,000	
Supplies & Postage	\$3,000	
Travel	\$34,375	
Survey Equipment & Supplies	\$52,345	
Analytical Tests	\$72,101	
Advertising	\$1,000	
Sub-total		\$172,821
Total Preliminary Engineering		\$2,585,927
TOTAL CONTRACT AMOUNT		\$4,001,612

AGREEMENT

THIS AGREEMENT serves as an amendment to that certain agreement dated August 6, 2003 by and between the CITY OF GRAND JUNCTION, COLORADO, hereinafter referred to as the CITY and CARTER & BURGESS INC. referred to hereinafter as CONSULTANT. Collectively the CITY and the CONSULTANT may be referred to as the Parties.

In consideration of the premises stated, the Parties hereto agree as follows:

1. That the certain agreement by and between the CITY and the CONSULTANT dated August 6, 2003 for engineering and consulting services for the Riverside Parkway ("Parkway Project") in Grand Junction, Colorado is hereby amended. That agreement is amended as described to establish the revised scope of work and the compensation due to the CONSULTANT for engineering, design and consultation services for and on behalf of the CITY. The August 6, 2003 agreement is incorporated by this reference as if fully set forth.
2. The CITY has requested that the CONSULTANT modify the scope of work for the Parkway Project. The modified scope of work is generally described as and includes but is not limited to the addition of traffic analyses and transportation planning for the Lower Downtown Section of the Parkway Project, completion of the 1601 approval process and the design and development of drainage studies and plans, geotechnical studies and 30% engineering plans all for the purpose of hiring a design-build contractor to construct the Parkway Project. The amended scope of work also provides for the development of a right of way acquisition plan, utility conflict/design and relocation plan and the completion of all requisite environmental permitting necessary for the construction of the Parkway Project. The amended scope of work is all more particularly described in correspondence from the CONSULTANT to the CITY dated December 8 and December 15, 2003. That correspondence, including schedules and exhibits is included by this reference as if fully set forth.
3. The CONSULTANT shall diligently and expeditiously perform the work. Generally that work will be performed in two concurrent phases. Phase I shall consist of all services necessary or required to complete the 1601 Lower Downtown approval process. Phase II shall consist of the preparation of the environmental assessment(s), drainage,

engineering design(s), calculations and documentation in support of the same shall be performed in anticipation of the City obtaining competitive proposals from qualified design-build contractor(s). Generally the Phase II work shall be performed to no less than a level of 30% completion as that term is customarily defined by industry standards.

4. The CONSULTANT shall submit for the CITY's approval a detailed schedule for the performance of all the CONSULTANT's services, which shall include allowance for time required for the CITY's review of submissions and for approvals of authorities having jurisdiction over the Parkway Project. The schedule, when approved by the CITY, shall not, except for good cause, be exceeded by the CONSULTANT.
5. By or because of this amendment the CONSULTANT is not nor shall it claim to be relieved of the requirement that it perform the scope of services included, contemplated or required by the August 6, 2003 agreement. Only an instrument in writing signed by the parties may amend this agreement or further amend the August 6, 2003 agreement.
6. In order to accomplish the CITY'S needs for the Parkway Project, additional services are required. The CONSULTANT, as a part of its services, may contract with other professional service providers and/or subcontractors. The CITY and the CONSULTANT agree that the CONSULTANT shall hire the subcontractors specifically named in the amended scope of work; any change shall be deemed material and may only be made with the CITY's prior written consent. The CITY may reasonably or unreasonably withhold its consent to any change to/in the subcontractor(s) that the CONSULTANT may propose.
7. The CONSULTANT designates Jay Brasher as its Project Manager. The City may rely upon the guidance, opinions and recommendations provided by the CONSULTANT and its representatives. Should any of the CONSULTANT's representatives be discharged or replaced, particularly Mr. Brasher and such requires the CITY and/or the CONSULTANT to undertake additional evaluations, studies,

coordination, work or effort the CONSULTANT shall be fully responsible for all additional costs the CITY may incur.

8. The CONSULTANT and the CITY agree that assignment of Jay Brasher, Kim Gambriel and Craig Gaskill to the Parkway Project is material to this agreement. Because of that the CONSULTANT agrees that it shall not remove, reassign or otherwise limit or curtail Mr. Brasher's, Mr. Gambriel's and/or Mr. Gaskill's professional involvement, participation in or association with the Parkway Project without the prior written consent of the CITY. The CITY may reasonably or unreasonably withhold its consent to a change(s) in assigned personnel.
9. The CITY designates James L. Shanks as the responsible CITY staff member, also known as the Contract Administrator, to provide direction to the CONSULTANT during the conduct of the original and amended scope of the project. The CONSULTANT shall reasonably comply with the directions given by Mr. Shanks. Paragraph 1.6 of the August 6, 2003 agreement is amended accordingly.
10. The CONSULTANT shall be wholly responsible for the payment of all salaries, fees, expenses and other costs of hiring, retaining and supervising its employees, its subcontractors and otherwise performing the work. Subcontractor/subconsultant services shall be provided to the CITY at the CONSULTANT'S cost without markup or increase.
11. Because of the amended scope of work the CONSULTANT's fee shall be increased by an additional lump sum of not to exceed \$4,001,612.00. In the event of termination the CONSULTANT will be paid for the reasonable value of the services rendered to the date of termination, not to exceed the total amount set forth and upon such payment, all obligations of the CITY to the CONSULTANT under this agreement will cease.
12. The CITY shall receive originals of any and all documents, drawings, papers and records of the CONSULTANT that are related to, prepared as a result of or required by this Agreement. The instruments of service shall

be without reservation of any rights of or by the CONSULTANT.

13. Furthermore, for the purpose of making audit, examination, excerpts and transcriptions the CITY shall have the right of inspection of the CONSULTANT's offices, books, records and any and all instruments of service.
14. CONSULTANT shall be solely responsible for compliance with all applicable federal, state and local laws, including the ordinances, resolutions, rules and regulations of the City; for payment of all applicable taxes; and obtaining and keeping in force all applicable permits and approvals.
15. Not more frequently than monthly, unless otherwise agreed in writing by the CONSULTANT and the CITY, the CONSULTANT shall submit an invoice to the CITY requesting payment for services properly rendered. The CONSULTANT's invoice shall describe with reasonable particularity each service rendered, the date thereof, the time expended and the person(s) rendering such service.
16. The invoice shall bear the signature of the CONSULTANT, which signature shall constitute the CONSULTANT's representation to the CITY that the services indicated in the invoice have progressed to the level indicated, have been properly and timely performed as required herein, that the expenses included in the invoice have been reasonably incurred, that all obligations of the CONSULTANT covered by prior invoices have been paid in full and that, to the best of the CONSULTANT's knowledge, information and informed belief, the amount requested is currently due and owing, there being no reason known to the CONSULTANT that payment of any portion thereof should be withheld. Submission of the CONSULTANT's invoice for final payment shall further constitute the CONSULTANT's representation to the CITY that, upon receipt from the CITY of the amount invoiced, all obligations of the CONSULTANT to others, including its subconsultants/subcontractors, incurred in connection with the Parkway project will be paid in full.

17. The CITY shall make payment to the CONSULTANT of all sums properly invoiced within thirty (30) days of the CITY's receipt thereof.
18. In the event that the CITY becomes credibly informed that any representations of the CONSULTANT are wholly or partially inaccurate, the CITY may withhold payment of sums then or in the future otherwise due to the CONSULTANT until the inaccuracy and the cause thereof, is corrected to the CITY's reasonable satisfaction.
19. Documentation accurately reflecting the time expended by the CONSULTANT and its personnel and records of expenses shall be maintained by the CONSULTANT and shall be available to the CITY for review and copying upon request.
20. The Parties understand and agree that this agreement and the performance of the services hereunder are expressly contingent and conditioned upon the sale of bonds and the receipt by the CITY of the proceeds of that sale. While the CITY has developed a budget for the Parkway Project it has not appropriated or encumbered any funds. The CONSULTANT understands and agrees that no funds have been appropriated and at the time of this agreement there are no funds available to pay for the work.
21. All other terms of the August 6, 2003 agreement remain unchanged.
22. The parties acknowledge good and sufficient consideration for this amendment and waive any and all contractual defenses to the amendment, including but not limited to construing ambiguities against the drafter. In the event of inconsistent terms or provisions this agreement if it is the latest in time shall control.
23. The Director of Public Works is responsible for authorizing and approving the work performed by the CONSULTANT and in his capacity he recommends and approves of the amendments described in and provided for by this agreement.
24. The CONSULTANT being contractually obligated to perform the work provided for by agreement with the CITY does hereby affirm its obligation thereunder and furthermore acknowledges, accepts

and agrees that the CONSULTANT and all persons legally or contractually bound to the CONSULTANT shall abide by all conditions and obligations and faithfully and completely perform the necessary and required work.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the ___ day of January 2004.

CARTER & BURGESS INC.

by: _____

President

Attest:

by: _____

Secretary

CITY

by: _____

Attest:

by: _____

Stephanie Tuin
City Clerk

Attach 19
Application for Federal Hazard Elimination Funding
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Resolution Authorizing the Submittal of and Application for Federal Hazard Elimination Funding					
Meeting Date	January 21, 2004					
Date Prepared	January 14, 2004				File #	
Author	Mike McDill			City Engineer		
Presenter Name	Mark Relph			Public Works and Utilities Director		
Report results back to Council		No	X	Yes	When	On Approval
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: A Resolution authorizing the submission of the above grant application to assist in the funding of the construction of street improvements at the intersection of 7th Street and Patterson Road.

Budget: The City of Grand Junction has programmed about \$100,000 in 2004 under the Capital Improvement Plan to construct a right-turn deceleration lane for east bound traffic at this intersection. Except for any needed right-of-way, approximately 90% of these allocations will be reimbursed by the Hazard Elimination Program if this grant is approved.

Action Requested/Recommendation: Based on the attached information we recommend that the City submit an application for this grant program. It appears that the intersection of 7th and Patterson may be the project, within this group, that can best compete for funding from this grant source. This recommendation is based on our analysis and assumptions. The CDOT review will probably vary some and the final Benefit/Cost ratio might be slightly different.

If the Council wished to pursue an application for the intersection of North 7th Street and Patterson Road, please adopt a resolution to authorize the submission of this grant application.

Attachments:

1. Memorandum from Traffic Engineering
2. Project Evaluation Spreadsheet
3. Project Estimate
4. RTPPO Letter
5. Resolution

Background Information: After the City's successful application for funding from this grant source for the intersection of 24 ½ Road and G Road, staff developed a process as an effort to predict the potential for additional funding in the future. This process first listed the projects scheduled through 2009 along with the number and severity of associated accidents. We also added the major intersection at Patterson Road and 29 Road. On the original project list, only twelve projects recorded seven or more accidents in the last three years, including 32 accidents at 29 Road and 79 accidents at 12th Street. B ½ Road at Highway 50 was maintained in the group with only 6 accidents because one of them was a fatality.

George Miller, in Transportation Division of the Public Works Department, carried these remaining projects (except for the intersection of 29 Road & Patterson) through the rest of the extensive CDOT Benefit/Cost analysis to provide an approximation of how they might compete in this grant program. The results presented four projects with a Benefit/Cost Ratio over 1.00, they are:

<u>STREET SECTION</u>	<u>Benefit/Cost Ratio</u>
North Avenue Signal Communications	4.35
B1/2 Road - Hwy 50 Intersection	1.47
7 th & Patterson Intersection	1.28
B1/2 Road (Hwy 50 – 27 ½ Rd.)	1.07

The scale of the North Avenue Signal Communications project is beyond the capacity of this program. We might look at a portion of it for a future application. The interchange at B ½ road and Highway 50 is within the CDOT right-of-way and would need their support both politically and financially. We should try to develop this plan for the next application. It would also make sense to try to include the rest of B ½ Road to 27 ½ Road in that application.

The intersection improvement at 7th Street and Patterson Road is still well within the likelihood of the program qualifications and would fit nicely into our current Capital Improvements Program. Approval of this application in March of 2004 would allow design during the summer and fall; utility adjustments through the winter and street reconstruction in the summer of 2005. Programmed funding for this intersection would then be available to cover potentially larger projects at the other two intersections.

It is important to keep in mind that project comparison for this grant is based almost completely on accident history. Our CIP program considers many other city-wide transportation issues, including circulation and cross-town capacity, current quality of facility, neighborhood connectivity, total cost, bike and pedestrian facilities and development patterns. With these differences in evaluation criteria it should be expected that we would have different priorities to a given project than this grant program. For instance, it will be very difficult to identify any accidents in the City that the construction of Riverside Parkway will eliminate. None the less, the City recognizes that this is an essential part of our overall transportation system, which will minimize future accident potentials throughout the community.

Notice of this grant program was received the first of November, 2003 and applications are due January 31, 2004. The short time frame for these applications does not provide much time to evaluate alternatives.

To: Mike McDill, City Engineer

From: Jody Kliska, City Transportation Engineer

Date: January 6, 2004

Re: Traffic Data for EBound Right Turn Lane on Patterson Ave. at 7th St.

Attached is the traffic data you requested. I have prepared a summary below of the accident data, traffic volumes and roadway classification, including a turn study (page 2).

Total Intersection-Related Traffic Accidents July 1, 2000 through June 30, 2003

(Possible Accidents correctible by an EBound Right Turn Lane are shown in parenthesis)

Year	Property Damage Only	Injury Accident	Fatality
2000-01	15 (6)	2 (1)	0
2001-02	13 (8)	1 (0)	0
2002-03	12 (8)	4 (2)	0
TOTAL:	40 (22)	7 (3)	0

Roadway Classifications

The Grand Valley Circulation Plan, adopted June 6, 2002 by the Grand Junction City Council, shows Patterson Ave. is classified as a Principal Arterial, and 12th St. is classified as a Minor Arterial. The intersection is located in the urbanized north area of Grand Junction.

Traffic Volumes and Speeds

Road	Total Leg Volume	Posted Speed Limit
Patterson Ave. W of 12th.	29,867	35 MPH
Patterson Ave. E. of 12th	27,207	35 MPH
12 th St S. of Patterson	19,126	35 MPH
12 th St N. of Patterson	10,254	35 MPH

Project Evaluation

Location (Corridors)	Tot PDO	PDO Cost	Tot INJ	INJ Cost	Tot FAT	FAT Cost	Imprmt. Benefit	Imprmt. Cost	Benefit - Cost Ratio	Grant
H Rd (26 1/2 - 27 Rds)	2	\$13,000	1	\$35,300	0	\$0	\$48,300	\$1,007,500	0.05	POTENTIAL
B 1/2 Rd (US Hwy 50 - 28 Rd)	14	\$91,000	6	\$211,800	1	\$1,000,000	\$1,302,800	\$1,820,000	0.72	POOR
B 1/2 Rd (US Hwy 50 - 27 1/2 Rd)	7	\$45,500	2	\$70,600	0	\$1,000,000	\$1,116,100	\$1,040,000	1.07	FAIR
Orchard Ave (Normandy - 29 Rd)	3	\$19,500	2	\$70,600	0	\$0	\$90,100	\$769,600	0.12	POOR
Horizon Dr (7th - 12th Sts)	3	\$19,500	1	\$35,300	0	\$0	\$54,800	\$1,820,000	0.03	POOR
Monument Rd (SH 340 -S, Camp Rd.)	3	\$19,500	0	\$0	0	\$0	\$19,500	\$3,900,000	0.01	POOR
US Hwy 6 / North Ave (1st St - 30 Rd)	360	\$2,340,000	180	\$6,354,000	0	\$0	\$8,694,000	\$2,000,000	4.35	TOO BIG

Location (Intersections)	Tot PDO	PDO Cost	Tot INJ	INJ Cost	Tot FAT	FAT Cost	Imprmt. Benefit	Imprmt. Cost	Benefit - Cost Ratio	Grant
B 1/2 Rd (at US Hwy 50 /Fischer)	1	\$6,500	4	\$141,200	1	\$1,000,000	\$1,147,700	\$780,000	1.47	GOOD
G Rd at 26 Rd	0	\$0	0	\$0	0	\$0	\$0	\$539,500	0.00	POOR
G Rd at 25 1/2 Rd	1	\$6,500	0	\$0	0	\$0	\$6,500	\$728,000	0.01	POOR
Patterson at 1st St	7	\$45,500	1	\$35,300	0	\$0	\$80,800	\$162,500	0.50	POOR
Patterson at 7th St	22	\$143,000	3	\$105,900	0	\$0	\$248,900	\$195,000	1.28	BEST
Patterson at 12th St	7	\$45,500	0	\$0	0	\$0	\$45,500	\$260,000	0.18	POOR

Project Estimate

Description	Quantity	Units	Unit Cost	Extended Price
Remove Asphalt Mat	260	Sq. Yd.	\$5.00	\$1,300.00
Remove Curb, Gutter and Sidewalk	375	Sq. Yd.	\$10.00	\$3,750.00
Remove Retaining Wall	330	Sq. Yd.	\$10.00	\$3,300.00
Unclassified Excavation	550	Cu. Yd.	\$8.00	\$4,400.00
Aggregate Base Course (12" thick)(Class 6)	480	Sq. Yd.	\$8.00	\$3,840.00
Hot Bituminous Pavement (6" thick)(Grade SX)	480	Sq. Yd.	\$20.00	\$9,600.00
Monolithic Vertical Curb, Gutter and Sidewalk (8' wide)	340	L.F.	\$27.00	\$9,180.00
Concrete Intersection Corner	45	Sq. Yd.	\$60.00	\$2,700.00
Retaining Wall	375	L.F.	\$60.00	\$22,500.00
Chip Seal and Restripe Traffic Lanes	5800	Sq. Yd.	\$3.00	\$17,400.00
Reset Traffic Signal Pole		L.S.		\$5,000.00
Traffic Control		L.S.		\$20,000.00
Construction Surveying		L.S.		\$5,000.00
Mobilization		L.S.		\$10,000.00
Relocate Overhead Power Line (By XCEL)		L.S.		\$40,000.00
Contingency		L.S.		\$15,000.00
Subtotal Construction				\$172,970.00
Engineering and Administration		L.S.		\$25,000.00
Total Cost				\$197,970.00
Amount of Request				\$198,000.00



Mesa County

Regional Transportation Planning Office

750 Main Street, 1st Floor, Grand Junction, CO 81501
P O Box 20,000-5093, Grand Junction, CO 81502-5093
Tele: 970 255-7188 Fax: 970 244-1769



Memorandum

To: Mike McDill, Director
City of Grand Junction Engineering

From: Ken Simms, Transportation Planner
Regional Transportation Planning Office of Mesa County

Date: January 5, 2004

Subject: Receipt and Support of City of Grand Junction Application for Federal
Hazard Elimination Project Funds

The Regional Transportation Planning Office has received a copy of your application for Federal Hazard Elimination Project Funds for FY 2005, FY 2006 and 2007. This satisfies the requirement that the Metropolitan Planning Organization (MPO) with jurisdiction be notified of your application.

Further, I am aware that if such a grant is awarded to the City of Grand Junction, our office will need to include the project funded with the grant in the MPO's Transportation Improvement Program (TIP). This will allow the grant and its associated project to be included in the Statewide Transportation Improvement Program prepared by the Colorado Department of Transportation. Depending upon when the City is notified concerning an award, I will include the project in the normal TIP preparation cycle or I will prepare an amendment to the TIP for consideration by the Mesa County Regional Transportation Policy Advisory Committee.

If you have any questions regarding the inclusion of this item in the TIP, please feel free to contact the RTPO anytime.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO ASSIST IN THE FUNDING OF THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT NORTH 7TH STREET AND PATTERSON ROAD

RECITALS:

WHEREAS, the City Council of the City of Grand Junction, hereby resolved in said resolution, to apply for Federal Hazard Elimination funding in the amount of \$198,000.

WHEREAS, Federal, funds are allotted for such purposes.

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

That submittal of an application for Federal Hazard Elimination funding for improvements at North 7th Street and Patterson Road are hereby approved in the amount of \$198,000.

ADOPTED AND APPROVED THIS ____ DAY OF January, 2004.

President of the Council

Attest:

City Clerk

Attach 20

**Public Hearing – Issuing Bonds for the Riverside Parkway
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
Subject	Ordinance Authorizing the Issuance of \$60 million in Bonds for the Riverside Parkway Project						
Meeting Date	January 21, 2004						
Date Prepared	January 13, 2004				File #		
Author	Ron Lappi			Admin. Svs. Director			
Presenter Name	Ron Lappi			Admin. Svs. Director			
Report results back to Council		No	<input checked="" type="checkbox"/>	Yes	When	March, 2004	
Citizen Presentation		Yes	<input checked="" type="checkbox"/>	No	Name		
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: The City voters overwhelmingly approved the issuance of bonds up to \$80 million at the November 4, 2003 election. This debt is specifically approved for the construction of the Riverside Parkway from 24 Road to 29 Road, together with appropriate connections where needed and the completion of the 29 Road Corridor and new Interchange at 29 Road and I-70.

Budget: These funds will be used for construction of the Riverside Parkway beginning in 2004. The debt service on these bonds together with the bonds to be issued in early 2007 will result in a level debt service for the City of Grand Junction that is already planned for in the Sales Tax CIP Fund. It is estimated that the total for both issues will approximate \$6.2 million annually with a lesser amount the first year or two of issuance.

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance

Attachments: Bond Ordinance Authorizing the Issuance of the Bonds

Background Information: The City voters overwhelmingly approved the issuance of bonds up to \$80 million at the November 4, 2003 election. This debt is specifically approved for the construction of the Riverside Parkway from 24 Road to 29 Road,

together with appropriate connections where needed and the completion of the 29 Road Corridor and new Interchange at 29 Road and I-70. Our City engineers and outside consulting engineers have estimated that the City can spend up to the \$60 million in the first three years after bond issuance and closing, now set for March 2, 2004. This bond ordinance and related marketing and closing documents authorizes this first of at least two bond sales required to complete this project in six to eight years. The security pledged for the repayment of these bonds is all General Fund Revenues and specifically all Sales and Use Tax Revenues including the Sales Tax CIP Fund revenues. It is estimated that the annual debt service will only use a very small portion of these total revenues, and that pledged revenues exceed the annual debt service by a factor of 10 to 14 to one, even in the early years.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF GRAND JUNCTION, COLORADO, GENERAL FUND REVENUE BONDS, SERIES 2004, AND PLEDGING CERTAIN REVENUES OF THE CITY FOR THE PAYMENT OF THE BONDS.

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

Definitions. Terms used in this Ordinance shall have the meanings specified in this section for all purposes of this Ordinance and of any ordinance amendatory hereof, supplemental hereto or relating hereto, and of any instrument or document appertaining hereto, except where the context by clear implication otherwise requires. All definitions include the singular and plural and include all genders. Certain terms are parenthetically defined elsewhere herein.

Additional Bonds: the one or more series of bonds or other securities or obligations authorized to be issued by the City pursuant to Section 22 and 23 hereof and having a lien on the Pledged Sales and Use Tax Revenues on a parity with the lien thereon of the 2004 Bonds.

Additional Pledged Revenues: has the meaning set forth in Section 22.A.

Bond Account: the account by that name created by Section 19 hereof.

Bond Insurer: Ambac Assurance Corporation, a Wisconsin-domiciled stock insurance company.

Bonds: the Outstanding 2004 Bonds and any Additional Bonds.

Business Day: a day on which banks located in the City and in the cities in which the principal offices of each of the Paying Agent and the Registrar are not required or authorized to be closed and on which the New York Stock Exchange is not closed.

Charter: the home rule Charter of the City, including all amendments thereto prior to the date hereof.

City: the City of Grand Junction, Colorado.

Closing Date: the date of delivery of payment for the 2004 Bonds.

Commercial Bank: any depository for public funds permitted by the laws of the State for political subdivisions of the State which is in good standing and has a capital and surplus of \$10,000,000 or more, and which is located within the United States.

Continuing Disclosure Certificate: the undertaking executed by officers of the City simultaneously with the delivery of the 2004 Bonds which enables the Purchasers to comply with Rule 15c2-12 promulgated by the Securities and Exchange Commission.

Council: the Council of the City or any successor in functions thereto.

Election: the City's election held on November 4, 2003.

Fiscal Year: the twelve months commencing on the first day of January of any calendar year and ending on the thirty-first day of December of such calendar year or such other twelve month period as may from time to time be designated by the Council as the Fiscal Year of the City.

General Fund: the General Fund of the City.

Governmental Obligations: any of the following which are noncallable and which at the time of investment are legal investments under the laws of the State for the moneys proposed to be invested therein:

direct general obligations of, or obligations the payment of principal of and interest on which are unconditionally guaranteed by, the United States of America;

bonds, debentures, notes, or other evidences of indebtedness issued by the Export-Import Bank of the United States, the Federal Financing Bank, the Farmers Home Administration, the General Services Administration, the U.S. Maritime Administration, or the U.S. Department of Housing and Urban Development; or

evidences of ownership interests in obligations described in paragraph (i) or (ii) above.

Letter of Representations: the Letter of Representations between the City and The Depository Trust Company.

Maximum Annual Debt Service Requirement: the maximum amount of all required payments of principal and interest on the 2004 Bonds and on each series of Additional Bonds, respectively, which will become due in any Fiscal Year.

Maturity-Rate: Bonds which are due on the same date and bear the same interest rate.

Ordinance: this Ordinance of the City, which provides for the issuance and delivery of the 2004 Bonds.

Outstanding: as of any date of calculation, all Bonds theretofore executed, issued and delivered by the City except:

Bonds theretofore cancelled by the City, Registrar or Paying Agent, or surrendered to the City, Registrar or Paying Agent for cancellation;

Bonds in lieu of or in substitution for which other Bonds shall have been executed, issued and delivered by the City and authenticated by the Registrar unless proof satisfactory to the Registrar is presented that any such Bonds are duly held by the lawful Registered Owners thereof; or

Bonds deemed to have been paid as provided in Section 25 hereof or any similar provision of an ordinance authorizing the issuance of Additional Bonds.

For purposes of this definition, the terms Registrar and Paying Agent shall include a registrar or paying agent for any Additional Bonds.

Owner or Registered Owner: the Registered Owner of any 2004 Bond as shown on the registration books kept by the Registrar, and, where the context so requires, the Registered Owner of any Additional Bond as shown on the registration books kept by the registrar for such bonds.

Paying Agent: The Bank of Cherry Creek, a branch of Western National Bank, being the agent for the City for the payment of the 2004 Bonds and interest thereon, or its successors and assigns.

Permitted Investment: any investment or deposit permitted by the Charter and ordinances of the City.

Person: any individual, firm, partnership, corporation, company, association, joint-stock association or body politic; and the term includes any trustee, receiver, assignee or other similar representative thereof.

Pledged Revenues:

the revenues derived from the Pledged Sales and Use Tax;

all other additional monies deposited into the City's General Fund which are not by law, by contract, or otherwise restricted or required to be used for another purpose and are legally available for payment of the principal of, prior redemption premium, if any, and interest on the 2004 Bonds, provided however, that the Pledged Revenues shall not include monies deposited to the General Fund which are the proceeds of any increase in any existing tax and or any new tax, unless such pledge is expressly authorized by the City's electors at an election called for such purpose;

any additional funds or revenues which the City hereafter pledges to the payment of the 2004 Bonds;

proceeds of the 2004 Bonds or other legally available moneys deposited into and held in the Bond Account; and

interest or investment income on the Bond Account;

all to the extent that such moneys are at any time required by Section 19 hereof to be deposited into and held in the Bond Account.

Pledged Sales and Use Tax: the proceeds of the Sales and Use Tax. "Pledged Sales and Use Tax" does not include amounts withheld by retailers and vendors to cover their expenses in collecting and remitting the Pledged Sales and Use Tax, and Pledged Sales and Use Tax does not include amounts collected by the City and subsequently determined, pursuant to the applicable Sales and Use Tax Ordinances, to be subject to valid claims for refunds. "Pledged Sales and Use Tax" does not include the proceeds of any increase in the Sales and Use Tax which may be approved in the future, unless such increase is expressly pledged by the City. "Pledged Sales and Use Tax" does include the proceeds derived by the City from any legally available tax or taxes or fees (other than a general ad valorem tax) which replace or supersede the Pledged Sales and Use Tax, regardless of whether such tax or taxes or fees are imposed by the

City or the State or other political subdivision thereof. "Pledged Sales and Use Tax" does not include incremental sales taxes which are pledged to the payment of obligations issued pursuant to an urban renewal plan as defined in Section 31-25-103(9), Colorado Revised Statutes, a plan of development as defined in Section 31-25-802(6.4), Colorado Revised Statutes, or a value capture plan as defined in Section 43-4-508, Colorado Revised Statutes.

Pledged Sales and Use Tax Revenues: revenues derived from the Pledged Sales and Use Tax.

Policy: the financial guaranty insurance policy issued by the Bond Insurer insuring the payment when due of the principal of and interest on the 2004 Bonds as provided therein.

Project: the road improvements authorized at the Election.

Purchase Agreement: the Bond Purchase Agreement between the City and the Purchasers, executed by the Finance Director.

Purchasers: George K. Baum & Company and Kirkpatrick, Pettis, Smith, Polian Inc.

Rebate Account: the account by that name created by Section 19 hereof.

Registrar: The Bank of Cherry Creek, a branch of Western National Bank, being the agent for the City for the registration, transfer and exchange of the 2004 Bonds, or its successors.

Registrar Agreement: the Registrar Agreement between the City and the Registrar dated as of March 1, 2004.

Regular Record Date: the fifteenth day of the calendar month next preceding each interest payment date for the 2004 Bonds (other than a special interest payment date hereafter fixed for the payment of defaulted interest).

Sale Certificate: the certificate of the City authorized pursuant to the Supplemental Public Securities Act and described in Section 6 hereof.

Sales and Use Tax: the 2.75% tax upon the sale and use of goods and services which is being levied by the City pursuant to the Sales and Use Tax Ordinances and any future or amended tax levied by the City as a sales and use tax and pledged by the Council to the payment of the Bonds.

Sales and Use Tax Ordinances: the ordinances adopted by the Council of the City for the purpose of adopting and enforcing the Sales and Use Tax and which are in effect on the date of this Ordinance and as amended by this Ordinance or as later amended or supplemented.

Special Record Date: a special date fixed to determine the names and addresses of Registered Owners for purposes of paying interest on a special interest payment date for the payment of defaulted interest, all as further provided in Section 7 hereof.

State: the State of Colorado.

Supplemental Public Securities Act: Part 2 of Article 57 of Title 11, Colorado Revised Statutes, as amended.

Tax Code: the Internal Revenue Code of 1986, as amended to the date of delivery of the 2004 Bonds, and the regulations promulgated thereunder.

Term Bonds: 2004 Bonds that are payable on or before their specified maturity dates from sinking fund payments established for that purpose and calculated to retire such 2004 Bonds on or before their specified maturity dates.

Trust Bank: a Commercial Bank which is authorized to exercise and is exercising trust powers.

2004 Bonds: the City's General Fund Revenue Bonds, Series 2004, issued pursuant to this Ordinance.

Recitals.

The City is a municipal corporation duly organized and existing under the City's Charter adopted pursuant to Article XX of the Constitution of the State of Colorado.

Section 85 of the Charter provides that indebtedness of the City shall be incurred and limited as provided in Article XI of the Colorado Constitution.

Article XI, Section 6 of the Colorado Constitution provides:

No political subdivision of the state shall contract any general obligation debt by loan in any form, whether individually or by contract pursuant to article XIV, section 18(2)(a) of this constitution except by adoption of a legislative measure which shall be irrevocable until the indebtedness therein provided for shall have been fully paid or discharged, specifying the purposes to which the funds to be raised shall be applied and providing for the levy of a tax which

together with such other revenue, assets, or funds as may be pledged shall be sufficient to pay the interest and principal of such debt. Except as may be otherwise provided by the charter of a home rule city and county, city, or town for debt incurred by such city and county, city, or town, no such debt shall be created unless the question of incurring the same be submitted to and approved by a majority of the qualified taxpaying electors voting thereon, as the term “qualified taxpaying elector” shall be defined by statute.

Except as may be otherwise provided by the charter of a home rule city and county, city, or town, the general assembly shall establish by statute limitations on the authority of any political subdivision to incur general obligation indebtedness in any form whether individually or by contract pursuant to article XIV, section 18(2)(a) of this constitution.

Debts contracted by a home rule city and county, city, or town, statutory city or town or service authority for the purposes of supplying water shall be excepted from the operation of this section.

Section 31-15-302(1)(d), C.R.S., limits the total amount of indebtedness of the City to 3% of the actual value of taxable property in the City except for debt incurred for supplying water.

The actual value of taxable property in the City is \$ 3,453,472,259.

There is currently no City debt outstanding which is subject to the debt limit.

Article X, Section 20 of the Colorado Constitution requires voter approval in advance for the creation of any multiple-fiscal year direct or indirect debt or other financial obligation.

The notice delivered to voters at the Election as required by Article X, Section 20 of the Colorado Constitution limits the issuance of the bonds authorized at the Election as follows:

Principal Amount of Proposed Bonds:	Not to exceed \$80,000,000
Maximum Annual City Repayment Cost:	Not to exceed \$ 7,500,000
Total City Repayment Cost:	Not to exceed \$134,000,000

At the Election, the City’s electors approved 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 City imposes a Sales and Use Tax pursuant to the Charter and the Sales and Use Tax Ordinances.

The City has never pledged the Sales and Use Tax to the payment of any bonds or for any purpose. The Pledged Sales and Use Tax may now be pledged lawfully and irrevocably for the payment of the 2004 Bonds.

There have been filed with the City Clerk the proposed forms of the following documents: the Purchase Agreement, the Registrar Agreement, the Letter of Representations, and the Continuing Disclosure Certificate.

The Council desires to cause the 2004 Bonds to be issued, to authorize and direct the application of the proceeds thereof as set forth herein, and to provide security for the payment thereof, all in the manner hereinafter set forth.

Ratification. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the Council and other officers of the City in the imposition and collection of the Sales and Use Tax, financing the Project, and selling and issuing the 2004 Bonds for those purposes are ratified, approved and confirmed.

Authorization of Project. The Project is authorized at a cost not exceeding \$60,000,000 (excluding costs to be paid from sources other than the proceeds of the 2004 Bonds).

Authorization of the 2004 Bonds. Pursuant to the Election and Section 85 of the Charter, there hereby are authorized to be issued fully registered general fund revenue securities

of the City, to be designated “City of Grand Junction, Colorado, General Fund Revenue Bonds, Series 2004,” to be payable and collectible, as to principal, prior redemption premium, if any, and interest, from the Pledged Revenues.

Election to Apply Supplemental Public Securities Act to the 2004 Bonds.

Pursuant to Section 11-57-204 of the Supplemental Public Securities Act, the Council hereby elects to apply the Supplemental Public Securities Act in its entirety to the 2004 Bonds. Pursuant to such election and Section 11-57-205 of the Supplemental Public Securities Act, the Council hereby delegates to the City Manager or the Finance Director the power to make the following determinations with respect to the 2004 Bonds, without any requirement that the Council approve such determinations, subject to the parameters and restrictions contained in this Ordinance:

Interest Rate. The rates of interest per annum to be borne by the 2004 Bonds, provided that the total repayment cost of the 2004 Bonds and the maximum annual repayment cost of the 2004 Bonds shall not exceed the amounts authorized at the Election.

Purchase Price. The price at which the 2004 Bonds will be sold to the Purchasers, provided that the price shall not be less than 99% of the aggregate principal amount of the 2004 Bonds.

Principal Amount. The aggregate principal amount of the 2004 Bonds, provided that such principal amount shall not exceed \$60,000,000.

Maturity Schedule. The amount of principal of the 2004 Bonds maturing, or subject to mandatory sinking fund redemption, in any particular year, provided that it shall not be more than \$6,600,000 annually.

Optional Redemption Provisions B Dates and Price. The dates on which the 2004 Bonds may be called for optional redemption, provided that the first optional redemption date of the 2004 Bonds shall not be earlier than March 1, 2014, at a redemption price not to exceed 100%.

Such determinations shall be evidenced by the Sale Certificate signed by the City Manager or the Finance Director and dated and delivered as of the Closing Date, which shall not be more than 60 days from the date of adoption of this ordinance.

2004 Bond Details. The 2004 Bonds shall be issued in fully registered form (i.e., registered as to both principal and interest) initially registered in the name of Cede & Co. as

nominee for The Depository Trust Company, and shall be issued in the denomination of \$5,000 or any integral multiple thereof (provided that no 2004 Bond may be in a denomination which exceeds the principal coming due on any maturity date, and no individual 2004 Bond will be issued for more than one maturity). The 2004 Bonds shall be numbered in such manner as the Registrar may determine. The 2004 Bonds shall be dated as of March 1, 2004, and shall bear interest from their dated date until maturity at the rates per annum set forth in the Sale Certificate, payable semiannually on March 1 and September 1 in each year, commencing on September 1, 2004, except that any 2004 Bond which is reissued upon transfer, exchange or other replacement shall bear interest from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the 2004 Bonds. The 2004 Bonds shall mature on the dates, or be subject to mandatory sinking fund redemption, and in the amounts set forth in the Sale Certificate.

The principal of and prior redemption premium, if any, on any 2004 Bond shall be payable to the Registered Owner thereof as shown on the registration records kept by the Registrar, upon maturity thereof and upon presentation and surrender at the Paying Agent. If any 2004 Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the same interest rate borne by said 2004 Bond until the principal thereof is paid in full. Payment of interest on any 2004 Bond shall be made by check or draft mailed by the Paying Agent, on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), to the Registered Owner thereof at the address shown on the registration records kept by the Registrar at the close of business on the Regular Record Date for such interest payment date; but any such interest not so timely paid or duly provided for shall cease to be payable to the Person who is the Registered Owner thereof at the close of business on the Regular Record Date and shall be payable to the Person who is the Registered Owner of the applicable Bond at the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date and the date fixed for payment of the defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest. Notice of the Special Record Date and the date fixed for payment of the defaulted interest shall be given to the Registered Owners of the 2004 Bonds not less than ten days prior to the Special Record Date by first-class mail to each

such Registered Owner as shown on the Registrar's registration records on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any 2004 Bond by such alternative means as may be mutually agreed to between the Owner of such 2004 Bond and the Paying Agent (provided, however, that the City shall not be required to make funds available to the Paying Agent prior to the interest payment dates stated in this Section). All such payments shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent or Registrar.

Pursuant to Section 11-57-210 of the Supplemental Public Securities Act, the 2004 Bonds shall contain a recital that they are issued pursuant to certain provisions of the Supplemental Public Securities Act. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of the 2004 Bonds after their delivery for value.

Prior Redemption.

The 2004 Bonds may be subject to prior redemption, at the option of the City, on the dates set forth in the Sale Certificate in whole, or in part from any Maturity-Rate, in any order of maturity and by lot within a Maturity-Rate in such manner as the City may determine (giving proportionate weight to 2004 Bonds in denominations larger than \$5,000), at the price set forth in the Sale Certificate.

The Term Bonds, if any, shall be subject to mandatory sinking fund redemption at the times, in the amounts and at the prices provided in the Sale Certificate.

On or before the thirtieth day prior to each such sinking fund payment date, the Registrar shall proceed to call the Term Bonds (or any Term Bond or Term Bonds issued to replace such Term Bonds) for redemption from the sinking fund on the next March 1, and give notice of such call without other instruction or notice from the City.

At its option, to be exercised on or before the sixtieth day next preceding each such sinking fund redemption date, the City may (a) deliver to the Registrar for cancellation Term Bonds subject to mandatory sinking fund redemption on such date in an aggregate principal amount desired or (b) receive a credit in respect of its sinking fund redemption obligation for any Term Bonds of the Maturity-Rate subject to mandatory sinking fund redemption on such date, which prior to said date have been redeemed (otherwise than through the operation of the sinking

fund) and canceled by the Registrar and not theretofore applied as a credit against any sinking fund redemption obligation. Each Term Bond so delivered or previously redeemed will be credited by the Registrar at the principal amount thereof on the obligation of the City on such sinking fund redemption date and the principal amount of Term Bonds to be redeemed by operation of such sinking fund on such date will be accordingly reduced. The City will on or before the sixtieth day next preceding each sinking fund redemption date furnish the Registrar with its certificate indicating whether or not and to what extent the provisions of (a) and (b) of the preceding sentence are to be availed with respect to such sinking fund payment. Failure of the City to deliver such certificate shall not affect the Registrar's duty to give notice of sinking fund redemption as provided in this paragraph B.

In the case of 2004 Bonds of a denomination larger than \$5,000, a portion of such 2004 Bond (\$5,000 or any integral multiple thereof) may be redeemed, in which case the Registrar shall, without charge to the Owner of such 2004 Bond, authenticate and issue a replacement 2004 Bond or Bonds for the unredeemed portion thereof.

Notice of optional or mandatory sinking fund redemption by the City shall be given by the Paying Agent in the name of the City by sending a copy of such notice by first-class, postage prepaid mail, not more than 60 days and not less than 30 days prior to the redemption date to the Purchasers and to each Registered Owner of any 2004 Bond all or a portion of which is called for redemption at his address as it last appears on the registration books kept by the Registrar. Failure to give such notice by mailing to the Registered Owner of any 2004 Bond or to the Purchasers, or any defect therein, shall not affect the validity of the proceedings for the redemption of any 2004 Bonds.

All official notices of redemption shall be dated and shall state:

CUSIP numbers of 2004 Bonds to be redeemed;

the redemption date;

the redemption price;

if less than all Outstanding 2004 Bonds are to be redeemed, the identification of the 2004 Bonds (and, in the case of partial redemption, the respective principal amounts and interest rate) to be redeemed;

that on the redemption date the redemption price will become due and payable upon each such 2004 Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date; and

the place where such 2004 Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the Principal Office or such other office as shall be designated by the Paying Agent.

Prior to any redemption date, the City shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the 2004 Bonds or portions of 2004 Bonds which are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the 2004 Bonds or portions of 2004 Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such 2004 Bonds or portions of 2004 Bonds shall cease to bear interest. Upon surrender of such 2004 Bonds for redemption in accordance with said notice, such 2004 Bonds shall be paid by the Paying Agent at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for partial redemption of any 2004 Bond, there shall be prepared for the Registered Owner a new 2004 Bond or Bonds of the same maturity and interest rate in the amount of the unpaid principal. All 2004 Bonds which have been redeemed shall be canceled and destroyed by the Registrar and shall not be reissued.

In addition to the foregoing notice, further notice may be given by the Paying Agent in order to comply with the requirements of any registered securities depository holding the 2004 Bonds, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed.

Notwithstanding the provisions of this section, any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the 2004 Bonds so called for redemption, and that if such funds are not available, such redemption

shall be canceled by written notice to the owners of the 2004 Bonds called for redemption in the same manner as the original redemption notice was mailed.

2004 Bonds Equally Secured. The covenants and agreements herein set forth to be performed on behalf of the City shall be for the equal benefit, protection and security of the Owners of any and all of the Outstanding 2004 Bonds, all of which, regardless of the time or times of their maturity, shall be of equal rank without preference, priority or distinction of any of such securities over any other thereof, except as otherwise expressly provided in or pursuant to this Ordinance.

Special Obligations. All of the 2004 Bonds, together with the interest accruing thereon and any prior redemption premium, shall be payable and collectible solely out of the Pledged Revenues, which Pledged Revenues are hereby so pledged; the Owner or Owners of the 2004 Bonds may look only to the designated special accounts herein pledged for the payment of the principal of, prior redemption premium, if any, and interest on the 2004 Bonds. The full faith and credit of the City is not pledged to the payment of the 2004 Bonds; they shall constitute special, limited obligations of the City. The City has no obligation to increase any City taxes for the purpose of paying the principal of, prior redemption premium, if any, and interest on the 2004 Bonds.

No Pledge of Property. The payment of the 2004 Bonds is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the Pledged Revenues and other funds and accounts pledged for the payment of the 2004 Bonds. No property of the City, subject to such exception, shall be liable to be forfeited or taken in payment of the 2004 Bonds.

No Recourse Against Officers and Agents. No civil recourse shall be available for the payment of the principal of, prior redemption premium, if any, and interest on the 2004 Bonds or for any claim based thereon or otherwise upon this Ordinance or any other ordinance pertaining hereto, against any individual member of the Council or any officer or agent of the City who acts in good faith, either directly or indirectly through the Council, or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty or otherwise. By the acceptance of the 2004 Bonds and as a part of the consideration of their sale or

purchase, any Person purchasing or selling such 2004 Bonds specifically waives any such recourse.

Form of 2004 Bonds and Registration Panel. The 2004 Bonds and the registration panel shall be substantially as follows (provided that any portion of the 2004 Bond text may, with appropriate references, be printed on the back of the 2004 Bonds), with such omissions, insertions, endorsements, and variations as to any recitals of fact or other provisions as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the City or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the Registered Owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA

STATE OF COLORADO

COUNTY OF MESA

CITY OF GRAND JUNCTION, COLORADO
GENERAL FUND REVENUE BOND
SERIES 2004

R- _____			\$ _____
<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
_____ %		March 1, 2004	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

The City of Grand Junction, in the County of Mesa and State of Colorado (the “City”), for value received, promises to pay to the Registered Owner specified above, or registered assigns, solely from the special funds and accounts provided therefor, the principal amount specified above, on the maturity date specified above (unless called for earlier redemption), and to pay from said sources interest thereon on March 1 and September 1 of each year, commencing on September 1, 2004, at the interest rate per annum specified above, until the principal sum is paid or payment has been provided therefor. This bond will bear interest from the most recent interest payment date to which interest has been paid or provided for, or, if no interest has been paid, from the date of this bond. This bond is one of an authorized series of bonds (the “2004 Bonds”) issued pursuant to an ordinance of the Council adopted on January 7, 2004 (the “Bond Ordinance”). The 2004 Bonds are all issued under and equally and ratably

secured by and entitled to the security of the Bond Ordinance. To the extent not defined herein, terms used in this bond shall have the same meanings as set forth in the Bond Ordinance. This bond bears interest, matures, is payable, is subject to redemption prior to maturity, and is transferable as provided in the Bond Ordinance.

The principal of and prior redemption premium, if any, on this bond is payable upon presentation and surrender hereof at the principal office of the Paying Agent. Interest on this bond will be paid on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), by check or draft mailed to the person in whose name this bond is registered in the registration records of the City maintained by the Registrar at its principal office and at the address appearing thereon at the close of business on the Record Date.

Reference is made to the Bond Ordinance for the provisions, among others, with respect to the custody and application of the proceeds of the 2004 Bonds, the receipt and disposition of the Pledged Revenues, the nature and extent of the security for the 2004 Bonds, the accounts, funds or revenues pledged to the 2004 Bonds, the terms and conditions under which additional obligations payable from the Pledged Revenues or Additional Bonds payable from the Pledged Sales and Use Tax Revenues may be issued, the rights, duties and obligations of the City and the Registrar and Paying Agent, the rights of the Owners of the 2004 Bonds, the events of default and remedies, the circumstances under which any 2004 Bond is no longer Outstanding, the ability to amend the Bond Ordinance; and by the acceptance of this bond the Owner hereof assents to all provisions of the Bond Ordinance. The principal of, prior redemption premium, if any, and the interest on this bond shall be paid, and this bond is transferable, free from and without regard to any equities between the City and the original or any intermediate Owner hereof or any setoffs or cross-claims.

THE 2004 BONDS ARE ISSUED PURSUANT TO AND IN FULL COMPLIANCE WITH THE CONSTITUTION AND LAWS OF THE STATE OF COLORADO, THE CHARTER OF THE CITY, AND PURSUANT TO THE BOND ORDINANCE. THE FULL FAITH AND CREDIT OF THE CITY IS NOT PLEDGED TO THE PAYMENT OF THE 2004 BONDS, AND THEY CONSTITUTE SPECIAL, LIMITED OBLIGATIONS OF THE CITY, SECURED ONLY BY THE PLEDGED REVENUES. THE CITY HAS NO OBLIGATION TO INCREASE ANY CITY TAXES FOR THE PURPOSE OF PAYING THE PRINCIPAL OF, PRIOR REDEMPTION PREMIUM, IF ANY, AND

INTEREST ON THE 2004 BONDS. NEITHER THE MEMBERS OF THE CITY NOR ANY PERSONS EXECUTING THIS BOND SHALL BE PERSONALLY LIABLE FOR THIS BOND.

It is certified, recited and warranted that all the requirements of law have been fully complied with by the proper officers of the City in the issuance of this bond; that it is issued pursuant to and in strict conformity with the Constitution and laws of the State, with the Charter of the City, and with the Bond Ordinance; and that this bond does not contravene any Constitutional, statutory or Charter limitation.

It is also certified, recited, and warranted that the 2004 Bonds are issued under the authority of the Bond Ordinance and the Supplemental Public Securities Act. It is the intention of the City, as expressed in the Bond Ordinance, that this recital shall conclusively impart full compliance with all of the provisions of the Bond Ordinance and shall be conclusive evidence of the validity and the regularity of the issuance of the 2004 Bonds after their delivery for value and that all of the 2004 Bonds issued are incontestable for any cause whatsoever after their delivery for value.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Registrar shall have duly executed the certificate of authentication hereon.

IN WITNESS WHEREOF, the Council of the City of Grand Junction has caused this bond to be signed and executed in its name and upon its behalf with a manual or facsimile signature of the President of the Council, and to be signed, executed and attested with a manual or facsimile signature of the City Clerk, and has caused a manual or facsimile impression of the seal of the City affixed hereon, all as of the date specified above.

(Manual or Facsimile Signature)
President of the Council

(MANUAL OR FACSIMILE SEAL)

Attest:

(Manual or Facsimile Signature)

City Clerk

(End of Form of Bond)

(Form of Registrar's Certificate of Authentication)

This is one of the 2004 Bonds described in the within-mentioned Bond Ordinance, and this bond has been duly registered on the registration records kept by the undersigned as Registrar for such 2004 Bonds.

THE BANK OF CHERRY CREEK, a branch of
Western National Bank,
as Registrar

Date of Authentication and Registration:	By: _____ Authorized Officer or Employee
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(End of Form of Registrar's Certificate of Authentication)

(Form of Statement of Insurance)

Financial Guaranty Insurance Policy No. _____ (the "Policy") with respect to payments due for principal of and interest on this Bond has been issued by Ambac Assurance Corporation ("Ambac Assurance"). The Policy has been delivered to The Bank of New York, New York, New York, as the Insurance Trustee under said Policy and will be held by such Insurance Trustee or any successor insurance trustee. The Policy is on file and available for inspection at the principal office of the Insurance Trustee and a copy thereof may be secured from Ambac Assurance or the Insurance Trustee. All payments required to be made under the Policy shall be made in accordance with the provisions thereof. The owner of this Bond acknowledges and consents to the subrogation rights of Ambac Assurance as more fully set forth in the Policy.

(End of Form of Statement of Insurance)

(Form of Prepayment Panel)

The following installments of principal (or portion thereof) of this bond have been prepaid in accordance with the terms of the Bond Ordinance authorizing the issuance of this bond.

<u>Date of</u> <u>Prepayment</u>	<u>Principal</u> <u>Prepaid</u>	<u>Signature of</u> <u>Authorized</u> <u>Representative of the Depository</u>

(End of Form of Prepayment Panel)

MAY BE PRINTED ON THE BACK OF THE BOND AND THE FOLLOWING STATEMENT INSERTED -- REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF; SUCH PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HERE.

(Form of Assignment)

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the records of the Registrar, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Address of transferee:

_____ Social Security or other tax
identification number of transferee:

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

EXCHANGE OR TRANSFER FEES MAY BE CHARGED

(End of Form of Assignment)

Negotiability. The Owner or Owners of the 2004 Bonds shall possess all rights enjoyed by the holders of investment securities under the provisions of the Uniform Commercial Code-Investment Securities. The principal of, prior redemption premium, if any, and interest on the 2004 Bonds shall be paid, and the 2004 Bonds shall be transferable, free from and without regard to any equities between the City and the original or any intermediate Owner of any 2004 Bonds or any setoffs or cross-claims.

Execution and Authentication of the 2004 Bonds. The 2004 Bonds shall be executed in the name and on behalf of the City by the manual or facsimile signature of the President of the Council, shall be sealed with the corporate seal of the City or a facsimile thereof thereunto affixed, imprinted, engraved or otherwise reproduced, and shall be attested by the manual or facsimile signature of the City Clerk. Any 2004 Bond may be signed (manually or by facsimile), sealed or attested on behalf of the City by any person who, at the date of such act, shall hold the proper office, notwithstanding that at the date of authentication, issuance or delivery, such person may have ceased to hold such office. The President of the Council and the Clerk may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears on any of the 2004 Bonds. Before the execution of any 2004 Bond, the President of the Council and the Clerk shall each file with the Secretary of State of the State his or her manual signature certified by him or her under oath.

The authentication certificate upon the 2004 Bonds shall be substantially in the form and tenor provided in the form of the 2004 Bonds hereinbefore provided. No 2004 Bond shall be secured hereby or entitled to the benefit hereof, nor shall any 2004 Bond be valid or obligatory for any purpose, unless the certificate of authentication, substantially in such form, has been duly executed by the Registrar and such certificate of the Registrar upon any 2004 Bond shall be conclusive evidence that such 2004 Bond has been authenticated and delivered hereunder. The certificate of authentication shall be deemed to have been duly executed by the Registrar if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the 2004 Bonds. By authenticating any of the 2004 Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to the provisions of this Ordinance.

Registration, Transfer and Exchange.

Except as provided in Section 17, records for the registration and transfer of the 2004 Bonds shall be kept by the Registrar, which is hereby appointed by the City as registrar (i.e., transfer agent) for the 2004 Bonds. Upon the surrender for transfer of any 2004 Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the Registered Owner or his attorney duly authorized in writing, the Registrar shall enter such transfer on the registration records and shall authenticate and deliver in the name of the transferee or transferees a new 2004 Bond or Bonds of the same series, of a like aggregate principal amount and of the same Maturity-Rate, bearing a number or numbers not previously assigned. 2004 Bonds may be exchanged at the Registrar for an equal aggregate principal amount of 2004 Bonds of the series and the same Maturity-Rate of other authorized denominations. The Registrar shall authenticate and deliver a 2004 Bond or Bonds which the Registered Owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. The Registrar may impose reasonable charges in connection with such exchanges and transfers of 2004 Bonds, which charges (as well as any tax or other governmental charge required to be paid with respect to such exchange or transfer) shall be paid by the Registered Owner requesting such exchange or transfer.

Except as provided in Section 17, the Registrar shall not be required to transfer or exchange (1) any 2004 Bond or portion thereof during a period beginning at the opening of business 15 days before the day of the mailing of notice of prior redemption as herein provided and ending at the close of business on the day of such mailing, or (2) any 2004 Bond or portion thereof after the mailing of notice calling such 2004 Bond or any portion thereof for prior redemption, except for the unredeemed portion of the 2004 Bonds being redeemed in part.

The Person in whose name any 2004 Bond shall be registered on the registration records kept by the Registrar shall be deemed and regarded as the absolute Owner thereof for the purpose of making payment thereof and for all other purposes; except as may be otherwise provided in Section 7 hereof with respect to payment of interest; and, subject to such exception, payment of or on account of either principal or interest on any 2004 Bond shall be made only to or upon the written order of the Registered Owner thereof or his legal representative, but such registration may be changed upon transfer of such 2004 Bond in the manner and subject to the

conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such 2004 Bond to the extent of the sum or sums so paid.

If any 2004 Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it and the City may reasonably require, authenticate and deliver a replacement 2004 Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed, or mutilated 2004 Bond shall have matured or is about to become due and payable, the Registrar may direct the Paying Agent to pay such 2004 Bond in lieu of replacement.

The officers of the City are authorized to deliver to the Registrar fully executed but unauthenticated 2004 Bonds in such quantities as may be convenient to be held in custody by the Registrar pending use as herein provided.

Whenever any 2004 Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such 2004 Bond shall be promptly cancelled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the City.

Book Entry.

Notwithstanding any contrary provision of this Ordinance, the 2004 Bonds shall initially be evidenced by one 2004 Bond for each Maturity-Rate in which the 2004 Bonds mature in denominations equal to the aggregate principal amount of the 2004 Bonds maturing for that Maturity-Rate. Such initially delivered 2004 Bonds shall be registered in the name of "Cede & Co." as nominee for The Depository Trust Company, the securities depository for the 2004 Bonds. The 2004 Bonds may not thereafter be transferred or exchanged except:

to any successor of The Depository Trust Company or its nominee, which successor must be both a "clearing corporation" as defined in Section 4-8-102(a)(5), Colorado Revised Statutes and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended;
or

upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this clause (2) of this paragraph A, or a

determination by the Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the Council of another depository institution acceptable to the Council and to the depository then holding the 2004 Bonds, which new depository institution must be both a “clearing corporation” as defined in Section 4-8-102(a)(5), Colorado Revised Statutes and a qualified and registered “clearing agency” under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor new depository; or

upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or clause (2) of this paragraph A, or a determination of the Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the failure by the Council, after reasonable investigation, to locate another qualified depository institution under clause (2) to carry out such depository functions.

In the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of paragraph A hereof or designation of a new depository pursuant to clause (2) of paragraph A hereof, upon receipt of the Outstanding 2004 Bonds by the Bond Registrar, together with written instructions for transfer satisfactory to the Bond Registrar, a new 2004 Bond for each Maturity-Rate of the 2004 Bonds then Outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of paragraph A hereof and the failure after reasonable investigation to locate another qualified depository institution for the 2004 Bonds as provided in clause (3) of paragraph A hereof, and upon receipt of the Outstanding 2004 Bonds by the Bond Registrar, together with written instructions for transfer satisfactory to the Bond Registrar, new 2004 Bonds shall be issued in the denominations of \$5,000 or any integral multiple thereof, as provided in and subject to the limitations of Section 16 hereof, registered in the names of such Persons, and in such authorized denominations as are requested in such written transfer instructions; however, the Bond Registrar

shall not be required to deliver such new 2004 Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

The Council, the Bond Registrar and the Paying Agent shall be entitled to treat the Registered Owner of any Bond as the absolute Owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the Council, the Bond Registrar and the Paying Agent shall have no responsibility for transmitting payments to the beneficial owners of the 2004 Bonds held by The Depository Trust Company or any successor or new depository named pursuant to paragraph A hereof.

The Council, the Bond Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of paragraph (A) hereof in effectuating payment of the principal amount of the 2004 Bonds upon maturity or prior redemption by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

Delivery of 2004 Bonds and Disposition of Proceeds. When the 2004 Bonds have been duly executed by appropriate City officers and authenticated by the Registrar, the City shall cause the 2004 Bonds to be delivered to the Purchasers on receipt of the agreed purchase price. The 2004 Bonds shall be delivered in such denominations as the Purchasers shall direct (but subject to the provisions of Sections 16 and 17 hereof); and the Registrar shall initially register the 2004 Bonds in such name or names as the Purchasers shall direct.

The proceeds of the 2004 Bonds, including the accrued interest thereon, shall be deposited promptly by the City and shall be accounted for in the following manner and are hereby pledged therefor, but the Purchasers of the 2004 Bonds or any subsequent Owner in no manner shall be responsible for the application or disposal by the City or any of its officers of any of the funds derived from the sale:

All accrued interest, if any, received in respect of the 2004 Bonds shall be credited to the Bond Account to be applied to the payment of the 2004 Bonds.

All remaining proceeds of the 2004 Bonds shall be used by the City, together with any other available moneys therefor, to pay the costs of the Project, including costs incidental to the issuance of the 2004 Bonds. After payment of all

costs of the Project, or after adequate provision therefor is made, any unexpended balance of the proceeds of the 2004 Bonds shall be deposited in the Bond Account and applied to the payment of the principal of, prior redemption premium, if any, and interest on the 2004 Bonds.

Use of Pledged Revenues. So long as any 2004 Bonds shall be Outstanding, either as to principal or interest, the Pledged Revenues shall, upon receipt by the City, be applied as follows:

Bond Account. First, there shall be credited from the Pledged Revenues to a special account of the City hereby created and to be known as the “City of Grand Junction Revenue Bond Account” the following amounts, provided however, that upon the issuance of Additional Bonds, the Pledged Sales and Use Tax Revenues pledged to the payment of each respective series of Bonds shall be credited concurrently:

Interest Payments. Monthly, commencing on the first day of the first month following the date of delivery of any of the Bonds, or commencing on the first day of the month six months next prior to the first interest payment date of any of the Bonds, whichever commencement date is later, an amount in equal monthly installments necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next maturing installment of interest on the Bonds then Outstanding.

Principal Payments. Monthly, commencing on the first day of the first month following the date of delivery of any of the Bonds, or commencing on the first day of the month one year next prior to the first principal payment date of any of the Bonds, whichever commencement date is later, an amount in equal monthly installments necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next installment of principal of the Bonds coming due at maturity, or pursuant to mandatory sinking fund redemption as provided in Section 8.B. hereof, if any.

If prior to any interest payment date or principal payment date there has been accumulated in the Bond Account the entire amount necessary to pay the next maturing installment of interest or principal, or both, the payment required in subparagraph (1) or (2)

(whichever is applicable) of this paragraph, may be appropriately reduced; but the required monthly amounts again shall be so credited to such account commencing on such interest payment date or principal payment date. The moneys in the Bond Account shall be used only to pay the principal of, prior redemption premium, if any, and interest on the Bonds as the same become due.

Termination of Deposits upon Maturity or Redemption Date. No payment need be made into the Bond Account if the amount therein totals a sum at least equal to the entire amount of the Outstanding Bonds, both as to principal and interest to their respective maturities, or to any redemption date on which the City shall have exercised its option to redeem the Bonds then Outstanding and thereafter maturing, including any prior redemption premiums then due, and both accrued and unaccrued requirements, in which case moneys in the Bond Account in an amount at least equal to such principal and interest requirements shall be used solely to pay such as the same accrue, and any moneys in excess thereof in the Bond Account may be used as provided in Paragraphs D and E of this Section.

Rebate Account. Third, there shall be deposited in a special account of the City hereby created and to be known as the “City of Grand Junction General Fund Revenue Bonds, Series 2004, Rebate Account” amounts required by Section 148(f) of the Tax Code to be held until such time as any required rebate payment is made. Amounts in the Rebate Account shall be used for the purpose of making the payments to the United States required by Section 148(f) of the Tax Code. Any amounts in excess of those required to be on deposit therein by Section 148(f) of the Tax Code shall be withdrawn therefrom and deposited into the Bond Account. Funds in the Rebate Account shall not be subject to the lien created by this Ordinance to the extent such amounts are required to be paid to the United States Treasury. Upon the issuance of Additional Bonds, the City shall create sub-accounts in the Rebate Account.

Payment for Subordinate Obligations. After the payments required by Paragraphs A and C of this Section, the Pledged Revenues shall be used by the City for the payment of interest on and principal of any obligations secured by Pledged Revenues subordinate to the lien of the Bonds hereafter authorized to be issued, including reasonable reserves therefor.

Use of Remaining Revenues. After making the payments required to be made by this Section, any remaining Pledged Revenues may be used for any lawful purpose.

Nothing in this Ordinance shall prevent the City from making refunds of amounts collected by the City and subsequently determined, pursuant to the applicable Sales and Use Tax Ordinances, to be subject to valid claims for refunds.

General Administration of Accounts. The accounts designated in Section 19 hereof shall be administered as follows, subject to the limitations stated in Section 24.K. hereof:

Budget and Appropriation of Accounts. The sums provided to make the payments specified in Section 19 hereof are hereby appropriated for said purposes, and said amounts for each year shall be included in the annual budget and the appropriation ordinance or measures to be adopted or passed by the Council in each year respectively while any of the 2004 Bonds, either as to principal or interest, are Outstanding and unpaid. No provision of any constitution, statute, charter, ordinance, resolution, or other order or measure enacted after the issuance of the 2004 Bonds shall in any manner be construed as limiting or impairing the obligation of the City to keep and perform the covenants contained in this Ordinance so long as any of the 2004 Bonds remain Outstanding and unpaid. Nothing herein shall prohibit the Council, at its sole option, from appropriating and applying other funds of the City legally available for such purpose to the Bond Account for the purpose of providing for the payment of the principal of, prior redemption premium, if any, and interest on the 2004 Bonds.

Places and Times of Deposits. Each of the special accounts created in Section 19 hereof shall be maintained as a book account kept separate and apart from all other accounts or funds of the City as trust accounts solely for the purposes herein designated therefor. For purposes of investment of moneys, nothing herein prevents the commingling of moneys accounted for in any two or more such book accounts pertaining to the Pledged Revenues or to such accounts and any other funds of the City to be established under this Ordinance. Moneys in any such book account shall be continuously secured to the fullest extent required by the laws of the State for the securing of public accounts. Each periodic payment shall be credited to the proper book account not later than the date therefor herein designated, except that when any such date shall be a Saturday, a Sunday or a legal holiday, then such payment shall be made on or before the next preceding business day.

Investment of Accounts. Any moneys in any account established by Section 19 of this Ordinance may be invested or reinvested in any Permitted Investment. Securities or

obligations purchased as such an investment shall either be subject to redemption at any time at face value by the holder thereof at the option of such holder, or shall mature at such time or times as shall most nearly coincide with the expected need for moneys from the account in question. Securities or obligations so purchased as an investment of moneys in any such account shall be deemed at all times to be a part of the applicable account. The City shall present for redemption or sale on the prevailing market any securities or obligations so purchased as an investment of moneys in a given account whenever it shall be necessary to do so in order to provide moneys to meet any required payment or transfer from such account. The City shall have no obligation to make any investment or reinvestment hereunder, unless any moneys on hand and accounted for in any one account exceed \$5,000 and at least \$5,000 therein will not be needed for a period of not less than 60 days. In such event the City shall invest or reinvest not less than substantially all of the amount which will not be needed during such 60 day period, except for any moneys on deposit in an interest bearing account in a Commercial Bank, without regard to whether such moneys are evidenced by a certificate of deposit or otherwise, pursuant to this Section 20.C. and Section 20.E. hereof; but the City is not required to invest, or so to invest in such a manner, any moneys accounted for hereunder if any such investment would contravene the covenant concerning arbitrage in Section 24.K. hereof.

No Liability for Losses Incurred in Performing Terms of Ordinance. Neither the City nor any officer of the City shall be liable or responsible for any loss resulting from any investment or reinvestment made in accordance with this Ordinance.

Character of Funds. The moneys in any fund or account herein authorized shall consist of lawful money of the United States or investments permitted by Section 20.C. hereof or both such money and such investments. Moneys deposited in a demand or time deposit account in or evidenced by a certificate of deposit of a Commercial Bank pursuant to Section 20.C. hereof, appropriately secured according to the laws of the State, shall be deemed lawful money of the United States.

Pledge Securing the 2004 Bonds. The Pledged Revenues and any moneys and securities paid or to be paid to or held or to be held in the Bond Account designated in Section 19 hereof are hereby pledged to secure the payment of the principal of, prior redemption premium, if any, and interest on the 2004 Bonds, subject only to moneys and securities held in the Rebate

Account, to the extent such amounts are required to be paid to the United States. The pledge of the Pledged Sales and Use Tax Revenues (as part of the Pledged Revenues) to secure the payment of the principal of, prior redemption premium, if any, and interest on the 2004 Bonds is on a parity with the pledge of the Pledged Sales and Use Tax Revenues for and lien thereon of any Additional Bonds hereafter issued, as provided herein. This pledge of the Pledged Revenues shall be valid and binding from and after the date of the delivery of the 2004 Bonds, and the Pledged Revenues received by the City and hereby pledged shall immediately be subject to the lien of this pledge without any physical delivery thereof, any filing, or further act. The lien of this pledge of the Pledged Revenues shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof. The lien of this pledge on the Pledged Revenues and the obligation to perform the contractual provisions made herein shall have priority over any or all other obligations and liabilities of the City, except with respect to any parity lien on the Pledged Sales and Use Tax Revenues which may be pledged to Additional Bonds hereafter authorized, as provided herein.

Additional Bonds.

Limitations Upon Issuance of Additional Bonds. Nothing in this Ordinance shall prevent the issuance by the City of additional bonds or other obligations payable from and constituting a lien upon the Pledged Sales and Use Tax Revenues on a parity with the lien thereon of the 2004 Bonds (the "Additional Bonds"). Such Additional Bonds may be payable solely from Pledged Sales and Use Tax Revenues or they may be payable from Pledged Sales and Use Tax Revenues and another revenue or fund of the City ("Additional Pledged Revenues"). Regardless of whether payable solely from Pledged Sales and Use Tax Revenues or from Pledged Sales and Use Tax Revenues and Additional Pledged Revenues, such bonds or other obligations may be issued only if for the Fiscal Year immediately preceding the issuance of any Additional Bonds, the amount of Pledged Sales and Use Tax Revenues in such Fiscal Year equaled or exceeded 175% of the Maximum Annual Debt Service Requirement on the Outstanding Bonds and the Additional Bonds proposed to be issued. For the purpose of satisfying the aforementioned 175% test, any sales and use tax, now existing or hereafter imposed, which legally becomes a part of the Pledged Sales and Use Tax Revenues during the

Fiscal Year preceding the issuance of Additional Bonds, or any tax which is to legally become a part of the Pledged Sales and Use Tax Revenues immediately prior to the issuance of Additional Bonds, or any increase in the rate of any tax which is a part of the Pledged Sales and Use Tax Revenues which increase is imposed during the Fiscal Year preceding the issuance of Additional Bonds or any such increase which is to be imposed immediately prior to the issuance of Additional Bonds can be considered for its estimated effect on the amount of the Pledged Sales and Use Tax Revenues as if such tax or increase had been in effect for the Fiscal Year immediately preceding the issuance of such Additional Bonds. Any tax which is no longer in effect at the time of issuance of the Additional Bonds shall not be considered for purposes of satisfying such tests.

Certificate of Revenues. A written certification by an officer or employee of the City that the requirements of Paragraph A of this section have been met shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell and deliver said Additional Bonds with a pledge of the Pledged Sales and Use Tax Revenues on a parity with the pledge thereof to the 2004 Bonds herein authorized.

Superior Pledged Sales and Use Tax Revenue Obligations Prohibited. Nothing in this Ordinance shall be construed so as to permit the City to hereafter issue obligations payable from the Pledged Sales and Use Tax Revenues having a lien thereon prior or superior to the 2004 Bonds.

Subordinate Pledged Sales and Use Tax Revenue Obligations Permitted. Nothing in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional obligations payable from and constituting a lien upon the Pledged Sales and Use Tax Revenues subordinate or junior to the lien of the 2004 Bonds.

Superior, Parity, and Subordinate Revenue Obligations Permitted. Nothing in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional obligations payable from and constituting a lien upon any of the Pledged RevenuesB specifically excluding therefrom the Pledged Sales and Use Tax Revenues, superior to, on a parity with, or subordinate or junior to the lien thereon of the 2004 Bonds.

Refunding Obligations.

Generally. If at any time after the 2004 Bonds, or any part thereof, shall have been issued and remain Outstanding, the City shall find it desirable to refund any Outstanding Bonds, or any part thereof, such Bonds, or any part thereof, may be refunded, subject to the provisions of Paragraph B of this Section, if (1) the Bonds to be refunded, at the time of their required surrender for payment, shall then mature or shall then be callable for prior redemption at the City's option upon proper call, or (2) the Owners of the Bonds to be refunded consent to such surrender and payment.

Protection of Obligations Not Refunded. Any refunding obligations payable from the Pledged Revenues or from the Pledged Sales and Use Tax Revenues and any Additional Pledged Revenues shall be issued with such details as the Council may provide, so long as there is no impairment of any contractual obligation imposed upon the City by any proceedings authorizing the issuance of any unrefunded portion of Bonds payable from the Pledged Revenues or the Pledged Sales and Use Tax Revenues and any Additional Pledged Revenues; but so long as any Bonds are Outstanding, refunding obligations payable from the Pledged Sales and Use Tax Revenues may be issued on a parity with the unrefunded Bonds only if:

Prior Consent. The City first receives the consent of the Owner or Owners of the unrefunded Bonds; or

Requirements Not Increased. The refunding obligations do not increase by more than \$25,000, for any Fiscal Year prior to and including the last maturity date of any unrefunded Bonds, the aggregate principal and interest requirements evidenced by such refunding obligations and by any Outstanding Bonds not refunded, and the lien of any refunding parity obligations on the Pledged Sales and Use Tax Revenues is not raised to a higher priority than the lien thereon of any Bonds thereby refunded; or

Earnings Test. The refunding obligations are issued in compliance with Paragraphs A and B of Section 22 hereof.

Protective Covenants. The City hereby additionally represents, covenants, and agrees with each and every Owner of the 2004 Bonds that:

Use of 2004 Bond Proceeds. The City will proceed with the Project without delay and with due diligence.

Payment of 2004 Bonds. The City will promptly pay the principal of, prior redemption premium, if any, and interest on every 2004 Bond issued hereunder and secured hereby on the dates and in the manner specified herein and in said 2004 Bonds according to the true intent and meaning hereof. Such principal of, prior redemption premium, if any, and interest on the 2004 Bonds is payable solely from the Pledged Revenues.

Amendment of Certain Ordinances; Duty to Impose Sales and Use Tax; Impairment of Contract. The Sales and Use Tax Ordinances are in full force and effect and have not been repealed or amended. The City will not repeal or amend said Sales and Use Tax Ordinances in any manner which would diminish the proceeds of the Pledged Sales and Use Tax by an amount which would materially adversely affect the rights of the Owners of the 2004 Bonds.

Notwithstanding any other provision of this Section or this Ordinance, the City shall retain the right to make changes, without any consent of 2004 Bond Owners, in the Sales and Use Tax Ordinances, or any ordinance supplemental thereto or in substitution therefor, concerning the use of proceeds of the Pledged Sales and Use Tax remaining after the current requirements of all ordinances authorizing bonds or other securities payable from the Pledged Sales and Use Tax, or any portion thereof, have been met; or concerning changes in applicability, exemptions, administration, collection, or enforcement of the Sales and Use Tax, if such changes do not materially adversely affect the security for the 2004 Bonds.

The foregoing covenants are subject to compliance by the City with orders of courts of competent jurisdiction concerning the validity, constitutionality or collection of such tax revenues, any legislation of the United States or the State or any regulation or other action taken by the federal government, any State agency or any political subdivision of the State pursuant to such legislation, in the exercise of the police power thereof for the public welfare, which legislation, regulation or action applies to the City as a Colorado home rule city and limits or otherwise inhibits the amount of such tax revenues due to the City. All of the Pledged Sales and Use Tax Revenues shall be subject to the payment of the principal of, prior redemption premium, if any, and interest on all Bonds payable from the Pledged Sales and Use Tax Revenues, including reserves therefor, as provided herein or in any instrument supplemental or amendatory hereof.

Defense of Legality of Pledged Revenues. There is not pending or threatened any suit, action or proceeding against or affecting the City before or by any court, arbitrator, administrative agency or other governmental authority which affects the validity or legality of this Ordinance, or the Sales and Use Tax Ordinances or the imposition and collection of the Sales and Use Tax, any of the City's obligations under this Ordinance or any of the transactions contemplated by this Ordinance or the Sales and Use Tax Ordinances.

The City shall, to the extent permitted by law, defend the validity and legality of this Ordinance, the Sales and Use Tax and the Sales and Use Tax Ordinances against all claims, suits and proceedings which would diminish or impair the Pledged Revenues. Furthermore, the City shall amend from time to time the provisions of any ordinance or resolution of the City, as necessary to prevent impairment of the Pledged Revenues as required to meet the principal of, prior redemption premium, if any, and interest on the 2004 Bonds when due.

Further Assurances. At any and all times the City shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge, deliver and file or record all and every such further instruments, acts, deeds, conveyances, assignments, transfers, other documents and assurances as may be necessary or desirable for the better assuring, conveying, granting, assigning and confirming all and singular the rights, the Pledged Revenues and other funds and accounts hereby pledged or assigned, or intended so to be, or which the City may hereafter become bound to pledge or to assign, or as may be reasonable and required to carry out the purposes of this Ordinance and to comply with any instrument of the City amendatory thereof, or supplemental thereto and the Charter. The City, acting by and through the Council, or otherwise, shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Pledged Revenues and other funds and accounts pledged hereunder and all the rights of every Owner of any of the 2004 Bonds against all claims and demands of all Persons whomsoever.

Conditions Precedent. Upon the issuance of any of the 2004 Bonds, all conditions, acts and things required by the Constitution or laws of the United States, the Constitution or laws of the State, the Charter or this Ordinance, to exist, to have happened, and to have been performed precedent to or in the issuance of the 2004 Bonds shall exist, have happened and have been performed, and the 2004 Bonds, together with all other obligations of

the City, shall not contravene any debt or other limitation prescribed by the Constitution or laws of the United States, the Constitution or laws of the State, or the Charter of the City.

Maintenance of Records. So long as any of the 2004 Bonds remain Outstanding, proper books of record and account will be kept by the City, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Pledged Revenues and the accounts created by this Ordinance. Upon the issuance of any series of Additional Bonds, the City shall keep proper books of record and account showing complete and correct entries of all transactions relating to the Pledged Sales and Use Tax Revenues and accounts created or continued pursuant to the ordinance authorizing the issuance of such series of Additional Bonds.

Audits Required. The City further agrees that it will, within 210 days following the close of each Fiscal Year, cause an audit of such books and accounts to be made by a certified public accountant, who is not an employee of the City, showing the Pledged Revenues. The City agrees to allow the Owner of any of the 2004 Bonds to review and copy such audits and reports, at the City's offices, at his request. Copies of such audits and reports will be furnished to the Purchasers and the Bond Insurer.

Performing Duties. The City will faithfully and punctually perform all duties with respect to the Pledged Revenues required by the Charter and the Constitution and laws of the State and the ordinances and resolutions of the City, including but not limited to the proper collection and enforcement of the Sales and Use Taxes and the segregation of the Pledged Revenues and their application to the respective accounts herein designated.

Other Liens. As of the date of issuance of the 2004 Bonds, there are no liens or encumbrances of any nature whatsoever on or against any of the Pledged Revenues on a parity with or superior to the lien thereon of the 2004 Bonds.

Tax Covenant. The City covenants for the benefit of the Registered Owners of the 2004 Bonds that it will not take any action or omit to take any action with respect to the 2004 Bonds, the proceeds thereof, any other funds of the City or any facilities financed with the proceeds of the 2004 Bonds if such action or omission (i) would cause the interest on the 2004 Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Tax Code, (ii) would cause interest on the 2004 Bonds to lose its exclusion from

alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code except to the extent such interest is required to be included in adjusted current earnings adjustment applicable to corporations under Section 56 of the Tax Code in calculating corporate alternative minimum taxable income, or (iii) would cause interest on the 2004 Bonds to lose its exclusion from Colorado taxable income or Colorado alternative minimum taxable income under present Colorado law. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the 2004 Bonds until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code and Colorado law have been met.

Corporate Existence. The City will maintain its corporate identity and existence so long as any of the 2004 Bonds remain Outstanding, unless another political subdivision by operation of law succeeds to the duties, privileges, powers, liabilities, disabilities, immunities and rights of the City and is obligated by law to receive and distribute the Pledged Revenues in place of the City, without materially adversely affecting the privileges and rights of any Owner of any Outstanding 2004 Bonds.

Performance of Duties. The City will faithfully and punctually perform or cause to be performed all duties with respect to the Pledged Revenues required by the laws of the State and the resolutions of the City, including without limitation the proper segregation of the Pledged Revenues as set forth in Section 19 hereof and their application to the respective accounts as herein provided.

Prompt Collections. The City will cause the Pledged Revenues to be collected promptly and accounted for in the accounts as herein provided.

Prejudicial Contracts and Action Prohibited. No contract will be entered into, nor will any action be taken, by the City by which the rights and privileges of any Owner are impaired or diminished.

Continuing Disclosure. The City further covenants for the benefit of the Owners of the Bonds to comply with the Continuing Disclosure Certificate.

Insurer Access. The City will permit the Bond Insurer to discuss the affairs, finances and accounts of the City or any information the Bond Insurer may reasonably request regarding the security for the 2004 Bonds with appropriate officers of the City. The City will

permit the Bond Insurer to have access to and make copies of all books and records relating to the 2004 Bonds at any reasonable time.

Defeasance. When the 2004 Bonds have been fully paid both as to principal and interest have been paid, all obligations hereunder shall be discharged and the 2004 Bonds shall no longer be deemed to be Outstanding for any purpose of this Ordinance, except as set forth in Section 24.K. hereof. Payment of any 2004 Bond shall be deemed made when the City has placed in escrow with a Trust Bank an amount sufficient (including the known minimum yield from Governmental Obligations) to meet all requirements of principal, interest, and any prior redemption premiums on such 2004 Bond as the same become due to maturity or a designated prior redemption date; and, if any 2004 Bond is to be redeemed prior to maturity pursuant to Section 8.A. hereof, when the City has given to the Registrar irrevocable written instructions to give notice of prior redemption in accordance with Section 8.D. hereof. The Governmental Obligations shall become due at or prior to the respective times on which the proceeds thereof shall be needed, in accordance with a schedule agreed upon between the City and such Trust Bank at the time of creation of the escrow and shall not be callable prior to their scheduled maturities by the issuer thereof.

Notwithstanding anything herein to the contrary, in the event that the principal of and/or interest due on the 2004 Bonds shall be paid by the Bond Insurer pursuant to the Policy, the 2004 Bonds shall remain Outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the City, and the assignment and pledge of the Pledged Revenues and all covenants, agreements and other obligations of the City to the Owners shall continue to exist and shall run to the benefit of the Bond Insurer, and the Bond Insurer shall be subrogated to the rights of such Owners.

In the event that there is a defeasance of only part of the 2004 Bonds of any maturity, the Registrar shall, if requested by the City, institute a system to preserve the identity of the individual 2004 Bonds or portions thereof so defeased, regardless of changes in bond numbers attributable to transfers and exchanges of 2004 Bonds; and the Registrar shall be entitled to reasonable compensation and reimbursement of expenses from the City in connection with such system.

Delegated Powers. The officers of the City shall be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The form, terms and provisions of the Registrar Agreement, the Letter of Representations, the Continuing Disclosure Certificate, and the Purchase Agreement hereby are approved, and the City shall enter into and perform its obligations under the Registrar Agreement, the Letter of Representations, the Continuing Disclosure Certificate, and the Purchase Agreement in the forms of each of such documents previously filed with only such changes therein as are not inconsistent herewith or, with respect to the Purchase Agreement, with such changes as may be approved by the City Manager or Finance Director subject to the parameters and restrictions contained in this Ordinance; and the President of the Council is hereby authorized and directed to execute the Registrar Agreement, the Letter of Representations, the Continuing Disclosure Certificate, and the Purchase Agreement. The City Manager or Finance Director is hereby authorized and directed to execute and deliver the Sale Certificate and to determine and approve the final determinations contained therein for the 2004 Bonds. The City Clerk is hereby authorized to execute and to affix the seal of the City to the Registrar Agreement, and the Purchase Agreement, and the City Manager and Finance Director and the City Clerk are further authorized to execute and authenticate such other documents, instruments or certificates as are deemed necessary or desirable by bond counsel in order to issue and secure the 2004 Bonds. Such documents are to be executed in substantially the forms hereinabove approved, provided that such documents may be completed, corrected or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Ordinance. Copies of all of the documents shall be delivered, filed and recorded as provided therein.

The approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by bond counsel prior to the execution of the documents. The execution of any instrument by the appropriate officers of the City herein authorized shall be conclusive evidence of the approval by the City of such instrument in accordance with the terms hereof.

The proper officers of the City are hereby authorized and directed to prepare and furnish to bond counsel certified copies of all proceedings and records of the City relating to the

2004 Bonds and such other affidavits and certificates as may be required to show the facts relating to the authorization and issuance thereof as such facts appear from the books and records in such officers' custody and control or as otherwise known to them.

Events of Default. Each of the following events is hereby declared an "event of default:"

Nonpayment of Principal. If payment of the principal of any of the 2004 Bonds in connection therewith, shall not be made when the same shall become due and payable at maturity or by proceedings for prior redemption; or

Nonpayment of Interest. If payment of any installment of interest on the 2004 Bonds shall not be made when the same becomes due and payable; or

Incapable to Perform. If the City shall for any reason be rendered incapable of fulfilling its obligations hereunder; or

Default of any Provision. If the City shall default in the due and punctual performance of its covenants or conditions, agreements and provisions contained in the 2004 Bonds or in this Ordinance on its part to be performed, other than those delineated in Paragraphs A and B of this Section and Section 24.P. hereof, and if such default shall continue for 60 days after written notice specifying such default and requiring the same to be remedied shall have been given to the City by the Owners of not less than 25% in aggregate principal amount of the 2004 Bonds then Outstanding.

Remedies. Upon the happening and continuance of any event of default as provided in Section 27 hereof, the Owner or Owners of not less than 25% in principal amount of the Outstanding 2004 Bonds, or a trustee therefor, may protect and enforce their rights hereunder by proper legal or equitable remedy deemed most effectual including mandamus, specific performance of any covenants, the appointment of a receiver (the consent of such appointment being hereby granted), injunctive relief, or requiring the Council to act as if it were the trustee of an express trust, or any combination of such remedies. All proceedings shall be maintained for the equal benefit of all Owners. The failure of any Owner to proceed does not relieve the City or any Person of any liability for failure to perform any duty hereunder. The foregoing rights are in addition to any other right available to the Owners of Bonds and the exercise of any right by any Owner shall not be deemed a waiver of any other right.

Duties Upon Default. Upon the happening of any of the events of default as provided in Section 27 of this Ordinance, the City, in addition, will do and perform all proper acts on behalf of and for the Owners of the 2004 Bonds to protect and preserve the security created for the payment of the 2004 Bonds and to insure the payment of the principal of, prior redemption premium, if any, and interest on said 2004 Bonds promptly as the same become due. Proceeds derived from the Pledged Revenues, so long as any of the 2004 Bonds herein authorized, either as to principal or interest, are Outstanding and unpaid, shall be paid into the Bond Account pursuant to the terms hereof and to the extent provided herein, and used for the purposes herein provided. In the event the City fails or refuses to proceed as in this section provided, the Owner or Owners of not less than 25% in aggregate principal amount of the 2004 Bonds then Outstanding, after demand in writing, may proceed to protect and enforce the rights of such Owners as hereinabove provided.

Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the City shall reasonably determine that said Registrar or Paying Agent has become incapable of performing its duties hereunder, the City may, upon notice mailed to the Bond Insurer and each Owner of any 2004 Bond at his address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or removal of the Registrar or Paying Agent may take effect until a successor is appointed. Every such successor Registrar or Paying Agent shall be the City or a Commercial Bank or Trust Bank. The Bond Insurer shall be given written notice of any resignation or removal and the appointment of a successor thereto. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

Severability. If any one or more sections, sentences, clauses or parts of this Ordinance shall for any reason be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Ordinance so held unconstitutional or invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Ordinance in any other instances.

Repealer. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Amendment. After any of the 2004 Bonds have been issued, this Ordinance shall constitute a contract between the City and the holders of the Bonds and shall be and remain irrevocable until the Bonds and the interest thereon have been fully paid, satisfied and discharged except as otherwise provided in this Section.

The City may, without the consent of, or notice to the Owners of the 2004 Bonds, adopt such ordinances supplemental hereto (which supplemental amendments shall thereafter form a part hereof) for any one or more or all of the following purposes:

to cure any ambiguity, or to cure, correct or supplement any defect or omission or inconsistent provision contained in this Ordinance, or to make any provisions with respect to matters arising under this Ordinance or for any other purpose if such provisions are necessary or desirable and do not adversely affect the interests of the Owners of the 2004 Bonds;

to subject to the lien of this Ordinance additional revenues, properties or collateral;

to grant or confer upon the Registrar for the benefit of the Registered Owners of the Bonds any additional rights, remedies, powers, or authority that may lawfully be granted to or conferred upon the Registered Owners of the Bonds; or

to qualify this Ordinance under the Trust Indenture Act of 1939.

Exclusive of the amendatory ordinances permitted by Paragraph A of this Section, this Ordinance may be amended or supplemented by ordinance adopted by the Council in accordance with the law, without receipt by the City of any additional consideration but with the written consent of the Owners of 66% in aggregate principal amount of the 2004 Bonds Outstanding at the time of the adoption of such amendatory or supplemental ordinance; provided, however, that, without the written consent of the Owners of all of the 2004 Bonds adversely affected thereby, no such Ordinance shall have the effect of permitting:

An extension of the maturity of any 2004 Bond authorized by this Ordinance; or

A reduction in the principal amount of any 2004 Bond or the rate of interest thereon, or the prior redemption premium thereon; or

The creation of a lien upon or pledge of Pledged Revenues ranking prior to the lien or pledge created by this Ordinance; or

A reduction of the principal amount of 2004 Bonds required for consent to such amendatory or supplemental ordinance; or

The establishment of priorities as between 2004 Bonds issued and Outstanding under the provisions of this Ordinance; or

The modification of or otherwise affecting the rights of the Owners of less than all of the 2004 Bonds then Outstanding.

Approval of Official Statement. The preparation, distribution and use of Preliminary Official Statement relating to the 2004 Bonds is hereby authorized. The President of the Council or Finance Director is authorized and directed to approve, on behalf of the City, a final Official Statement for use in connection with the offering and sale of the 2004 Bonds. The execution of a final Official Statement by the President of the Council or Finance Director shall be conclusively deemed to evidence the approval of the form and contents thereof by the City.

Additional Provisions Concerning Bond Insurer.

Notwithstanding any other provision of this Ordinance, the Bond Insurer shall be deemed to be the sole Owner of all 2004 Bonds insured by the Bond Insurer: (i) at all times for the purpose of the execution and delivery of any supplemental ordinance or any amendment, supplement or change to or modification of the Ordinance, removal of the Paying Agent and selection and appointment of a successor paying agent or the initiation or approval by the Owners of the 2004 Bonds of any action which under this Ordinance requires the approval or consent of or can be initiated by the Owners of any stated proportion or percentage in aggregate principal amount of the 2004 Bonds at the time Outstanding; and (ii) following an event of default hereunder, for all other purposes.

Any provisions of this Ordinance expressly recognizing or granting rights in or to the Bond Insurer may not be amended in any manner which affects the rights of the Bond Insurer

hereunder without the prior written consent of the Bond Insurer. The Bond Insurer reserves the right to charge the City a fee for any consent or amendment to the Ordinance while the Policy is outstanding.

To the extent permitted by law, any reorganization or liquidation plan with respect to the City must be acceptable to the Bond Insurer. In the event of any reorganization or liquidation of the City, the Bond Insurer shall have the right to vote on behalf of all Owners of 2004 Bonds absent a default by the Bond Insurer under the Policy.

Anything in this Ordinance to the contrary notwithstanding, absent a default by the Bond Insurer under the Policy, upon the occurrence and continuance of an event of default hereunder, the Bond Insurer shall be entitled to control and direct the enforcement of all rights and remedies granted to the Owners of 2004 Bonds or the Paying Agent for the benefit of the Owners of 2004 Bonds under this Ordinance.

The Bond Insurer shall have the right to direct an accounting at the City's expense, and the City's failure to comply with such direction within thirty (30) days after receipt of the written notice of the direction from the Bond Insurer shall be deemed a default hereunder; provided, however, that if compliance cannot occur within such period, then such period will be extended so long as compliance is begun within such period and diligently pursued, but only if such extension would not materially adversely affect the interests of any Owner of the 2004 Bonds.

Rights of the Bond Insurer Terminate Upon Default Under Policy.

Notwithstanding any other provision hereof, any rights granted to or conferred upon the Bond Insurer hereunder shall be in effect only so long as the Bond Insurer is not in default in its payment obligation under the Policy, and upon any such default by the Bond Insurer, its rights hereunder shall terminate (except to the extent of subrogation for any payments under the Policy theretofore made by the Bond Insurer); provided, however, that such rights shall be reinstated when the Bond Insurer has cured such default under the Policy.

Notices and Reports to be Given to the Bond Insurer. The Paying Agent shall give the Bond Insurer (Attn: Surveillance Department) copies of any notice to be given by it to the Owners of 2004 Bonds, including, without limitation, notice of any redemption of or defeasance of 2004 Bonds. The City shall give to the Bond Insurer (Attn: Surveillance

Department) any certificate delivered by the City pursuant to this Ordinance relating to the security for the 2004 Bonds. Notwithstanding any other provision of this Ordinance, the Paying Agent shall promptly notify the Bond Insurer (Attn: General Counsel Office) if at any time there are insufficient moneys to make any payments of principal and/or interest as required hereunder and promptly upon the occurrence of any other event of default hereunder. The Paying Agent shall also notify the Bond Insurer (Attn: General Counsel Office) of the City's failure to provide the Paying Agent with any notice, certificate or other item required to be given to the Paying Agent hereunder.

Payment Procedure Pursuant to the Policy.

As long as the Policy shall be in full force and effect, the City and the Paying Agent agree to comply with the following provisions:

At least one (1) day prior to all interest payment dates, the Paying Agent will determine whether there will be sufficient funds in the Bond Account to pay the principal of or interest on the 2004 Bonds on such interest payment date. If the Paying Agent determines that there will be insufficient funds in such account, the Paying Agent shall so notify the Bond Insurer. Such notice shall specify the amount of the anticipated deficiency, the 2004 Bonds to which such deficiency is applicable, and whether such 2004 Bonds will be deficient as to principal or interest, or both. If the Paying Agent has not so notified the Bond Insurer at least one (1) day prior to an interest payment date, the Bond Insurer will make payments of principal or interest due on the 2004 Bonds on or before the first (1st) day next following the date on which the Bond Insurer shall have received notice of nonpayment from the Paying Agent.

The Paying Agent shall, after giving notice to the Bond Insurer as provided in (a) above, make available to the Bond Insurer and, at the Bond Insurer's direction, to The Bank of New York, in New York, New York, as insurance trustee for the Bond Insurer or any successor insurance trustee (the "Insurance Trustee"), the registration books of the City maintained by the Registrar and all records relating to the accounts maintained under this Ordinance.

The Paying Agent shall provide the Bond Insurer and the Insurance Trustee with a list of Owners of 2004 Bonds entitled to receive principal or interest payments from the Bond Insurer under the terms of the Policy, and shall make arrangements with the Insurance Trustee (i) to mail checks or drafts to the Owners of 2004 Bonds entitled to receive full or partial interest

payments from the Bond Insurer and (ii) to pay principal upon 2004 Bonds surrendered to the Insurance Trustee by the Owners of 2004 Bonds entitled to receive full or partial principal payments from the Bond Insurer.

The Paying Agent shall, at the time it provides notice to the Bond Insurer pursuant to (a) above, notify Owners of 2004 Bonds entitled to receive the payment of principal or interest thereon from the Bond Insurer (i) as to the fact of such entitlement, (ii) that the Bond Insurer will remit to them all or a part of the interest payments next coming due upon proof of Owner entitlement to interest payments and delivery to the Insurance Trustee, in form satisfactory to the Insurance Trustee, of an appropriate assignment of the Owner's right to payment, (iii) that should they be entitled to receive full payment of principal from the Bond Insurer, they must surrender their 2004 Bonds (along with an appropriate instrument of assignment in form satisfactory to the Insurance Trustee to permit ownership of such 2004 Bonds to be registered in the name of the Bond Insurer) for payment to the Insurance Trustee, and not the Paying Agent and (iv) that should they be entitled to receive partial payment of principal from the Bond Insurer, they must surrender their 2004 Bonds for payment thereon first to the Paying Agent who shall note on such 2004 Bonds the portion of the principal paid by the Paying Agent and then, along with an appropriate instrument of assignment in form satisfactory to the Insurance Trustee, to the Insurance Trustee, which will then pay the unpaid portion of principal.

In the event that the Paying Agent has notice that any payment of principal of or interest on a 2004 Bond which has become Due for Payment and which is made to an Owner by or on behalf of the City has been deemed a preferential transfer and theretofore recovered from such Owner pursuant to the United States Bankruptcy Code by a trustee in bankruptcy in accordance with the final, nonappealable order of a court having competent jurisdiction, the Paying Agent shall, at the time the Bond Insurer is notified pursuant to (a) above, notify all Owners that in the event that any Owner's payment is so recovered, such Owner will be entitled to payment from the Bond Insurer to the extent of such recovery if sufficient funds are not otherwise available, and the Paying Agent shall furnish to the Bond Insurer its records evidencing the payments of principal of and interest on the 2004 Bonds which have been made by the Paying Agent and subsequently recovered from Owners and the dates on which such payments were made.

In addition to those rights granted the Bond Insurer under this Ordinance, the Bond Insurer shall, to the extent it makes payment of principal of or interest on the 2004 Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Policy, and to evidence such subrogation (i) in the case of subrogation as to claims for past due interest, the Paying Agent shall note the Bond Insurer's rights as subrogee on the registration books of the City maintained by the Registrar upon receipt from the Bond Insurer of proof of the payment of interest thereon to the Owners of the 2004 Bonds, and (ii) in the case of subrogation as to claims for past due principal, the Paying Agent shall note the Bond Insurer's rights as subrogee on the registration books of the City maintained by the Registrar upon surrender of the 2004 Bonds by the Owners thereof together with proof of the payment of principal thereof.

Bond Insurer as Third Party Beneficiary To the extent that this Ordinance confers upon or gives or grants to the Bond Insurer any right, remedy or claim under or by reason of this Ordinance, the Bond Insurer is hereby explicitly recognized as being a third-party beneficiary hereunder and may enforce any such right, remedy or claim conferred, given or granted hereunder.

Disposition of Ordinance. This Ordinance, as adopted by the Council, shall be numbered and recorded by the City Clerk in the official records of the City. The adoption and publication shall be authenticated by the signatures of the President of the Council and City Clerk, and by the certificate of publication.

Effective Date. This Ordinance shall be in full force and effect 30 days after publication following final passage.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM January 7, 2004.

CITY OF GRAND JUNCTION, COLORADO

President of the Council

Attest:

City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM January 21, 2004.

CITY OF GRAND JUNCTION, COLORADO

President of the Council

Attest:

City Clerk

<u>Councilmember</u>	<u>Voting "Aye"</u>	<u>Voting "Nay"</u>	<u>Absent</u>	<u>Abstaining</u>
Cindy Enos-Martinez				
Bruce Hill				
Dennis Kirtland				
Jim Spehar				
Gregg Palmer				
William McCurry				
Harry Butler				

4. The members of the Council were present at such meetings and voted on the passage of such Ordinance as set forth above.

5. The Ordinance was approved and authenticated by the signature of the President of the Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

6. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Ordinance.

7. Notices of the meetings of January 7, 2004 and January 21, 2004 in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

8. The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on January __, 2004 and January __, 2004 as required by the City Charter. Notice of the hearing on the Ordinance was published on _____, 2004. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

WITNESS my hand and the seal of the City affixed this ____ day of January, 2004.

City Clerk and Clerk to the Council

(SEAL)

EXHIBIT A

(Attach Notices of Meetings of January 7, 2004 and January 21, 2004)

EXHIBIT B

(Attach Affidavits of Publication)

Attach 21
Public Hearing – CDBG Action Plan 2003 Amendment
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Amendment of Action Plan for 2003 Program Year Community Development Block Grant (CDBG) Program					
Meeting Date	January 21, 2004					
Date Prepared	January 14, 2004				Files: CDBG 2003-01	
Author	Dave Thornton Kristen Ashbeck		CDBG Program Manager Senior Planner			
Presenter Name	Dave Thornton Kristen Ashbeck		CDBG Program Manager Senior Planner			
Report Results Back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Amending the City’s 2003 Action Plan for the Community Development Block Grant (CDBG) Program Year 2003 to utilize a portion of the funds earmarked for neighborhood program administration for a Historic Structure Assessment of the Riverside School and roof repairs for the Riverside School.

Budget: The City will use \$4,000 2003 CDBG funds to match a \$10,000 grant from the Colorado Historical Society State Historical Fund for the Historic Structure Assessment of the Riverside School and \$15,000 2003 CDBG funds to match a \$27,350 grant from the Colorado Historical Society State Historical Fund for the roof repair project (to be announced January 20, 2004). The total of \$15,000 match funds will be from the City’s 2003 CDBG budget of \$83,400 for a neighborhood program.

Action Requested: Approve the amendments to the City’s CDBG Consolidated Plan 2003 Action Plan to reflect the revisions to a portion of the grant dollars earmarked for neighborhood program administration to be used to conduct a Historic Structure Assessment and construct roof repairs on the Riverside School.

Background Information: The City developed a Consolidated Plan and 2003 Action Plan as part of the requirements for use of CDBG funds under its status as an entitlement city. The Action Plan allocated funds for the 2003 Program Year to 8 specific projects. Project 2003-01 is earmarked for City of Grand Junction Neighborhood Program Administration dollars set at the 20% cap of \$83,400. As a part of its neighborhood programs initiative under the *Strategic Plan* the City and Riverside

neighborhood identified the rehabilitation of the Riverside School as a priority project towards improvement of the neighborhood. Working with the established Riverside Task Force, the City submitted two grant applications on behalf of the Task Force to the Colorado Historical Society for the October 1, 2003 grant round. CDBG dollars will be used as a local match for the State Historical Fund grants. The City received notice of award on the grant for the Historic Structure Assessment and notice of the roof grant is expected by January 20, 2004.

In order to utilize a portion of the administration dollars set aside for neighborhood programs for these two specific projects, the City must amend the 2003 Action Plan as it was submitted to HUD in August 2003. This action will formally approve the amendments so that they can be advertised for a 30-day public comment period and then proceed pending any comments.

The City has already advertised the Historic Structure Survey to solicit responses from qualified firms. Proposals were received January 7, 2004 and are under review by staff and the Riverside Task Force. It is expected that the project would commence by mid-February 2004 for completion by the end of the year. If the roof grant is awarded, a similar competitive bid process will be required, with construction to be commence and be completed in the Spring/Summer of 2004.

Attachments:

1. Amendments as to be Advertised for Public Comment
2. Riverside School Site Location Map

City of Grand Junction CDBG Entitlement Program
Substantial AMENDMENT TO THE ACTION PLAN
PROGRAM YEAR 2003

SECTION 91.220 : AMENDMENTS [91.105(a)(2)]

ACTIVITIES AFFECTED

The original 2003 Action Plan included a project that was to earmark \$83,400 to be used towards initial activities for a neighborhood-based CDBG program. Since then, the City has identified a project within the Riverside neighborhood for which it proposes to expend a portion of these CDBG funds. Together, the Historic Structure Assessment and the roof repair projects will expend a total of \$19,000, leaving a \$64,400 balance remaining in the neighborhood-based CDBG program funds for Program Year 2003.

THE CITY OF GRAND JUNCTION CITIZEN PARTICIPATION PLAN

The City followed its Citizens Participation Plan and advertised and held a public hearing. The public hearing to amend the City's CDBG Consolidated Plan and Action Plan for Program Year 2003 was conducted January 21, 2004. The City presented information regarding the change in use of funds for project 2003-01 to utilize a portion of the funds for a Historic Structure Assessment and initial roof renovation of the Riverside School. Subsequently, a summary was published and a 30-day public comment period was held.

NEW ACTIVITY APPROVED FOR FUNDING

The Grand Junction City Council approved of the amendment to project 2003-01 to utilize a portion of the administrative funds for a neighborhood-based CDBG program. The amendment includes expenditure of \$4,000 to be used towards a match of a \$10,000 grant from the Colorado Historical Society State Historical Fund to conduct a Historic Structure Assessment of the Riverside School located at 552 West Main Street. The study will present an evaluation of the structure relative to a proposed future use as a community center and define a strategy for its rehabilitation. A second project of this amendment is to expend \$15,000 CDBG funds to be used towards a match of a \$27,350 grant from the Colorado Historical Society State Historical Fund to complete the initial rehabilitation phase consisting of required roof repairs on the Riverside School.

USER PROJECT

ORIGINAL PROJECT 2003-01

Project Title

Administration of Neighborhood Based CDBG Program

Description

The City will set aside its 20% administration dollars from the CDBG 2003 Program Year to spend on a proposed neighborhood based CDBG program. City Council's Strategic Plan identifies "Vital Neighborhoods" as one of six Solutions with a specific objective of identifying potential funding sources, including CDBG funds for this. As specific projects arise from the neighborhood program, the City may need to amend the specific Action Plan to address expenditures on each project.

Project ID

--

Local ID

2003-01

Activity

Administration

Funding

Community Development (CDBG)	\$83,400
Homeless (ESG)	\$ 0
Housing (HOME)	\$ 0
HIV/AIDS (HOPWA)	\$ 0
Other Funding	\$ 0
TOTAL	\$83,400

Prior Funding

\$ 0

Eligibility

Type of Recipient

Local Government

Performance

Location Type

Address
Various

USER PROJECT

AMENDED PROJECT 2003-01(a)

Project Title

Historic Structure Assessment – Riverside School Building

Description

On behalf of the Riverside Task Force, the City will procure a historic architectural consultant to conduct a Historic Structure Assessment of the Riverside School. The study will present an evaluation of the structure relative to a proposed future use as a neighborhood community center and define a strategy for its rehabilitation.

Project ID

--

Local ID

2003-01(a)

Activity

Planning / Historic Structure Assessment

Funding

Community Development (CDBG)

\$ 4,000

Homeless (ESG)

\$ 0

Housing (HOME)

\$ 0

HIV/AIDS (HOPWA)

\$ 0

Other Funding

\$10,000

TOTAL

\$14,000

Prior Funding

\$ 0

Eligibility

Type of Recipient

Local Government

Performance

Completion and acceptance of study by Colorado Historical Society

Location Type

Address

552 West Main Street

USER PROJECT

AMENDED PROJECT 2003-01(b)

Project Title

Roof Repair – Riverside School Building

Description

On behalf of the Riverside Task Force, the City will solicit construction services to complete initial rehabilitation/repairs to the roof of the Riverside School in order to stabilize the structure until further interior and exterior rehabilitation can be accomplished.

Project ID

--

Local ID

2003-01(b)

Activity

Rehabilitation/Capital
Construction/Improvement Project for a
Neighborhood Community Facility

Funding

Community Development (CDBG)	\$15,000
Homeless (ESG)	\$ 0
Housing (HOME)	\$ 0
HIV/AIDS (HOPWA)	\$ 0
Other Funding	\$27,350
TOTAL	\$42,350

Prior Funding

\$ 0

Eligibility

Type of Recipient

Local Government

Performance

Completion of roof repairs as the initial step of the rehabilitation of the Riverside School building for ultimate use as a neighborhood community center for the Riverside Neighborhood

Location Type

Address
552 West Main Street



Riverside School Site Location Map
552 West Main Street

Attach 22

**Public Hearing – Amending Ordinance No. 3582 Gowhari Annexation
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
Subject	A hearing to amend the Ordinance concerning Gowhari Annexation located at 563 20 ½ Rd					
Meeting Date	January 21, 2004					
Date Prepared	January 12, 2004				File #GPA-2003-183	
Author	Senta Costello		Associate Planner			
Presenter Name	Senta Costello		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Amending Ordinance No. 3582 for the Gowhari Annexation. The legal description in Ordinance No. 3582 is incorrect; the annexation should have been a serial annexation. When amended the annexation will be known as the Gowhari Annexations No. 1 & No. 2. The 24.473 acre Gowhari annexation consists of 3 parcel(s) of land and 0.63 acres of 20 ½ Road right-of-way.

Budget: N/A

Action Requested/Recommendation: Public Hearing to amend the Gowhari Annexation Ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

- 22. Staff report/Background information
- 23. General Location Map
- 24. Aerial Photo
- 25. Growth Plan Map
- 26. Zoning Map
- 27. Amended Annexation map
- 28. Amended Annexation Ordinance

STAFF REPORT/BACKGROUND INFORMATION				
Location:		563 20 ½ Rd; 573 20 ½ Rd; 2026 S. Broadway		
Applicants:		Owner: Elizabeth Gowhari; Representative: Thompson-Langford – Doug Thies		
Existing Land Use:		Irrigated pasture and Single Family Homes		
Proposed Land Use:		Future residential uses		
Surrounding Land Use:	North	Single Family Residential average 5 acre lots		
	South	Single Family Residential .25 to 1 acre lots		
	East	Single Family Residential .25 to 1+ acre lots		
	West	New church site and residential		
Existing Zoning:		RSF-2: 2 du/ac		
Proposed Zoning:		Applicant request is for RSF-2; Final zoning to be determined after GPA is reviewed.		
Surrounding Zoning:	North	RSF-2		
	South	PD/RSF-4		
	East	RSF-2 (Mesa County)		
	West	RSF-R (City) & RSF-2 (Mesa County)		
Growth Plan Designation:		Rural		
Zoning within density range?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff Analysis:

ANNEXATION:

This annexation area consists of 25.103 acres of land and is comprised of 3 parcel(s). The property owners have requested annexation into the City. A Growth Plan Amendment to change 24.503 acres of the property from Rural 5 - 35 ac/du to Residential Low ½ -2 ac/du has also been submitted and approved. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

The Gowhari Annexation under the Municipal Annexation Act C.R.S. 31-12-104, is eligible to be annexed.

The following annexation and zoning schedule is being proposed.

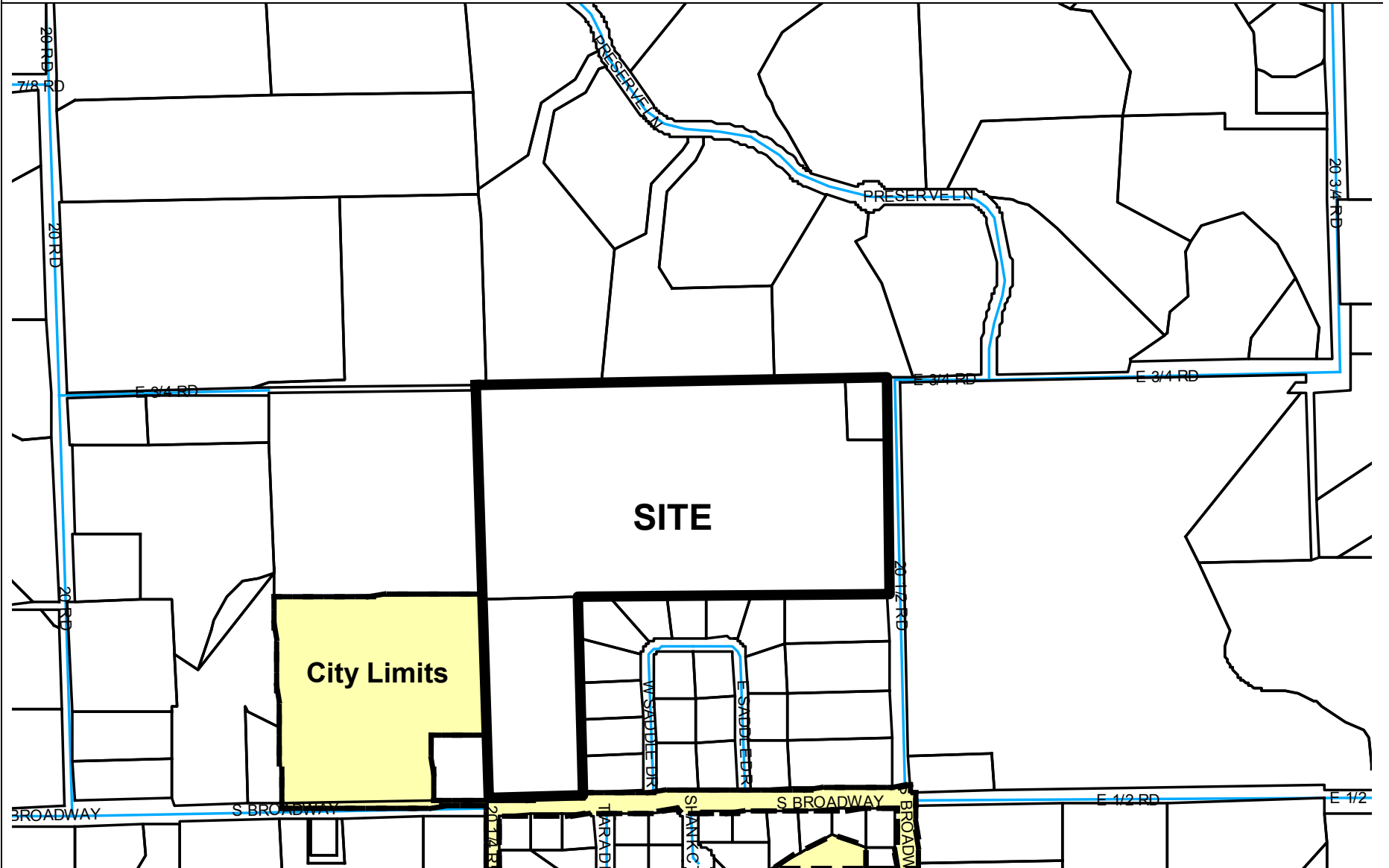
ANNEXATION SCHEDULE	
January 7, 2004	Introduction of a Proposed Ordinance Amending the Legal Description
January 21, 2004	Public Hearing on the Ordinance amending the legal description by City Council
February 18, 2004	Effective date of Annexation

GOWHARI ANNEXATION SUMMARY

File Number:	GPA-2003-183	
Location:	563 20 ½ Rd; 573 20 ½ Rd; 2026 S. Broadway	
Tax ID Number:	2947-222-00-184; 2947-222-40-001; 2947-222-40-002	
Parcels:	3	
Estimated Population:	7	
# of Parcels (owner occupied):	1	
# of Dwelling Units:	3	
Acres land annexed:	25.103 acres	
Developable Acres Remaining:	24.473 acres	
Right-of-way in Annexation:	0.630 acres – 687’ of 20 ½ Rd (full width of ROW)	
Previous County Zoning:	RSF-2	
Proposed City Zoning:	Applicant request is for RSF-2; Final zoning to be determined after GPA is reviewed.	
Current Land Use:	Irrigated pasture and Single Family Homes	
Future Land Use:	Future residential uses	
Values:	Assessed:	\$17,960
	Actual:	\$225,640
	Assessed:	\$28,020
	Actual:	\$301,490
	Assessed:	\$13,560
	Actual:	\$170,280
Address Ranges:	563 – 573 20 ½ Rd (odd only); 2026 S. Broadway	
Special Districts:	Water:	Ute Water
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Redlands Water & Power
	School:	Mesa County School District #51

Site Location Map

Figure 1



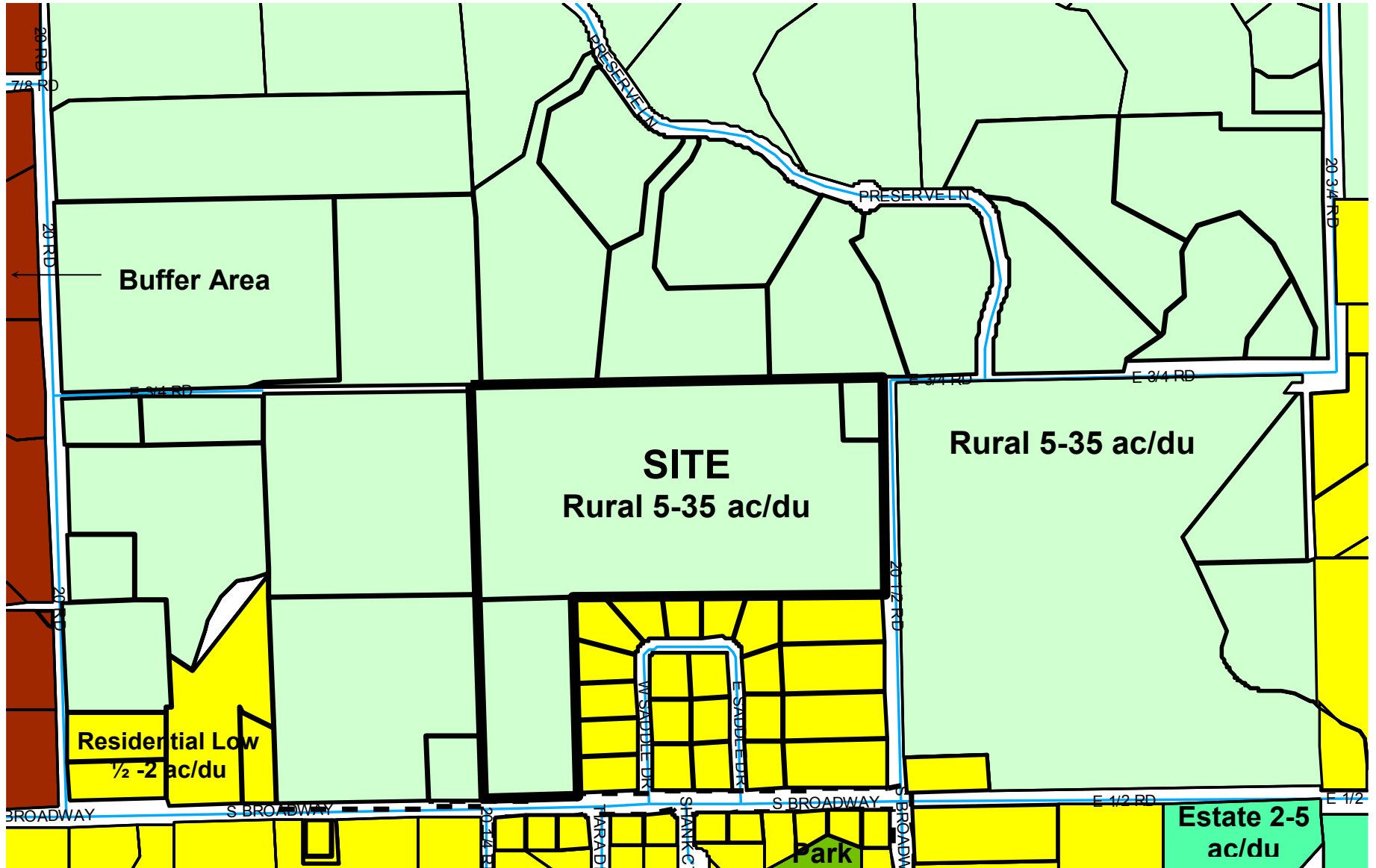
Aerial Photo Map

Figure 2



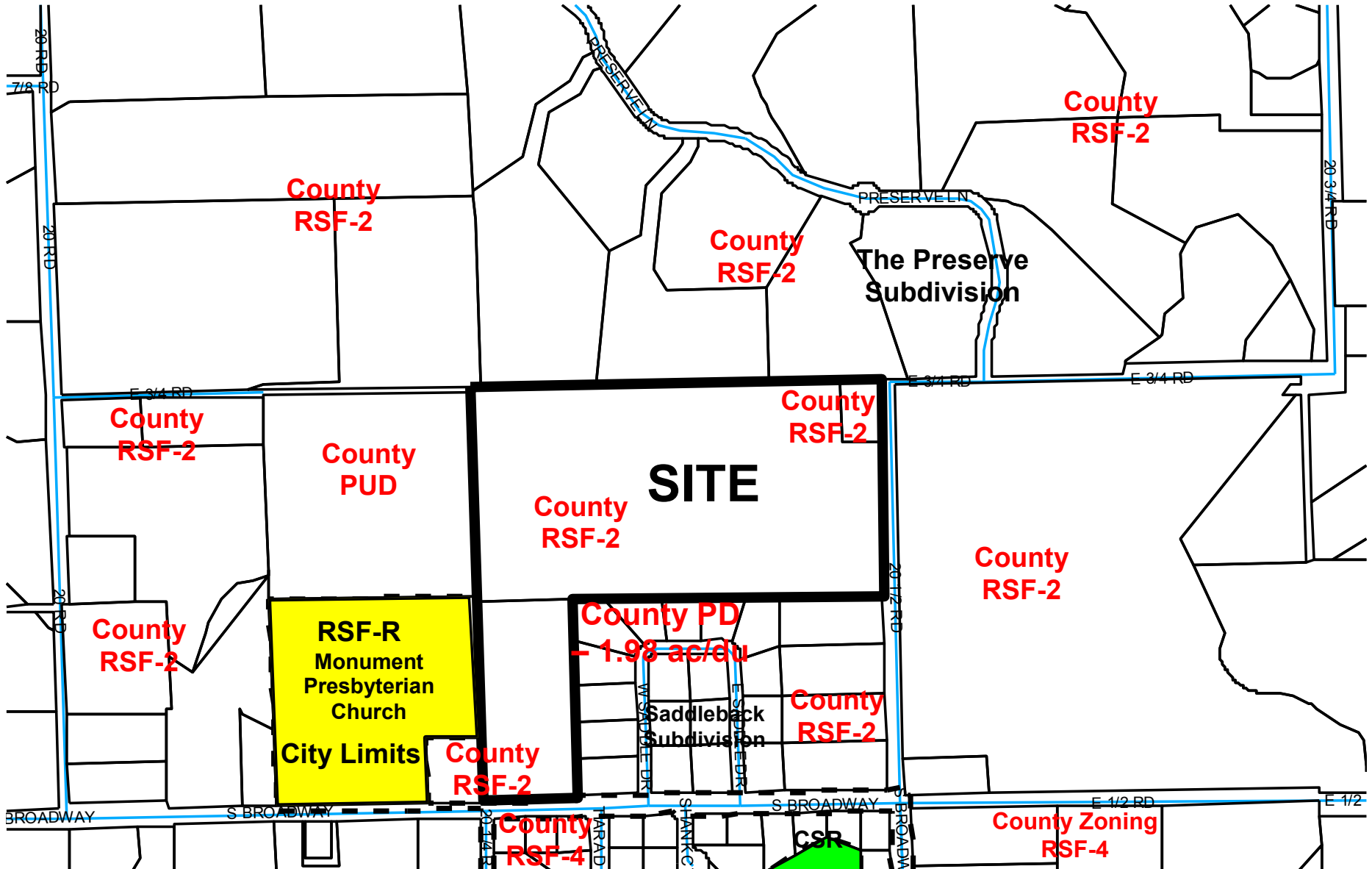
Future Land Use Map

Figure 3



Existing City and County Zoning

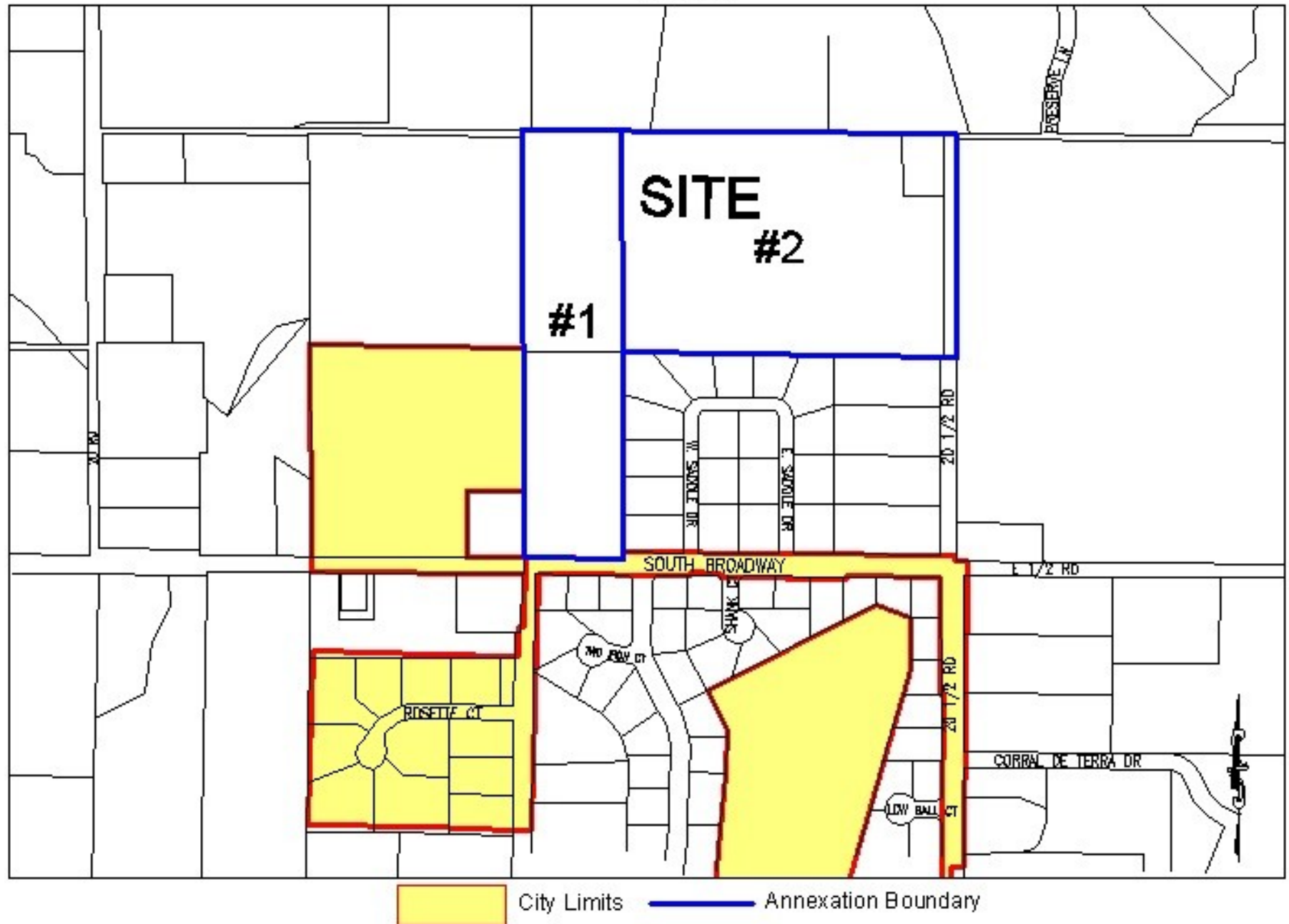
Figure 4



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."

Gowhari Annexation #1 and #2 (as amended)

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

GOWHARI ANNEXATIONS NO. 1 & NO. 2

APPROXIMATELY 25.103 ACRES

**LOCATED AT 563 20 ½ Rd, 573 20 ½ Rd, 2026 S. Broadway and including a
portion of the 20 ½ Road right-of-way**

WHEREAS, on the 1st day of October, 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 5th day of November, 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;

WHEREAS, the annexation was adopted with Ordinance #3582.

WHEREAS, the legal description in Ordinance #3582 is incorrect; the annexation should have been a serial annexation. When amended the annexation will be known as the Gowhari Annexations # 1 & #2.

**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:

GOWHARI ANNEXATION #1

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 22, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 22, and assuming the South line of the SE 1/4 NW 1/4 of said Section 22 bears N 89°40'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°56'27" W along the West line of the SE 1/4 NW 1/4 of said Section 22 a distance of 20.00 feet to a point on the North right of way for South Broadway and the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°56'27" W along the West line of the SE 1/4 NW 1/4 of said Section 22, a distance of 1310.96 feet, more or less, to a point being the Northwest corner of the SE 1/4 NW 1/4 of said Section 22 and being the Northwest corner of Gowhari Minor Subdivision, as same is recorded in Plat Book 18, Page 129 of the Public Records of Mesa County, Colorado; thence N 89°35'06" E along the North line of the SE 1/4 NW 1/4 of said Section 22, and the North line of said Gowhari Minor Subdivision, a distance of 299.88 feet; thence S 00°53'16" E along the Northerly extension of the West line of Saddleback Subdivision, as same is recorded in Plat Book 14, Page 140, Public Records of Mesa County, Colorado, a distance of 1311.45 feet to a point on the North right of way for South Broadway; thence S 89°40'40" W along the said North right of way, being a line 20.00 feet North of and parallel to, the South line of the SE 1/4 NW 1/4 of said Section 22, a distance of 298.67 feet, more or less, to the Point of Beginning.

CONTAINS 9.008 Acres (392,394 Sq. Ft.) more or less, as described.

AND

GOWHARI ANNEXATION #2

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) and the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 22, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 22, and assuming the South line of the SE 1/4 NW 1/4 of said Section 22 bears N 89°40'40" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°56'27" W along the West line of the SE 1/4 NW 1/4 of said Section 22 a distance of 1330.96 feet to a point being the Northwest corner of the SE 1/4 NW 1/4 of said Section 22 and being the Northwest corner of Gowhari Minor Subdivision, as same is recorded in Plat Book 18, Page 129 of the Public Records of Mesa County, Colorado; thence N 89°35'06" E along the North line of the SE 1/4 NW 1/4 of said Section 22, and the North line of said Gowhari Minor Subdivision, a distance of 299.88 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 89°35'06" E along the North line of the SE 1/4 NW 1/4 of said Section 22 a distance of 1006.49 feet, to a point being the Northeast corner of the SE 1/4 NW 1/4 of

said Section 22; thence N 89°35'28" E along the North line of the SW 1/4 NE 1/4 of said Section 22, a distance of 20.00 feet; thence S 00°53'16" E along a line 20.00 feet East of and parallel to the West line of the SW 1/4 NE 1/4 of said Section 22, being the East right of way for 20-1/2 Road, a distance of 686.71 feet, more or less, to a point on the Easterly extension of the North line of Saddleback Subdivision, as same is recorded in Plat Book 14, Page 140, Public Records of Mesa County, Colorado; thence S 89°59'40" W along the North line of said Saddleback Subdivision, a distance of 1026.57 feet, more or less, to a point being the Northwest corner of said Saddleback Subdivision; thence N 00°53'16"W, a distance of 679.37 feet, more or less, to the Point of Beginning.

CONTAINS 16.095 Acres (701,111 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 7th day of January, 2004 and ordered published.

ADOPTED on second reading this _____ day of _____, 2004.

Attest:

President of the Council

City Clerk

Attach 23
Public Hearing – Zoning the Gowhari Annexation
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Zoning the Gowhari Annexation, located at 563 20 ½ Rd, 573 20 ½ Rd; 2026 S. Broadway.					
Meeting Date	January 21, 2004					
Date Prepared	January 15, 2004				File #GPA-2003-183	
Author	Senta Costello		Associate Planner			
Presenter Name	Senta Costello		Associate Planner			
Report results back to Council		No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: Hold a public hearing and consider final passage of an ordinance zoning the Gowhari Annexation consisting of 25.103 acres and 3 parcels, located at 563 20 ½ Rd., 573 20 ½ Rd. and 2026 S. Broadway.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider final passage of the ordinance.

Background Information: See attached Staff Report/Background Information

Attachments:

- 29. Staff report/Background information
- 30. General Location Map
- 31. Aerial Photo
- 32. Growth Plan Map
- 33. Zoning Map
- 34. Annexation map
- 35. Zoning Ordinance

STAFF REPORT/BACKGROUND INFORMATION				
Location:		563 20 ½ Rd; 573 20 ½ Rd; 2026 S. Broadway		
Applicants:		Owner: Elizabeth Gowhari; Representative: Thompson-Langford – Doug Thies		
Existing Land Use:		Irrigated pasture and Single Family Homes		
Proposed Land Use:		Future residential uses		
Surrounding Land Use:	North	Single Family Residential average 5 acre lots		
	South	Single Family Residential .25 to 1 acre lots		
	East	Single Family Residential .25 to 1+ acre lots		
	West	New church site and residential		
Existing Zoning:		RSF-2: 2 du/ac (Mesa County)		
Proposed Zoning:		RSF-2		
Surrounding Zoning:	North	RSF-2 (Mesa County)		
	South	PD/RSF-4 (Mesa County)		
	East	RSF-2 (Mesa County)		
	West	RSF-R (City) & RSF-2 (Mesa County)		
Growth Plan Designation:		Residential Low ½ -2 ac/du		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the RSF-2 district is consistent with the Growth Plan density of Residential Low ½ -2 ac/du. The existing County zoning is RSF-2. 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.

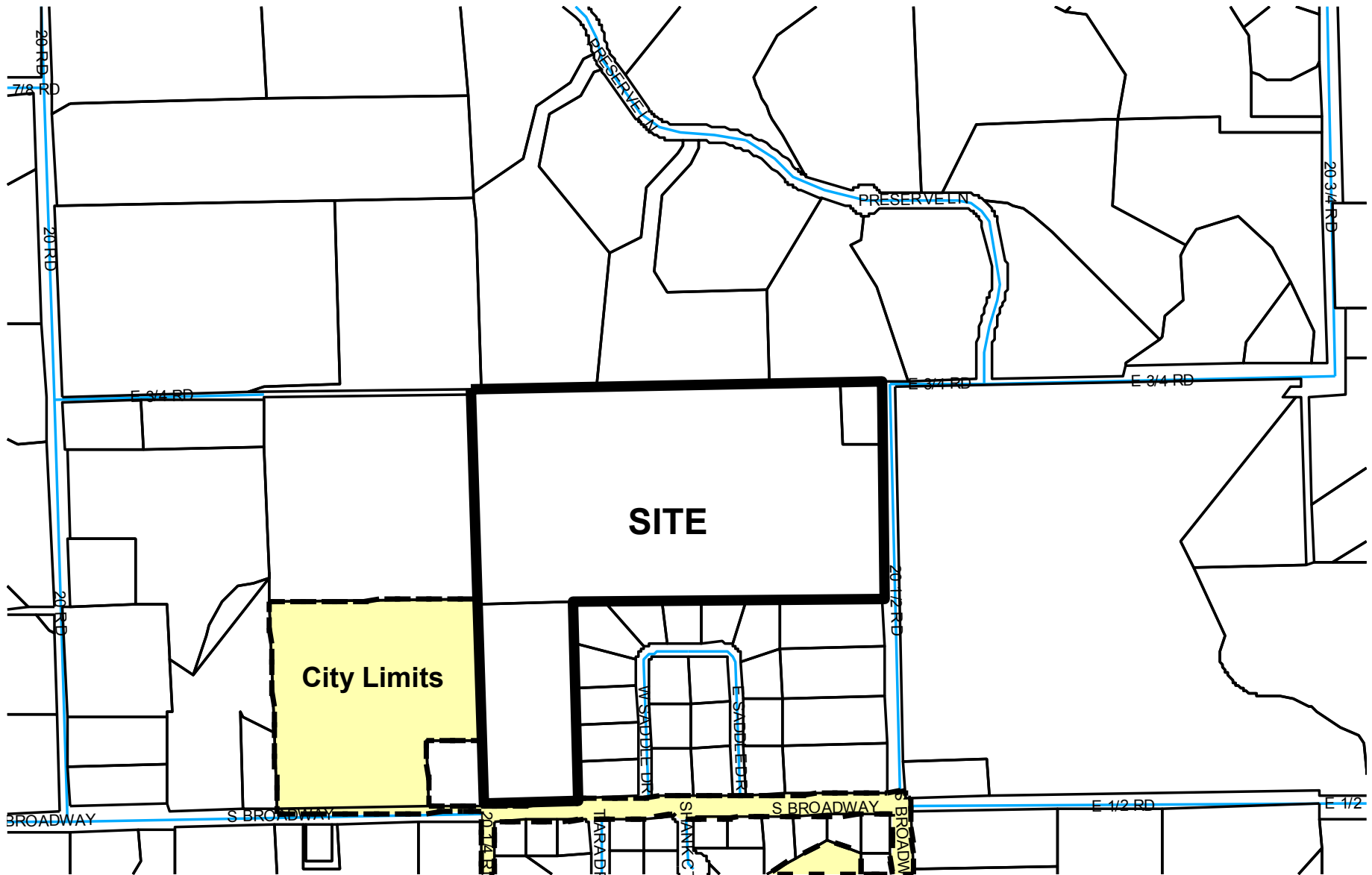
Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RSF-2 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



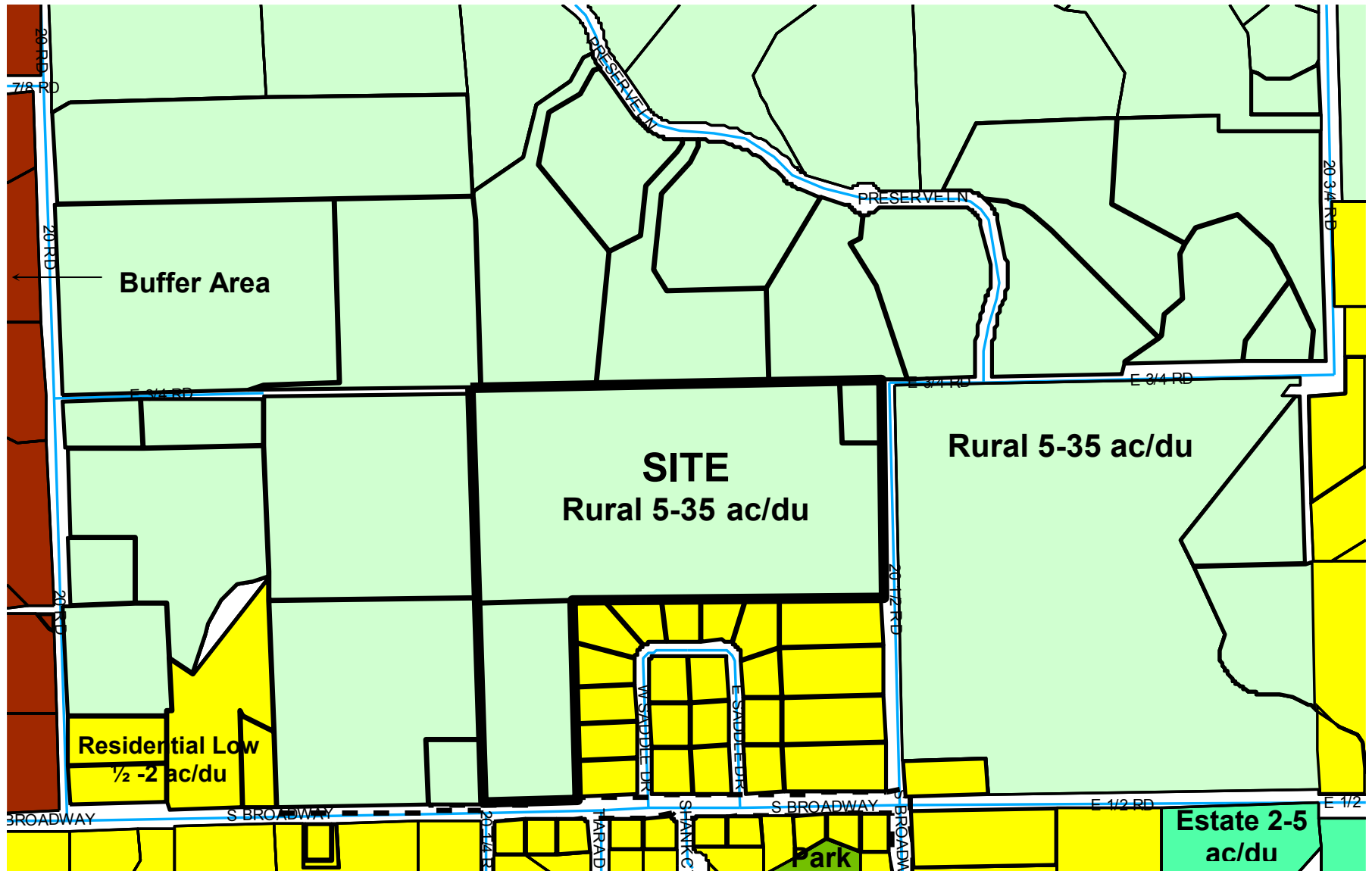
Aerial Photo Map

Figure 2



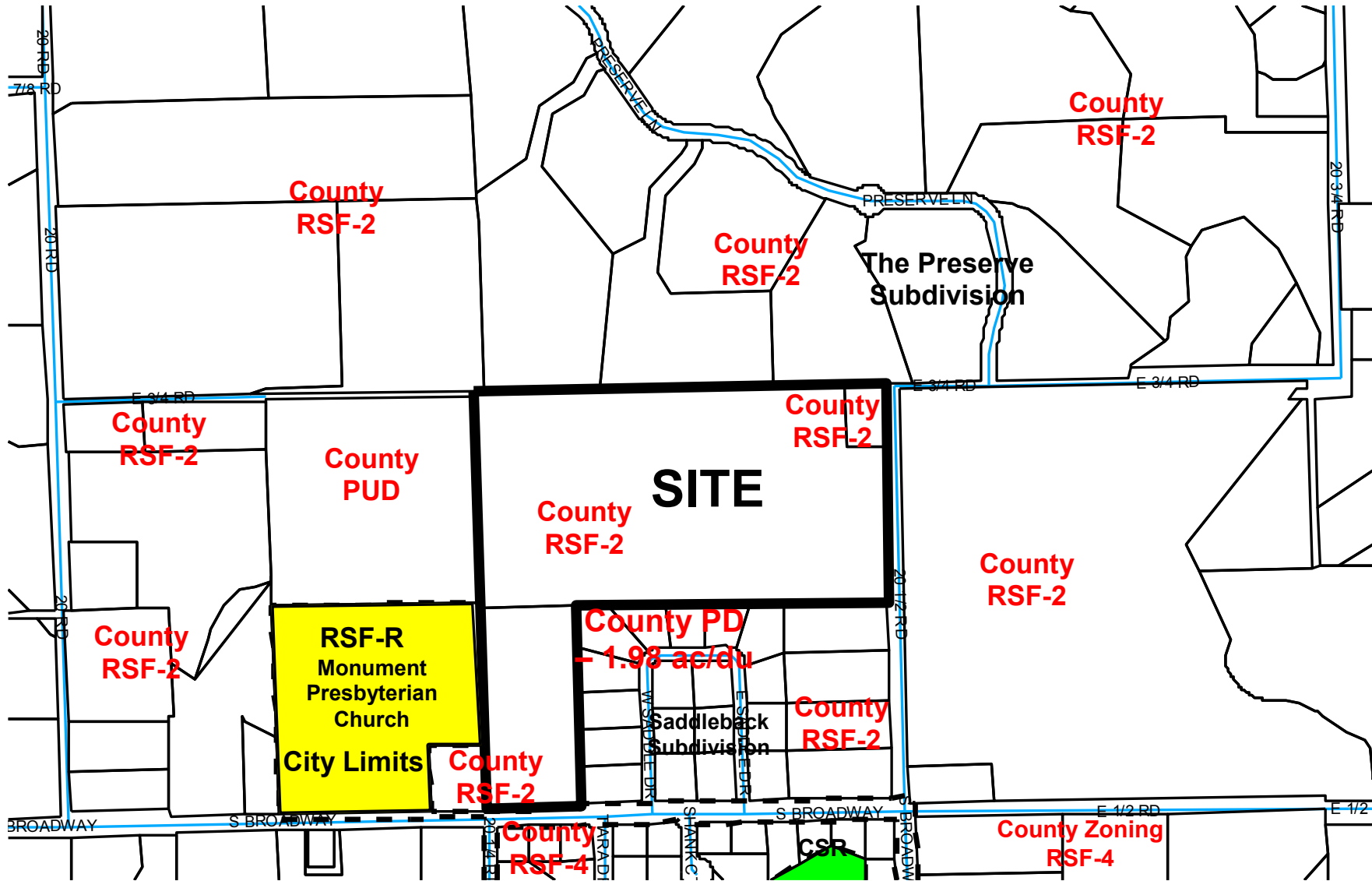
Future Land Use Map

Figure 3



Existing City and County Zoning

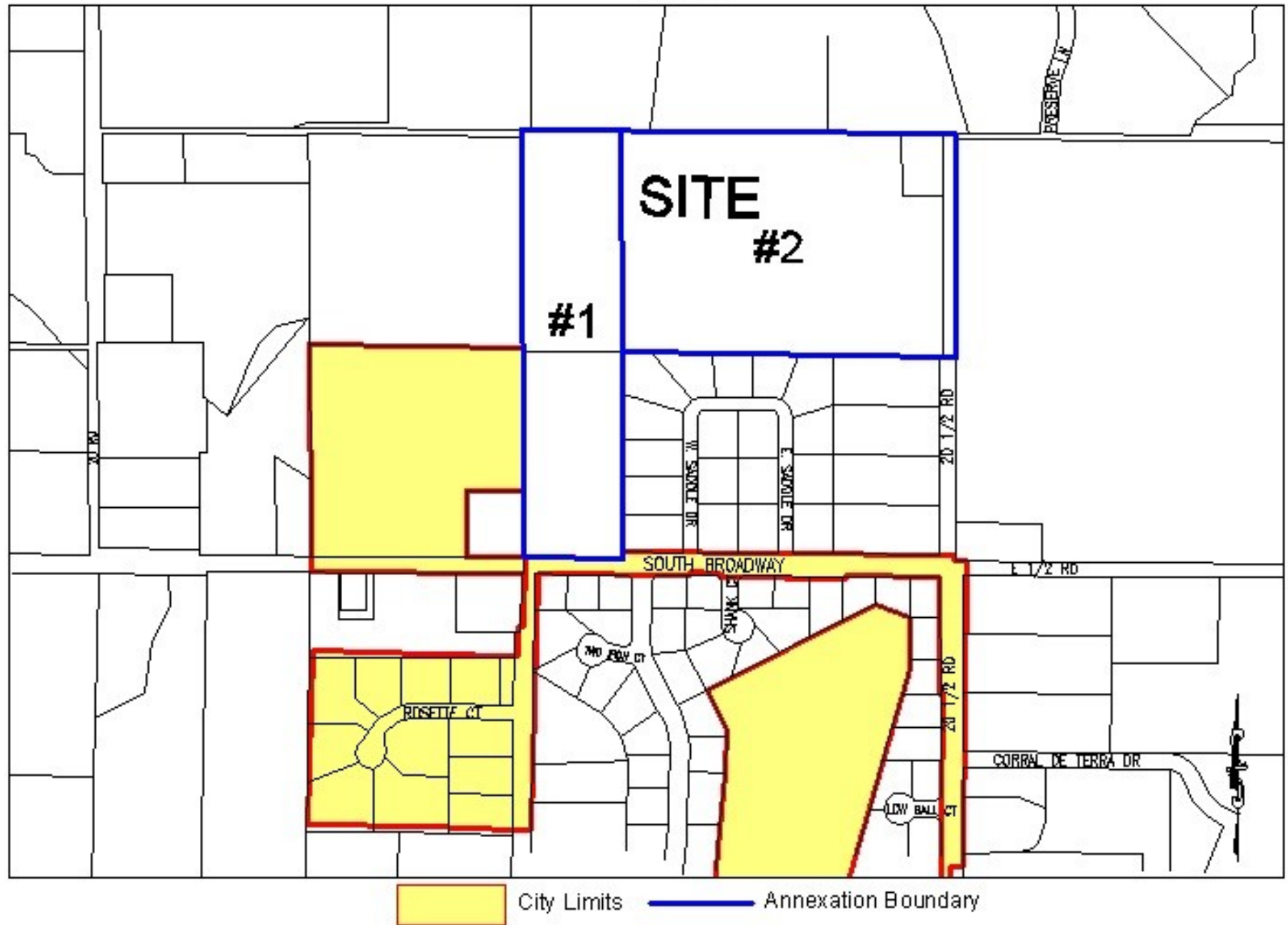
Figure 4



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."

Gowhari Annexation #1 and #2 (as amended)

Figure 5



From: "Ralph Hamblin" <rjrr4@bresnan.net>
To: <stepht@gjcity.org>
Date: 1/19/04 12:09:20 PM
Subject: Comments for City Council Members

Ms. Tuin - Please find my attachment for presentation to the members of the City Council. My comments are regarding the Powhari Annexation. I would very much like to have them read aloud and put into the public record. It is my misfortune that I will be in Salt Lake City on 1/21 rather than at the City Council meeting and have to ask you to do this.

Thank you.
Ralph Hamblin
594 Preserve Lane
Grand Junction 81503
245-3801

My name is Ralph Hamblin. I live at 594 Preserve Lane. I am in Salt Lake City tonight, yet I feel it vital that my views should be voiced regarding the Powhari Annexation and I have therefore asked that your clerk present them to you for inclusion in the public record. If possible and with your concurrence, I'd also like to have them read aloud.

Last month, the County Planning Commission heard from two Preserve representatives - an appeal from one of my neighbors describing the beauty of the area and the wildlife in our neighborhood, and our attorney presented dispassionate but factual comments about the proposed zoning. I'd like to share some things with you that are somewhere in the middle of those two sentiments.

One of the comments made last month by a member of the County Board suggested that the Preserve is one of Grand Junction's jewels. I believe he captured it precisely. The Preserve is a 140 acre conservation zone, divided among 26 lot owners, each with approximately 5 acres of stewardship. When you buy an interest in the Preserve, you buy into an ideal. The covenants are ironclad and building envelopes are pre-determined.

These stipulations allow all of us to continue to enjoy the wildlife area surrounding us. We are fortunate to see more than one hundred different species of birds including falcons, owls and heron; we have a herd of deer with four strong bucks; we have

resident bobcat, skunk, raccoon, a coyote pack often heard barking in the night; and even though I haven't yet sighted them, I understand we've been visited by both bear and mountain lion. In short, the Preserve is a gem for Grand Junction and each of us owning a piece of the area feels very fortunate indeed.

The Powhari annexation may or may not change that, but the proposal to build two homes per acre will certainly encroach on open area available to all the wildlife as they forage outside the Preserve. We see this repeatedly across the country - more and more development racing across open areas, enclosing and eliminating land where the wildlife lives. It's anathema to think this is somehow permissible under the guise of progress. Somehow there should be an accommodation which permits progression, while simultaneously protects and oversees the few areas of the county where wildlife continue to live safeguarded from harm. I believe we have a solution. The idea would be to continue with your annexation of the area, but with a stipulation that would regulate the homes per acre, mirroring the number to that of the Preserve which the Powhari annex will border.

Granted, this flies in the face of the American Dream. Buy a piece of property, fix it up or wait for it to appreciate, and then sell it for a profit. My proposal will limit the amount of homes and people occupying the Powhari annexation, but still permit development. Last month, a comment was made in open forum

that there were no plans to develop the area. I think it's naïve of everyone here tonight and all present then, to assume that no housing development is planned. Were it not so, none of us would be here.

Last month, members of the Planning Commission suggested that the infrastructure was sufficient to accommodate 48 more homes, the people in those homes and the traffic they would produce. I don't mean to disparage the folks who did the work, but I'm skeptical that the existing roads can accommodate the traffic.

As I said earlier, most of the people who live in that part of the county bought their homes and property for the bucolic nature of the area. Some of it remains wide open, with cattle feeding in the shadows of the Monument. The roads are narrow county roads - two-lane blacktop winding off 340 to 20 $\frac{3}{4}$ to E $\frac{3}{4}$ over to 20 $\frac{1}{2}$ to South Broadway to the intersection of Broadway and Redlands Parkway - a three-plus mile drive in the shadow of the Colorado Monument. It's a romantic and picturesque setting - and I can attest that we already have many, many folks from the rest of Mesa County who come to visit and look. The roads are already overwhelmed and incapable of providing for even more traffic. A new housing development with 48 homes on 24 acres would certainly destroy not only the atmosphere of that part of the county; it will likely overwhelm the current infrastructure.

In closing, I don't dispute the Powhari's right to turn a profit. I don't dispute the City's right to annex the property.

And I don't dispute the idea of homes being constructed on the land. What I do, however, have considerable difficulty with is the decision to put 48 homes in an area where 5 should be constructed, a decision which will reduce the enjoyment of every existing home-and-property owner in the area who came before this idea was proposed and which so radically changes the neighborhood that rather than enriching all of us, it will become a blight on the community.

I urge you to consider this as you debate the merits of the proposal. Five homes on lots approximately five acres in size will still result in new homes and a neighborhood added to the city. Five homes on 24 acres will not destroy the bucolic setting. Five homes on 24 acres will not so totally disrupt wildlife patterns as to see them leave the area. Five homes on 24 acres will not tax an already burdened infrastructure. And, five homes on 24 acres will be consistent with the existing community.

I believe you have the ability to caveat the annexation with just such a limitation. I would urge you to do so. If you feel any hesitation regarding the infrastructure or how destructive 48 home sites will be on those select 24 acres, I would urge you to table the motion for annexation until you've all had an

opportunity to drive on those roads, see the building site in question and visit the neighborhoods, including the Preserve, which now surround the proposed annexation. Only then will your decision be an informed one.

Thank you.

Ralph Hamblin

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE GOWHARI ANNEXATION TO
RSF-2**

LOCATED AT 563 20 ½ Rd; 573 20 ½ Rd; 2026 S. Broadway

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 Gowhari Annexation to the RSF-2 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 RSF-2 zone district be established.

The Planning Commission and City Council find that the RSF-2 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 RSF-2 with a density not to exceed 2 units per acre.

GOWHARI ANNEXATION

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) and the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 22, Township 11 South, Range 101 West of the 6th Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest corner of the SE 1/4 NW 1/4 of said Section 22, and assuming the South line of the SE 1/4 NW 1/4 of said Section 22 bears N 89°40'40" E with all other bearings contained herein being relative thereto; thence from said Point of

Commencement, N 00°56'27" W along the West line of the SE 1/4 NW 1/4 of said Section 22 a distance of 20.00 feet to a point on the North right of way for South Broadway and the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°56'27" W along the West line of the SE 1/4 NW 1/4 of said Section 22, a distance of 1310.96 feet, more or less, to a point being the Northwest corner of the SE 1/4 NW 1/4 of said Section 22 and being the Northwest corner of Gowhari Minor Subdivision, as same is recorded in Plat Book 18, Page 129 of the Public Records of Mesa County, Colorado; thence N 89°35'06" E along the North line of the SE 1/4 NW 1/4 of said Section 22, and the North line of said Gowhari Minor Subdivision, a distance of 1306.37 feet, more or less, to a point being the Northeast corner of the SE 1/4 NW 1/4 of said Section 22; thence N 89°35'28" E along the North line of the SW 1/4 NE 1/4 of said Section 22, a distance of 20.00 feet; thence S 00°53'16" E along a line 20.00 feet East of and parallel to the West line of the SW 1/4 NE 1/4 of said Section 22, being the East right of way for 20-1/2 Road, a distance of 686.71 feet, more or less, to a point on the Easterly extension of the North line of Saddleback Subdivision, as same is recorded in Plat Book 14, Page 140, Public Records of Mesa County, Colorado; thence S 89°59'40" W along the North line of said Saddleback Subdivision, a distance of 1026.57 feet, more or less, to a point being the Northwest corner of said Saddleback Subdivision; thence S 00°53'16" E along the West line of said Saddleback Subdivision, a distance of 632.08 feet, more or less, to a point on the North right of way for South Broadway; thence S 89°40'40" W along the said North right of way, being a line 20.00 feet North of and parallel to, the South line of the SE 1/4 NW 1/4 of said Section 22, a distance of 298.67 feet, more or less, to the Point of Beginning.

CONTAINS 25.103 Acres (1,093,505 Sq. Ft.) more or less, as described.

Introduced on first reading this 7th day of January, 2004 and ordered published.

Adopted on second reading this _____ day of _____, 2004.

Mayor

ATTEST:

City Clerk

Attach 24
Public Hearing – Valley Meadows North Rezone
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Hold a Public Hearing and Consider Final Passage of a proposed ordinance to rezone the Valley Meadows North property, located at the north end of Kapota Street, from RSF-R to RSF-4							
Meeting Date		January 21, 2004							
Date Prepared		January 12, 2004				File # RZP-2003-153			
Author		Lisa E. Cox, AICP			Senior Planner				
Presenter Name		same			Same				
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes	X	No	Name			
	Workshop	X	Formal Agenda				Consent	X	Individual Consideration

Summary: Hold a public hearing and consider final passage of a proposed ordinance to rezone the Valley Meadows North property, located at the north end of Kapota Street, from the RSF-R, Residential Single Family Rural to RSF-4, Residential Single Family-4.

Budget: N/A

Action Requested/Recommendation: Approval of second reading of the rezoning ordinance.

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. City Council Minutes (excerpt only) from May 1, 2002
7. City Council Minutes (excerpt only) from June 26, 2002
8. City Council Minutes (excerpt only) from August 7, 2002
9. Rezone Ordinance

<i>BACKGROUND INFORMATION</i>				
Location:		North end of Kapota Street		
Applicants:		EDKA Land Company, LLC		
Existing Land Use:		Vacant		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Residential		
	East	Residential		
	West	Residential		
Existing Zoning:		RSF-R		
Proposed Zoning:		RSF-4		
Surrounding Zoning:	North	RSF-2		
	South	PD 2.9		
	East	RSF-R		
	West	RSF-4		
Growth Plan Designation:		Residential Medium-Low, 2-4 du/ac		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Applicant has requested a rezone of approximately 7.65 acres located at the north end of Kapota Street from RSF-R to RSF-4.

ANALYSIS:

1. Background

The subject property is located north of Kapota Street and east of 25 ½ Road (see site location maps in this report). The property is situated between an existing single family subdivision known as Moonrise East, zoned RSF-4 and developed at 3.8 dwelling units per acre to the west; parcels developed with single family residences (zoned RSF-2 and RSF-R) to the north and east, and a single family residential subdivision known as Valley Meadows East, zoned PD 2.9, to the south. Other subdivisions in the vicinity include Moonridge Falls located to the west directly across 25 ½ Road zoned PD 2.3; and Valley Meadows Subdivision, zoned PD 2.8, which is located west of 25 ½ Road and south of Moonridge Falls.

The property was annexed into the City on September 17, 2000 as a part of the G Road North enclave annexation. At the time of annexation, parcels with redevelopment potential were annexed into the City with their existing County zoning designation with the understanding that a rezone would be necessary at the time of development. The subject property was zoned RSF-R in the County and retained that zoning designation when annexed into the City in September, 2000.

A previous application requesting a rezone of this property was considered by the Planning Commission and City Council in March, 2002 through August, 2002. Although the Planning Commission recommended approval of the rezone request to City Council, the request to rezone was subsequently denied by City Council on May 1, 2002, under the applicant's initial application. This denial was reconsidered by City Council on June 26, 2002 and August 7, 2002, with the denial being upheld each time.

The applicant has submitted a second application requesting a rezone of the 7.65 acres from RSF-R to RSF-4.

2. Consistency with the Growth Plan

The applicant's request to rezone from RSF-R to RSF-4 is consistent with the density range called for in the Growth Plan and Future Land Use Map.

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.** *As noted earlier in this report, properties with development or redevelopment potential were annexed into the City retaining their County zoning designation with the understanding that a rezone would be required at the*

time of development. The existing zoning is not in error, rather it was retained during the annexation process of September, 2000 with the understanding the future development would require rezoning of the property. The existing zoning of RSF-R is not consistent with the land use classification of Residential Medium-Low as shown on the Future Land Use Map of the Growth Plan. The requested Residential Single Family-4 (RSF-4) zone district implements the Residential Medium-Low land use classification.

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.** *The property is located in an area that is developing in a residential manner consistent with the Growth Plan. Although some parcels (located to the north and east) have lower densities than indicated by the Growth Plan, these parcels have redevelopment potential and are anticipated to redevelop at densities consistent with the Growth Plan. The subject property is an example of property or a development where a public street and utilities have been stubbed to its southern property line in anticipation of future development.*
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 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.*
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.** *The request to rezone has been submitted in an effort to develop the property in a manner consistent with the density range identified by the Growth Plan and Future Land Use Map. In reviewing the Growth Plan, the request is consistent with many of the goals and policies, but not all.*

Examples of goals and policies of the Growth Plan that support the rezone request include:

Policy 5.2: *The City and County will encourage development that uses existing facilities and is compatible with existing development.*

Policy 5.3: *The City and County may accommodate extensions of public facilities to serve development that is adjacent to existing facilities. Development in areas which have adequate public facilities in place or which provide needed connections of facilities between urban development areas will be encouraged.*

Development that is separate from existing urban services (“leap-frog” development) will be discouraged.

Example of a Growth Plan policy that does not support the rezone request:

Policy 24.2: *When improving existing or constructing new streets which pass through residential neighborhoods, the City will balance the desires of residents with the need to maintain a street system which safely and efficiently moves traffic throughout the community.*

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 RSF-4 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.** *The neighborhood has a limited amount of land that is undeveloped. The proposed development is a project which will utilize or extend existing public facilities.*
14. **The community or neighborhood will benefit from the proposed zone.** *The community will benefit from the infill development of this project and utilization of existing public facilities.*

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Valley Meadows North application, RZP-2003-153, request to rezone, the Planning Commission made the following findings of fact and conclusions:

9. The requested rezone is consistent with the majority of the goals and policies of the Growth Plan and Future Land Use Map.

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

PLANNING COMMISSION RECOMMENDATION

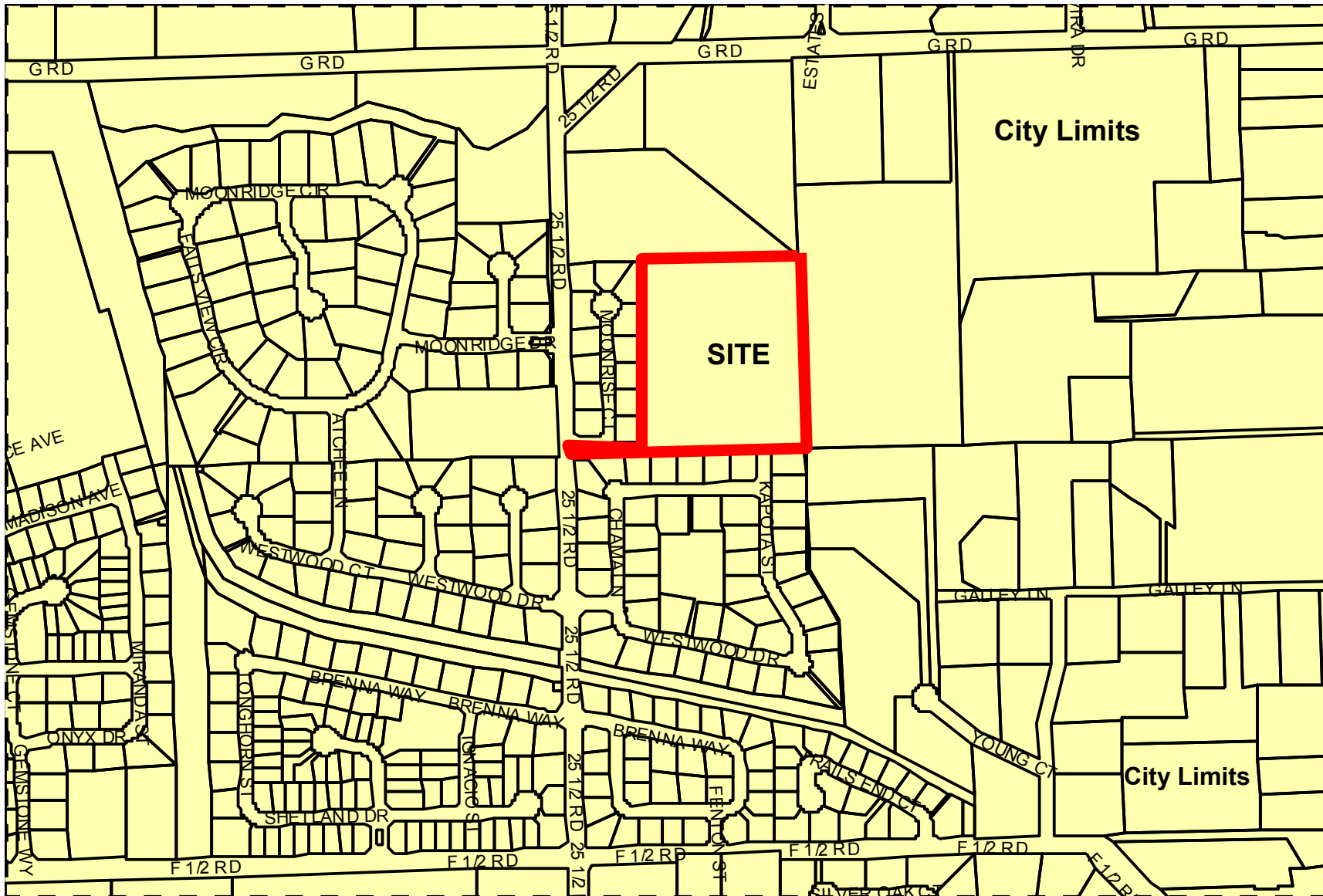
The Planning Commission voted 6-1 in favor of recommending approval to City Council of the request to rezone from RSF-R to RSF-4, for RZP-2003-153, Valley Meadows North, with the findings that the request is consistent with the goals and policies of the Growth Plan and all applicable sections of the Zoning and Development Code.

Attachments:

1. Site Location Map (Figure 1)
2. Aerial Photo Map (Figure 2)
3. Future Land Use Map (Figure 3)
4. Existing City and County Zoning (Figure 4)
5. City Council Minutes (excerpt only) from May 1, 2002
6. City Council Minutes (excerpt only) from June 26, 2002
7. City Council Minutes (excerpt only) from August 7, 2002
8. Letters from Pat Cecil and Helen Dunn
9. Rezone Ordinance

Site Location Map

Figure 1



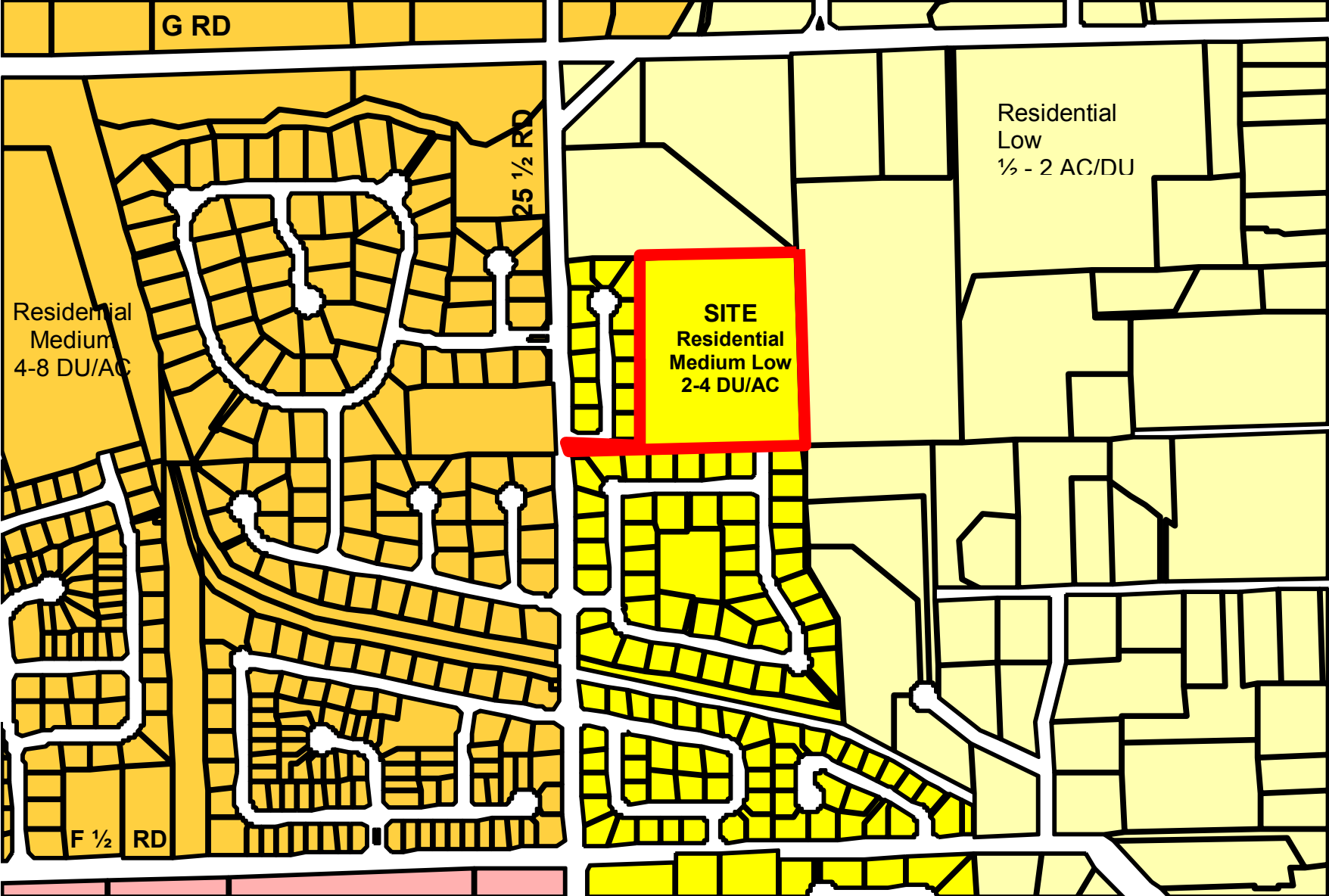
Aerial Photo Map

Figure 2



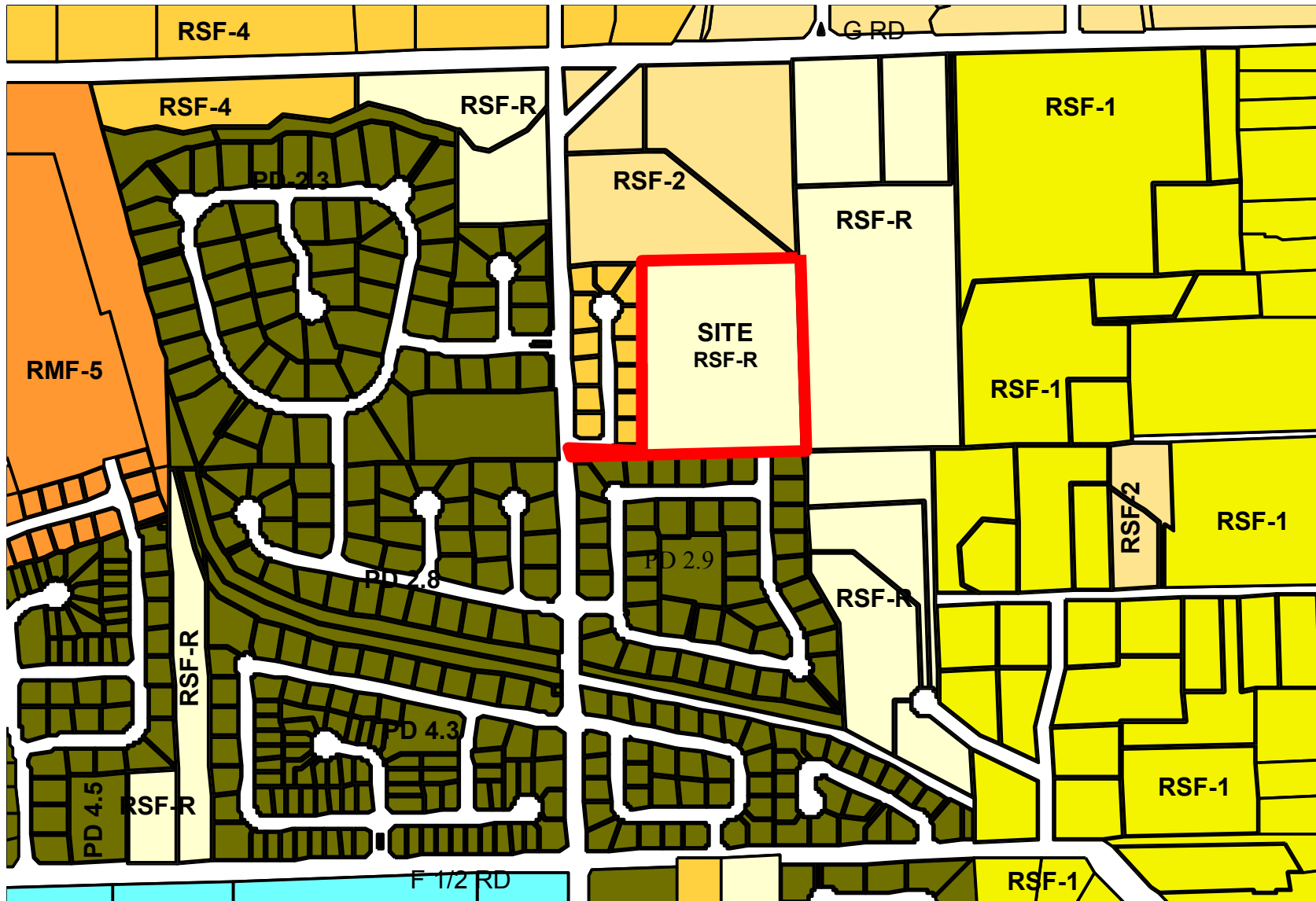
Future Land Use Map

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."

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

May 1, 2002

(The following represents only an excerpt of the City Council Minutes from the May 1, 2002)

Public Hearing – Rezone Valley Meadows North Located at the North End of Kapota Street [File #RZP-2002-019]

Second reading of the Rezoning Ordinance to rezone the Valley Meadows North property located at the north end of Kapota Street from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4)

Mayor Enos-Martinez recused herself as she has a contract with this developer.

Mayor Pro Tem Kirtland presided.

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

Councilmember Terry requested that the department heads explain the process for this hearing.

Bob Blanchard, Community Development Director, explained that this hearing is on the rezone only and that in two weeks Council will hear an appeal of the Preliminary Plan, on the record only.

Councilmember Theobald asked if the drainage issue falls under the rezone or the Preliminary Plan.

Mark Relph, Public Works and Utilities Director said if this ordinance and the Preliminary Plan were approved, then the engineering details would be part of the Final Plan. He said that drainage did come up at the Preliminary Plan and so the Council would see that issue in the record.

Councilmember Theobald wanted to know what Council could change at the Final Plan stage.

Bob Blanchard, Community Development Director, said if the Final Plan is in substantial compliance with the Preliminary Plan then it's approved. Mark Relph, Public Works and Utilities Director, clarified that the Final Plan is an administrative process only. Residents could still appeal the approval to the Planning Commission.

Councilmember Theobold wanted to know that if drainage were not discussed at the Preliminary Plan, then what would the latitude be at the Final Plan.

Mark Relph, Public Works and Utilities Director, replied that there are enough drainage issues on the record that they would need to be addressed.

Lisa Gerstenberger, Senior Planner, reviewed this item. She pointed out the location of and the access to the property and identified the Future Land Use designation as Residential Medium-Low (2-4 du/ac). She said that the parcel is currently zoned RSF-R (Residential Single Family Rural). She also listed the surrounding zone districts. She reviewed and stated the results of the rezoning criteria noted in Section 2.6.A. of the Zoning and Development Code as Criteria:

#1. The existing zoning was in error at the time of adoption. – yes, the existing zoning does not meet the growth plan designation;

#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. – yes;

#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 – yes;

#4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Code and other City Regulations and Guidelines – some of the goals are met;

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

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

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

Even though the Preliminary Plan was not being considered at this meeting, Ms. Gerstenberger reviewed the plan briefly to give the Council an idea of the density of the proposed development, i.e, as a visual aid only.

Ms. Gerstenberger said that Staff and the Planning Commission recommend approval of the rezoning request.

Councilmember Spehar questioned that in criteria #3, it states no adverse storm water and drainage problems would be created. Ms. Gerstenberger referred to Mr. Relph's comments that it would be addressed at Final Plan.

Mr. Relph said that the issues have been discussed and that they would be addressed in the Final Plan, and as far as the zoning is concerned, the drainage problem would be possible to solve. Councilmember Spehar thought that Council was told previously that drainage was not an issue, but actually according to the criteria, it does have to do with the rezone.

Bob Blanchard, Community Development Director, pointed out that at the rezoning request, the emphasis was on the proposed use, the physical site, the density of the site plan and if the technical issues could be resolved.

Councilmember Terry said that the criterion of drainage in item #3 was more definitive than previously understood. She asked Mr. Wilson to clarify that when and if there is a motion, if Council could state that this issue is not satisfactorily resolved.

Dan Wilson, City Attorney replied there could be instances where drainage problems couldn't be overcome, but that the Staff would ask if the uses in this area are appropriate, and denying the rezoning request on that basis would go against the current code.

Councilmember Spehar said Council might be compelled to deny the rezone until Council was convinced that the drainage issue has been resolved.

Councilmember Theobald noted if drainage is a problem inherent to this use then it is a rezone issue; if it is a problem of the plan, then it will be addressed at Final Plan.

Councilmember Terry recommended Council should just state that a drainage problem was not solved now, but that it would be at the Final Plan.

Rich Krohn, 744 Horizon Court, representing the applicant and current owner Ed Lenhart of Just Companies, Inc., who was also present, said that he didn't want to talk about drainage but could, and that their engineer was there and that he believes the issue was general and the land was not incompatible. He said that the drainage would require engineering, which was a different part of the process. The request to rezone was compatible with the Growth Plan and the Preliminary Plan density was 3.4 units per acre. He stated the zoning for adjoining properties is RSF-2; Moonrise East as RSF-4 and the 11 acres east are undeveloped and zoned RSF-R (holding zone). Valley Meadows East Subdivision was zoned as a Planned Unit Development (PUD) with 2.93 units per acre, and the lot sizes are very comparable to the current proposal. He has reviewed the rezone criteria, and as a single access, Kapota Street, a local residential street with full build-out, would be at less than 70% capacity. There was a possible

second access to an adjacent-yet-undeveloped property. The only policy not being met was meeting the desires of the neighborhood due to the single access.

Mayor Pro Tem Kirtland asked for public comments.

Helen Dunn, who lives at 2557 McCook Avenue, representing the Valley Meadows East Homeowners Association Committee, read the attached statement into the record (Exhibit "A").

Councilmember Theobald asked Ms. Dunn if she was representing the neighborhood.

Ms. Dunn answered that she was part of the Valley Meadows East Homeowners Association Committee.

Councilmember Terry asked her for a comparison of the lot sizes.

Ms. Dunn replied that because her subdivision was a PUD and had open space it gave one a feeling of openness.

Patricia Cleary, who resides at 662 Kapota Street, said that the biggest concern she had was that the homeowners cannot discuss drainage at this time, which seemed to be the largest issue, but the developer's lawyer has discussed various other issues. She wanted to know why was Council considering those issues but not the biggest issue, drainage.

Councilmember Terry replied that was what Staff tried to explain at the beginning of the public hearing.

Ms. Cleary said that it was not clear enough, and she couldn't understand why access, safety and compatibility are all zoning issues but drainage is not. Councilmember Terry said drainage may be part of the discussion. Councilmember Spehar agreed.

Councilmember Theobald asked Ms. Cleary how she felt about the drainage if the zoning was 2.93 units per acre. Ms. Cleary told Mr. Theobald that she didn't have enough information to answer his question.

Ms. Cleary then objected to language used in the Planning Committee's minutes. She said there was an issue of privacy because two-story homes would be allowed, a concern about safety plus a comment, which was made by Mr. Krohn, who had said that the proposed density was 70% of the density capacity. She said the subdivision was not a subdivision that could handle the additional traffic since they didn't have perpendicular roads and would be hard for emergency access. She also wanted to clarify that a Fire Department representative had said there would be a problem in the case of an extreme emergency.

John Chapman, who lives at 667 Kapota Street, was also concerned about the drainage. He said the plan was contrary to basic drainage laws and the plan would have to let traffic go in and out, plus let water go out. The developer's plan would destroy Valley Meadows East's existing drainage plus the storm sewer system wouldn't be able to handle it. The engineers need to leave space for more detention ponds and pumps and more drainage structures before siting house lots. He said the drainage report was faulty because it didn't mention the berm, and never said that they were going to reach this berm. It just showed up on the drawings and they made such statements, as there are no changes to the historical drainage for this project, which is not true. The drainage path could be seen by the swath it had left and he said there was a need to start over. He said he would provide a final report to the City Clerk for Council distribution.

Councilmember Spehar explained that once these improvements were accepted they then become community property.

Carol Chapman Bergman, who lives at 628 Sage Court, said the proposal was not compatible with the intent of the Growth Plan, and was not in an infill area when surrounding property was less dense. She noted that one couldn't compare a PUD to a straight zone due to the lack of a green belt. She said there was a greater density with no benefit, and there were no water rights, as the owner hadn't paid the irrigation company. Excess water would be dumped onto 25 Road. The canal breach had shown how much damage can happen and that the property acts as a natural detention pond.

Barry Chamberlain, who lives at 2553 McCook Avenue, stated he had no issue with the developer, but wanted to know if the zoning request were approved, what would happen if the property changed hands and Mr. Lenhart were no longer the developer. He said he had asked Mr. Lenhart the same question and was told that this could be a possibility. He wanted to know from Council what would prevent a future owner from increasing the actual density to the full RSF-4. .

Bob Blanchard, Community Development Director responded the site could be developed to up to four units per acre, but the plan would have to go through the process again.

Barry Chamberlain asked if the developer meets the criteria, could he go forward without the neighbors' input making reference to legal loopholes. Councilmember Terry told him this was the reason the rezone request goes through City Council.

Councilmember Spehar said the reason those kinds of standards are set is to create an expectation, and he thought it was not appropriate to say they are meeting legal loopholes. Those standards were created from public input in the review process, and

it wasn't fair of Mr. Chamberlain to make a negative characterization of a very positive effort, which benefits him and the development.

Barry Chamberlain wanted to know about even more development in the future on the adjacent Moran property.

Michael Lightfoot, who resides at 667 Chama Lane, and who is the president of the Valley Meadows East Homeowners Association, represented 44 homeowners. He said the plan was approved by the Planning Commission stating it met all the criteria, yet, drainage was an issue.

Jim Grisier, 690 25 ½ Road, supported the Homeowners Association of Valley Meadows East and agreed that their concerns are quite valid, and he encouraged denial of the rezone request. A rezone to RSF-2 (Residential Single Family-2) or planned zoning in the range of 3 would be more appropriate. He also appreciated the impacts on Valley Meadows East Subdivision. He said that some Councilmembers probably recall the difficult discussions on Moonrise East and the discussions about the single access.

Mr. Grisier stated the Moran's were asked specifically if they realized the effect on future development of the property in question and they had made that choice. It had been discussed that the outlot C would be maintained for irrigation access and also for a connecting pedestrian trail. No discussion was ever held for this with Valley Meadows North. Mr. Grisier said he would dedicate land to connect that trail.

Councilmember Theobald wanted to know if there was any irrigation water available and if Mr. Grisier had any connections with the irrigation company or had knowledge of such availability. Mr. Grisier said he was a member of Grand Valley Irrigation Company Board and although the Company has no shares for sale, he sees shares of water for sale often in the paper.

Mayor Pro Tem Kirtland asked for no more public comments and said the questions are now for Staff.

Councilmember Terry wanted to know about the 12-inch pipe capacity.

Mark Relph, Public Works and Utilities Director, replied this was pointed out to the applicant and they have looked at other alternatives, like retention or detention, and they would have to verify capacity.

Councilmember Terry asked about the U.S. Geological Survey report. Mr. Relph replied he was not familiar with it.

Councilmember Theobold wanted to know about the berm at the end of Kapota Street and its importance to drainage and in controlling drainage and the importance of cutting through or going over the berm. Mr. Relph said going over was impractical. It was possible to capture water there and move it to a detention facility but the capacity was an issue for review.

Councilmember Theobold asked if drainage could be handled even when cutting the berm. Mark Relph, Public Works and Utilities Director, said it was possible, but it was a final design detail.

Councilmember Theobold asked Mr. Relph if he remembered any of the discussions about the access through Moonrise East Subdivision.

Mark Relph, Public Works and Utilities Director, said he remembered the Moran's did not cooperate with additional access, which reduced their ability for more access to their property.

Councilmember Theobold asked to compare if additional access had occurred through Moonrise or Kapota and if it was a factor in traffic and also drainage. Mr. Relph replied he didn't know about drainage. He is certain about traffic for emergency access, but as far as capacity, that was not an issue. The road was at national standards and was acceptable.

Councilmember Spehar wanted to know about drainage.

Mr. Relph replied that he didn't know any specifics, but he thinks that Valley Meadows East probably could not handle any additional water.

Councilmember Theobold said on the Preliminary Plan there was a Moran Drive, which stubbed and he asked where that link could be hooked up to for additional access.

Mark Relph, Public Works and Utilities Director, said this stub isn't shown on the City's major street plan and that he hasn't looked at it. There would be a need to look at the size of parcels noting it could be a challenge.

Councilmember Terry wanted to know more about the trail access issue and the US Geological Report from Ms. Gerstenberger.

Lisa Gerstenberger, Senior Planner, said the trail issue was not an issue on this project. The trail was part of the PUD, as a benefit for getting approval for a planned development, where as the Valley Meadows North Subdivision was a straight zone and there are no pedestrian requirements, unless it was on the Master Trail Plan. If the owners would volunteer to include a trail, the City then would consider it. The Colorado Geological Survey showed soil conditions and drainage.

The development engineer did discuss these comments and they were addressed. The engineer was comfortable that they could be dealt with during the Final Plan.

Councilmember Spehar wanted to know from Ms. Gerstenberger if he was correct that two-story houses are not prohibited, but that they have to comply with the height standards. Ms. Gerstenberger said that Mr. Spehar was correct.

Councilmember Terry wanted to know more about the comments made by the Fire Department's representative. Ms. Gerstenberger replied that any comments were listed in the Staff Report and there were none.

Councilmember Kirtland asked if the petitioner would like to give a brief rebuttal.

Ed Lenhart of Just Companies, Inc. located at 2505 Foresight Circle, who is the developer of the property, said he was concerned with the canal breach and that the water had come right onto the Valley Meadows North property. He said the amount of water that flooded the area could only happen if the canal would break again. Since the canal was not engineered for that large a capacity, his engineers have gone over the design for the drainage of the area and the design would actually help the Valley Meadows East neighborhood. He stated he doesn't fill legal loopholes and it never was his intention, he lives here. Furthermore, they had two neighborhood meetings, and afterwards they reduced the density to be more compatible. He said it would be more advantageous to spend money on irrigation, but didn't have the conveyance system to bring it to the property. He said he intended to develop this property as designed. In the Moran's situation, the developer of Moonrise had intended to put a road to Valley Meadows North, but the Moran's couldn't get with Mr. Seligman. He showed Council that he had four letters and one map, which are attached as Exhibit "B", from the Morans. He said Mr. Seligman was unwilling to meet with the Morans.

Brian Hart from LANDESIGN, located at 244 N. 7th St, said the average lot size was 9,600 square feet, one lot is 8,110, some are around 8,500 square feet in the middle, and several lots were in the 9,500 – 10,000 square foot range.

Ed Lenhart, applicant and owner of Just Companies, Inc. said he felt a need to address the drainage issue and asked Mr. Hart, the engineer, to address that issue with Council.

Brian Hart, from LANDESIGN, explained that access would require the berm to be cut down since there was a steep section of the road and drainage would drain onto the road. The rest of drainage would have to be retained on the property and channeled to an off-site location, which would drain through their site into a pipe on 25 Road. The report was only preliminary, and the overflow could be drained to 25 ½ Road, to a limit. There are combinations of methods to handle the drainage but no calculations have been done yet. If the capacity would be exceeded, they would have to install a storm

sewer. He said he was required by law to provide a plan that met standards. The final concerns would be dealt with at the Final Plan. If flow rates for the canal break are correct, then the flow was 7 to 10 times above the expected flow.

The Colorado Geological Survey's comments said more details are needed before a recommendation for approval would be issued. Mr. Hart said when he had a conversation with them, they were comfortable with his response and felt that their issues could be resolved.

He said there was an unimproved outlot in the Valley Meadows East Subdivision but that it was quite narrow and could not be used for a trail. As far as for the Fire Departments comments, he didn't recall anyone from the Fire Department being there at the Planning Commission meeting; the one who commented was Rick Dorris, a development engineer with the Grand Junction Public Works & Utilities Department. He also said that they did have a neighborhood meeting proposing a plan for 30 lots, but after the meeting they reduced their plan to 26 lots based on neighborhood concerns.

Rich Krohn, the developer's attorney, asked Council to focus on the rezone criteria.

The public hearing was closed at 10:25 p.m.

Councilmember Theobald wanted to hear more comments on the access to the Moonrise East Subdivision.

Dan Wilson, City Attorney, reviewed what happened in 1996 on the access issue. The subdivision was flip-flopped to accommodate the detention pond and access, because the Moran's could not come to contract terms with Mr. Seligman.

Councilmember Theobald explained that a lack of open space is not a reason to oppose, nor is the lack of irrigation water, since it is available. He continued, saying that the drainage issue is for the plan phase and the drainage capacity is a plan issue. On the other hand, access is the primary issue and since access is limited to some degree by the property owners who were well aware of the situation, the rezone request did not meet rezone criteria # 3. Therefore he would support a lower density development and he would vote no on RSF-4.

Councilmember Terry also addressed the density issue. She said if Valley Meadows East were building on lot sizes 8,700 to 12,245 square feet, that those lots were of a similar range as those in the Valley Meadows North Subdivision. So even if there was a perception of higher density, there was very little difference and it was not a significant element. But she was concerned about the access issue, and she didn't see Moran Drive as possible, plus the drainage issue had not been addressed sufficiently.

Councilmember Spehar said that the street was designed for that capacity, so traffic wasn't an issue, but he would like to see a second access. Since emergency services did not see access as an issue, he didn't see access as a denial reason. He said that one couldn't design for catastrophic events like the canal breach and therefore didn't see a reason to deny the request since it was part of city limits and the density was appropriate for the area.

Councilmember Terry asked Mr. Wilson if access could be a reason for denial.

Dan Wilson, City Attorney, told her yes, it would be a legitimate basis.

Councilmember Butler said that he also has a problem with access and would vote no.

Mayor Pro Tem Kirtland said development in this area will occur but he believes the capacity is impacted and the density bothers him. He would like to see about three or less per acre.

Ordinance No. 3395 - An Ordinance Rezoning the Valley Meadows North Property Located at the North End of Kapota Street from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4)

Upon motion made by Councilmember Theobald, seconded by Councilmember McCurry, with Councilmember Spehar voting YES if drainage issues were resolved, Ordinance No. 3395 failed with a roll call vote of 5 to 1. Councilmembers McCurry, Theobald, Butler, Kirtland and Terry voted no.

A recess was called at 10:45 p.m.

The City Council was back in session at 10:52 p.m. Mayor Enos-Martinez returned to presiding the meeting.

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

June 26, 2002

(The following represents only an excerpt of the City Council Minutes from the June 26, 2002)

8. **Setting a Hearing on Rezoning Valley Meadows North Located at the North End of Kapota Street** [File #RZP-2002-019]

Reconsideration and first reading of the Rezoning Ordinance for the Valley Meadows North property located at the north end of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4), and setting a hearing date of July 17, 2002. This hearing is for the purpose of reconsidering the rezone criteria.

Proposed Ordinance Rezoning the Valley Meadows North Property, Located at the North End of Kapota Street, from Residential Single Family Rural (RSF-R to Residential Single Family-4 (RSF-4)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 17, 2002

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

August 7, 2002

(The following represents only an excerpt of the City Council Minutes from the August 7, 2002)

Public Hearing - Reconsidering the Rezone Request for Valley Meadows North Development [File #RZP-2002-019] CONTINUED FROM THE JULY 17, 2002 MEETING

Council President Enos-Martinez recused herself from this item. President Pro Tem Kirtland presided.

Reconsideration and second reading of the Rezoning Ordinance for the Valley Meadows North property Located at the North End of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family - 4 (RSF-4).

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

Lisa Gerstenberger, Senior Planner reviewed this item.

City Attorney Dan Wilson explained the specifics of this request and the reason the City Attorney is involved in this case. He explained what issues are addressed at the zoning consideration and what items are addressed at the subdivision/preliminary plat level. He said if the rezoning request is approved, then Council will be looking at the subdivision.

He also explained why a zoning of RSF-2 would be inappropriate in this case, since the maximum is 2 units per acre, but the minimum is also 2 units per acre. An amendment is probably needed for definition. Mr. Wilson said on a RSF-4 zoning the minimum is also 2 units per acre with a maximum of 4 units per acre. He said a RSF-4 zoning is a perfect fit for the property. He said and recommends procedurally, Council should solicit public input and listen to the neighbors, but also remind everybody that the level of detail comes at the next step in the review process.

Councilmember Terry asked if the strike-through areas in the revised staff report should not even be included. Mr. Wilson said yes, but the material had already been distributed and Council is therefore directed to disregard.

Councilmember Terry asked Mr. Wilson to clarify on how the rezone criteria should be used. Mr. Wilson said they should be considered altogether. If the issues listed under #3 can be reasonably solved prior to final plat, then the rezone meets the criteria. If the engineers can say these are normal engineering issues. As written, items #3 and #5

conflict, #3 needs rewording and cannot stand alone. He said these changes would be included in the current code amendment process.

Rich Krohn, 744 Horizon Court, attorney for the developer Ed Lenhart, supported the descriptions in the staff report as to how the rezone criteria is met with one exception, the conflict with Policy 24.2. He did not feel that this is really a rezone policy.

Another point is that RSF-4 is the only zone that is consistent with the Growth Plan (3.3.d). RSF-2 has a ceiling of 2 units per acre, and it is almost impossible for a RSF-2 to be built at the Growth Plan density.

The surrounding zones are Planned Developments. Planned Developments are required to provide open space. A straight zone requires a fee in lieu of open space. Mr. Krohn said in order for a development to be a Planned Development, at least 30 acres are required.

Mr. Krohn then identified the densities in the surrounding subdivisions.

President Pro Tem Kirtland asked for public comments.

Helen Dunn, 2557 McCook Avenue, read a statement into the record (see attached Exhibit A).

John Chapman, 667 Kapota Street, also read a statement into the record (see attached Exhibit B). He asked that his presentation from May 1, 2002 be included into the record. It was provided to the City Clerk (see attached Exhibit C).

Councilmember Spehar asked what the density in the blue area on his map is indicating. Mr. Chapman replied the density is two or less units per acre.

Jim Grisier, 690 25 ½ Road, refuted Mr. Krohn's statement as to the size needed for a PUD. He reiterated that he is willing to make a trail contribution. He referred to rezone criteria #3 and #5 and said this is the way it is written and has an impact on the people who live in the area. He said once the zoning has been assigned, the neighborhood has no more say in the matter. He asked that the property be zoned either RSF-2 or PUD.

Russ Wiseman, 660 Kapota Street, addressed the street system and the bottlenecks created. He opposed the rezone.

There were no other public comments.

Councilmember Theobald asked Mr. Wilson that if the rezoning is approved, if the next step is the preliminary plan?

Mr. Wilson explained the next step will be to lay out the details and that plan will go to the Planning Commission for preliminary plat approval. If it meets the code, the Planning Commission is obligated to approve the plan. If the approval is then appealed, then Council asks the Planning Commission if it adequately looked at the criteria. Now the appeal is based solely on what was said at the Planning Commission meeting, i.e. the record.

Councilmember Theobald asked Mr. Wilson if the issues of drainage and their impacts are subjective issues, and if the Planning Commission addresses them, can Council only review those items if appealed and take no new testimony. Mr. Wilson replied that this is true but the final technical detailed work has not been done; that this is done at the staff level recommending the final engineering solutions.

Councilmember Theobald asked Mr. Wilson how to choose between adopting the code as written rather than as intended, as in the rezone criteria. Mr. Wilson said he disagreed with Mr. Grisier's characterization as to what he had said and one must read the seven criteria all together to form a judgment. However, Mr. Wilson agreed that the language could be better.

Councilmember Theobald said if he understands correctly then all of the criteria doesn't have to be met but that Council should look and judge on the big picture.

Councilmember Spehar said he voted in favor of the rezone last time. He felt those issues were considered and saw that those issues were solvable if there is a rezone. The plan has 3.4 units per acre and in order to solve this issue, the Planning Commission can require a lower density at Preliminary Plan.

Mr. Wilson said a RSF-4 zoning has 2 to 4 units per acre and takes into account the streets and all the infrastructure and facilities.

Councilmember Terry asked Mr. Wilson to explain the public input process for Preliminary Plan review.

Mr. Wilson said formal notice is given at the Planning Commission, and then is posted, published and on the agenda and that this is the key time for public input.

Councilmember Terry asked if irrigation is one of the considerations at Preliminary Plan. Mr. Wilson replied that the City doesn't mandate irrigation, but if the property will be irrigated, standards are in place and that issue is addressed at the Preliminary Plat.

Councilmember Terry asked about the open space requirement for a PUD. Mr. Wilson said the open space requirement is 10%. He explained that under the new code, the City can choose open space dedication, if it makes sense, or a fee in lieu if the space is insufficient or not needed in that area.

Councilmember Terry wanted to know if that does preclude open space in a development of less than 30 acres. Mr. Wilson said the City's 3-acre minimum will usually control that decision.

Mr. Wilson clarified that under the new code, Planned Zones are the exception and therefore must provide some additional benefit to the community.

Councilmember Terry wanted a definition of RSF-2. Mr. Wilson compared the RSF-4 to the RSF-2 zoning. Councilmember Terry said then a RSF-2 would be out of compliance with the Growth Plan. Mr. Wilson said it would be barely compliant.

Councilmember Theobold requested more information on the surrounding density. Ms. Gerstenberger provided that information.

Councilmember Theobold noted that the property could then actually be zoned with the PUD designation and not be build out or it could be built out at a slightly lesser density.

Mr. Krohn, attorney for the developer Ed Lenhart, said he stands corrected on the open space requirement and asked that the notice be made a part of the record. He said the request is for a zoning of RSF-4, so Council can approve or deny the request, not decide on RSF-2. He then reviewed the surrounding zones, including the Planned Developments, and said they would all require RSF-4, none would fit RSF-2.

The public hearing was closed at 9:49 p.m.

Councilmember Terry said it was a good discussion and she felt that RSF-4 is a good fit, however, compatibility with the neighborhood is important. RSF-2 is also compatible so RSF-4 is not the best fit.

Councilmember Theobold said a RSF-4 zoning is the only real choice. He said his issues are more appropriate for another hearing and the critical question right now is whether Council is obligated under the implied criteria or obligated by its intent, and for Council to accept the attorney's advice and accept the other issues are topics for the next step.

Councilmember Spehar agreed with Councilmember Theobold and said the issues of concern are for the next phase and that RSF-4 is an appropriate zone, noting Council must be true to the Growth Plan. He said the neighbors need to know that a solution to be proposed for the problems might be to reduce the density. The opportunity to address those issues will be before the Planning Commission and under the current code there is no such zoning as RSF-3. He said a PUD is not a fit and therefore supports a RSF-4 zoning.

Councilmember Kirtland expressed his disappointment that a PUD could not work because there is no community benefit. Approving the zoning will only add an opportunity for a problem, therefore, he cannot support a RSF-4 zoning.

Ordinance No. 3452 – An Ordinance Rezoning the Valley Meadows North Property, Located at the North End of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4)

Upon motion made by Councilmember Spehar, seconded by Councilmember Theobold, to approve Ordinance No. 3452 on Second Reading, the motion failed with a roll call vote of 3 to 2. Councilmembers Butler, Kirtland and Terry voted no. Councilmembers Spehar and Theobold voted yes.

Council took a recess at 10:00 p.m.

Council reconvened at 10:10 p.m.

Council President Cindy Enos-Martinez returned and presided over the rest of the meeting.

2557 McCook Avenue
Grand Junction, CO 81505
December 20, 2003

Ms. Lisa Cox, Senior Planner
Community Development Department
250 North Fifth Street
Grand Junction, CO 81501-2668

RECEIVED
DEC 22 2003
COMMUNITY DEVELOPMENT
DEPT.

Dear Ms. Cox,

We, the residents of Valley Meadows East, wish to appeal to the City Council the decision of the Planning Commission at their December 16, 2003 meeting whereby approval was granted for the rezoning of Valley Meadows North from RSF-R to RSF-4. (File # RZP-2003-153)

1. The decision makers misinterpreted information presented when the instructions given to the Commission was that in rezoning property it is only necessary to consider the zoning in the surrounding areas and not appropriate to consider the part of the code which clearly states:

2.6 CODE AMENDMENT AND REZONING

- A. **Approval Criteria.** In order to maintain internal consistency between this code and the zoning maps, map amendment must only occur if:

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.
2. The decision makers did not realize the full impact of the project when they were shown a schematic drawing of the property which indicated a direct access to 25 1/2 road when indeed there is no access to 25 1/2 road and the only access would be by reducing the berm at the end of Kapota Drive and routing all traffic through Valley Meadows East.

RECEIVED
DEC 22 2003
COMMUNITY DEVELOPMENT
DEPT.

3. The decision makers may have erred in judgment when no consideration was given to:

**CHAPTER THREE
ZONING**

3.1 PURPOSE

- K. Secure safety from fire, panic, and other dangers.

**CHAPTER SIX
DESIGN & IMPROVEMENT STANDARDS**

6.7 SUBDIVISION STANDARDS

E. Circulation

9. Fire Lanes. Fire lanes shall be provided in accordance with The adopted code.
4. The decision makers may have been unduly influenced by a threat of a legal action.
 5. The decision makers may have been misled when the lack of an access for the undeveloped properties to the east of Valley Meadows North was mentioned and they were told that the assumption was that these properties would access from the east when the informant knew that the only road planned for accommodating these properties is through Valley Meadows North.

We are appealing a rezoning decision which would allow development of a subdivision with only one access to serve two subdivisions in violation of the fire code and a drainage plan which alters the drainage pattern in such a way that it removes flood protection from other private property.

Respectfully Submitted

Helen Dunn

Helen Dunn, President. Valley Meadows East HOA

cc: Jim Spehar, Mayor

Ms. Helen Dunn
President of Valley Meadows East HOA
2557 McCook Avenue
Grand Junction, CO 81505

December 22, 2003

Dear Ms. Dunn

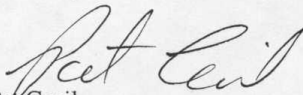
Re: Letter of Appeal received December 22, 2003

In regards to your request of an appeal of the Planning Commission's recommendation of zoning for the Valley Meadows North rezoning, the zoning request will automatically be reviewed by the City Council at a public hearing. Appeal of the Planning Commission's action is therefore not appropriate and in fact is a mute point since the Planning Commission's action is a recommendation to Council, not a final action.

A copy of your letter protesting the proposed zoning will be included in the City Council's staff report packet along information submitted to the Planning Commission and any additional information received prior to distribution of the City Council staff reports.

If you have any additional questions regarding this letter, please feel free to contact me at (970) 244-1439, or the staff planner, Ms. Lisa Cox at (970) 256-4039.

Sincerely



Pat Cecil
Development Services Supervisor
City of Grand Junction

cc: John Shaver

VALLEY MEADOWS NORTH
REZONE HEARING

Presented by John Chapman and Carol Bergman
1-21-04

Good evening. My name is John Chapman. I live at 667 Kapota. My daughter, Carol Bergman, and I usually make separate presentations on the subject of Valley Meadows North. This time we have joined to make a single presentation which may save time. Carol will make the presentation and I, or both of us, will take any question you may have.

To start with, it is not the proposed 22 dwellings in Valley Meadows North, *if that is what it turns out to be*, that we are opposed to. More houses than that would be completely incompatible with surrounding properties. But 22 is essentially the same as that of the adjoining Valley Meadows East subdivision. That is fair. Let us explain our concerns.

As we consider the proposal to rezone to RSF-4, we would like to talk about Section 2.6A-3 of the Zoning and Development Code which, reads in part, as follows: (See on screen)

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

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, excess night time lighting, or other nuisances.

This, to us, is clear cut, reasonable and logical as written. These criteria **must** be considered when zoning a property. The City Legal people don't agree, saying that paragraph 3 does not mean what it says and cannot stand alone. At the August 7, 2002 Council meeting, when dealing with the same property, Mr. Wilson, City Attorney, was asked to clarify how the Rezone Criteria should be

(/)

used. Mr. Wilson stated that if the issues under #3 can be reasonably solved prior to the final plat, and if the engineers can say these are normal engineering issues, then the rezone meets criteria. Mr. Wilson also stated that paragraphs within the Code were in conflict and paragraph #3 would need to be reworded. He said the changes would be made in the upcoming code amendment process.

It is now 17 months later. What has happened? The updating of the Code has occurred. Strangely, no changes in paragraph #3, dealing with the Rezoning Criteria have been made, while changes have been made elsewhere.

Mr. Shaver, Acting City Attorney, also tells us that it is difficult to amend the Code to include abstract concepts. We agree, but isn't the object of the code to set down concrete standards to eliminate as far as possible, abstract interpretation?

We are not attorneys, but we have abundant and good reason to believe that any court case, involving Section 2.6A-3 would likely favor a strict and literal reading of the Code as written. This is especially so, since no change has occurred in this section of the Code as Mr. Wilson said there would be 17 months earlier. We hope the City will not continue using different interpretations of the 2.6A-3 criteria.

The Code is very important and the Criteria for the Code is its' key. As now written, it is unambiguous when it says Rezoning **must NOT occur** if: among other things, there are problems with the safety of the Street Network or with Drainage. In this case, there **ARE** problems with both the Safety of the Street Network and with Drainage. They both represent difficult engineering problems and cannot be considered normal or routine.

Drainage is a continuing concern. We are repeatedly asked, "If you are flooded as a result of an irrigation accident upstream, why don't you sue?" The answer is we are currently protected by a 100 year old berm 700 feet long and up to 4 feet high. If the City approves the breaking of the berm at Kapota Street for access, as the Developer has proposed, the risk of flooding into VME is increased. If the Canal Break Flood of 2002 had occurred when the berm was

(2)

breached at Kapota, the damage would have been much worse. As it was, the berm was in place and acted to form a very large Detention Pond on the VMN land. If we are, in the future, flooded by way of the broken berm, the City would be responsible by reason of their prior approval to break the berm. In the case of Docheff vs. the City of Broomfield, in a similar situation, the court ruled that the proper remedy for this kind of occurrence is injunction. For two years, we have been trying to take prudent and preventative measures so legal action would not be necessary.

On drainage, you need to understand that the problem involves two major sources of inflow from the east - stormwater and errant or accidental irrigation water. Of the two the irrigation water is **by far** the greater quantity and greater challenge even if you disregard the canal break flood of 2002.

Normally, drainage design is entirely based on stormwater as the only source, and that's what, until recently, the Developers' engineer on the VMN job has done. This design is usually sound and employs rainfall data over the past 100 years. The design is supposed to handle a 100 year flood. But while the errant irrigation water has probably been a problem to farmers for over the last 100 years, it has not been serious. Now that the area is being developed, errant irrigation water should be recognized as **the main** drainage concern. The trouble is that there isn't any recorded account, of measurements, of past irrigation flooding - no 100 year history to complement the rainfall data. We do have some anecdotal information which tells us that this type of flooding occurs every year. Unfortunately, without a good recorded history, the best engineering that we can expect will be arrived at through the use of assumptions instead of concrete information. The City Engineers recognize this and I believe are a bit uneasy about it.

We are pleased that the City has recognized this problem and has proposed a change in design criteria, which **if implemented** would seem to provide some protection for VME from flood water from VMN. This position recognizes the very limited capacity of the Valley Meadows East stormwater system, which the developer had been planning to use. It will be necessary for the City to require VMN to

(3)

take measures accounting for both rainfall and upstream irrigation. The engineering of this will be difficult and unusual.

The other thing that is particularly bothersome is the capacity or safety of the street network which is the first criteria in Rezoning under Section 2.6A-3. Valley Meadows North does not have a second access and neither does Valley Meadows East. At the May 1, 2002 City Council meeting on rezoning this property, Council member Janet Terry asked Mr. Wilson if access could be a reason for denial. His response was that it would be a legitimate basis. The developer is considering an emergency access 12 feet wide and 240 feet long from 25 1/2 Road to the body of the Valley Meadows North development. We have been unable to find a standard for such an access.

Our safety concerns are as follows:

1. This narrow emergency access will only handle one way traffic at any given time and will create a hazard with emergency vehicles trying to enter while panicked residents are trying to exit. A minor accident in this narrow access could easily render the whole access unusable.
2. Pedestrians trying to enter or exit VMN will be crowded between vehicular traffic and a barbed wire fence on the south or vehicular traffic and a detention pond on the north. This is not conducive to safely moving both vehicles and pedestrians at the same time in the same or opposite directions.
3. Emergency vehicles moving north on 25 1/2 Road will have to pull over to the left lane in order to enter the 12 foot emergency access straight on, thus risking collision with south-bound traffic.
4. This emergency access needs to be available to pedestrian traffic at all times, but closed to vehicular traffic except in an emergency. This raises a host of problems including such things as:
 - a. How do you quickly open and close this access to vehicular traffic?

(4)

- b. How does one know which direction traffic may proceed through the access at any given time?
- c. How cumbersome or time-consuming will it be to remove the traffic barrier?
- d. Who will have the tools, keys, responsibility and right to open the access?

This emergency access is expected to serve as a second access for both VME and VMN, a total of up to 74 homes. It is supposed to be a safety measure, but we believe it creates more hazard than it is supposed to mitigate. It is also contrary to the TEDS Manual and the Fire Code which require a minimum width of 20 feet for an access. This sets a bad precedent for the future. Will this kind of emergency access show up in other places around town? We in VME find this unacceptable!

IN SUMMARY

The Zoning or Rezoning of VMN to RSF-4 should not be granted because:

This property's' history looks like a mistake on top of a mistake on top of a mistake with a problem.

The first mistake was made when the former owner of this property, the Morans, at the last minute, withdrew their decision to dedicate their 15 foot strip (the flagpole) for a street. (See memo in the addendum from Bill Nebeker of 1-20-97 "To whom it may concern")

The second mistake was when the City, under pressure of a law suit, approved the Sunset Village (now called Moonrise East) subdivision with a sub-standard entrance and no stub to the east.

The third mistake would be to approve re-zoning without an second access as required by Code, as this would create an

(5)

unsafe street network. It would appear to be an approval under threat of lawsuit and this would set a very bad precedent. The surrounding neighborhood would be forced to pay the price for the three big mistakes made by others. They would live with substandard access daily under a cloud of uncertainty regarding drainage issues.

It would be an approval in violation of the Zoning and Development Code Section 2.6A as written, which in essence says that a Zoning Map Amendment must **ONLY** occur if there are no Safety of Street Network problems or Drainage problems that create adverse impacts.

Please DO NOT reverse your previously held position and place us at risk. DO NOT APPROVE THIS ZONING CHANGE.

(6)

**GRAND JUNCTION
CITY COUNCIL PRESENTATION
JANUARY 21, 2004**

Mayor ---Members of the City Council

Good evening. My name is Helen Dunn and I live in Valley Meadows East at 2557 McCook Avenue. I am a member of the Valley Meadows East Committee to monitor the development of Valley Meadows North. .

The Moran property (now known as Valley Meadows North) was annexed into the City on September 17, 2000 as part of the G Road South enclave annexation with the existing County zoning designation of RSF-R with the understanding that a rezone would be necessary at the time of development. The only reason to rezone is to approve for development. Once property is rezoned construction plans require Community Development Department approval only and the neighbors no longer have input in what will be built in their neighborhood or how it will affect them. Rezoning gets the neighbors out of the picture.

To assist in making rezoning decisions the City Council has approved and published criteria in a manual titled City of Grand Junction Zoning and Development Code. When the City rezones property it gives permission to develop within the approved guidelines. We are now being advised that rezoning requests do not require the developer to consider the criteria but only to determine compatibility with neighborhoods. It is inconceivable that property would be rezoned without meeting the approved and adopted zoning criteria.

The revised design for Valley Meadows North still does not meet the Subdivision Standards as stated in the City of Grand Junction Zoning and Development Code (effective January 20, 2002). The following are four (4) of the codes that are not being met.

2.6 CODE AMENDMENT AND REZONING (Chapter Two, Page 29)

A. Approval Criteria.

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.

Safety of the street network when constructing 22 homes by going through a neighborhood of 44 homes is a hazardous situation. As proposed, all construction equipment and materials would be forced to drive through Valley Meadows East. This involves four (4) right angle turns in 1200 feet to access the proposed Valley Meadows North subdivision. Having 66 homes with only one access from a major roadway would definitely create an adverse impact on an existing neighborhood. Additionally, reducing the berm at the end of Kapota Street to extend Kapota Street for the only access to Valley Meadows North and, in the future, the development of the Burnell and Jones parcels, would definitely create an adverse impact on this neighborhood.

2.8 SUBDIVISIONS (Chapter Two, Page 31)

17. Ensure the proposal will not impose hardship or substantial inconvenience to nearby landowners or residents.

Trucks and equipment for the construction of 22 homes traveling through an established neighborhood of 44 homes, which itself has only a single access, will impose a great deal of inconvenience and hardship for the residents of Valley Meadows East.

CHAPTER THREE ZONING

3.1 PURPOSE (Chapter Three, page 1)

- K. Secure safety from fire, panic, and other dangers:

To rezone and allow 22 homes to be built with the only access through Valley Meadows East, which consists of 44 homes, would be hazardous to both

subdivisions in any emergency situation.

**CHAPTER SIX
DESIGN & IMPROVEMENT STANDARDS**

6.7 E. Circulation

- 9. Fire Lanes.** Fire lanes shall be provided in accordance with the adopted code.

The adopted code is stated in the TEDS Manuel:

TRANSPORTATION ENGINEERING DESIGN STANDARDS
(Known as the TEDS Manuel)
Passed and adopted by the City Council on
7th day of November 2001
As
City of Grand Junction
Resolution No. 111-01

Fire Access Code (in Chapter 5)

B. Access Guidelines

- 2. Two Points of Access,** Providing two points of fire apparatus access has the following benefits:
- a. If one access is blocked, emergency responders have a second route to the property.
 - b. If an emergency requires evacuation of an area, the public will have an alternative exit route should one route be blocked by the emergency incident.

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

5. One or two Family Residential Developments.

- a. Developments where the number of dwelling units exceeds thirty (30), shall be provided with separate and approved fire apparatus access roads.

- b. Developments where the number of dwelling units is sixty (60) or less may be serviced by a single fire apparatus access road, provided all dwelling units are provided with approved residential fire sprinkler systems.

Standards adopted by the Grand Junction City Council in November 2001 and published in the TEDS Manuel parallel the Fire Access Code adopted by the Grand Junction Fire Department and published in their guidelines for developers and designers. These are:

FIRE DEPARTMENT ACCESS

Based on the 2000 edition of the International Fire Code

Two Points of Access

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

One or Two Family Residential Developments:

- * Developments where the number of dwelling units exceeds 30, shall be provided with separate and approved fire apparatus access roads.
- * Developments where the number of dwelling units is 60 or less may be served by a single fire apparatus access road, provided all dwelling units are provided with approved residential fire sprinkler systems.

To rezone the property known as Valley Meadows North and allow the construction of 22 homes with the access through Valley Meadows East which already consists of 44 homes would result in the combined subdivisions having 66 homes with only one access. This would be in violation of both the TEDS MANUEL and the published FIRE CODE and would be a hazardous situation for both subdivisions. When the two adjoining properties to the east of the Valley Meadows North subdivision are ready to be rezoned and developed, the situation will be compounded.

In the **City Council minutes** of January 15, 1997 on page 12 when the proposed development of Sunset Village (now known as Moonrise East

subdivision) and the anticipated F 3/4 road which would have provided access to the Moran property (now known as Valley Meadows North) were being discussed Councilmember Terry speaking to Bill Nebeker, from the Community Development Department, stated "I'm looking for how many parcels to the east of Morans might be affected by this access on F 3/4 that we're talking about". Mr. Nebeker responded "The Moran parcel is 7.5 acres...the Burnell parcel is right behind that...those other two parcels are owned separately from the Burnell parcel. Now we also came across this parcel that says 'the Veale parcel'." At this point Councilmember Terry asked "Okay. So those are the three that will need access on this particular road?" Nebeker answered, "Correct". (The rest of the dialogue is included in the addendum.)

As you are aware F 3/4 road was never built. Now it is being proposed to rezone Valley Meadows North and allow development with the only access through Valley Meadows East. It would be unfortunate if this happens and these future problems were ignored. I do not look forward to standing before you in a year or so explaining how the Burnell parcel and the Jones parcel should not be rezoned because their only access is through Valley Meadows North by way of Valley Meadows East in order to access 25 1/2 Road.

We hope we are never again forced to evacuate as we were on the night of the April 5, 2002 flood. I can tell you from personal experience that it was difficult to get 44 cars out of the Subdivision at 2 AM through the one lane of traffic caused by emergency vehicles parked down each side of Westwood Drive at 25 1/2 Road. The exiting cars were sitting in water waiting their turn to have names checked off on a clip board before being allowed to drive through the very narrow one lane to exit onto 25 1/2 Road. Another 22 cars would have made for an impossible situation.

When previous City Council members allowed the rezoning and development of Moonrise East subdivision with a design that blocked access to the undeveloped properties to the east, they took the easy way out and ignored the future problems that this would create. I hope you do not make the same mistake this time. It is time for the undeveloped properties to the north of Valley Meadows East to have an approved and safe access so they can be developed in a manner that provides for the quality of life for which Grand Junction takes pride. We are not against development but we are against rezoning and developing this property in the manner being proposed.

When purchasing a home, buyers frequently do not realize some of the disadvantages of the location until after they have settled in and began their day to day activities. We are very grateful to the neighbors who in 1996 testified before the City Council at a rezoning hearing and persuaded the developer of Valley Meadows East to build 44 homes instead of the proposed 52 homes and convert the remaining lots into green space. Neighbors caring for neighbors and working together to protect the quality of life in this area has been the pattern of behavior that this neighborhood has grown to expect.

Thank you for the opportunity to speak on this issue. I will be happy to answer any questions you might have.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. ____

**An Ordinance Rezoning the Valley Meadows North property,
located at the north end of Kapota Street,
from Residential Single Family Rural (RSF-R)
to Residential Single Family-4 (RSF-4)**

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 Valley Meadows North property, located at the north end of Kapota Street, from the from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4), for the following reasons:

1. The zone district is consistent with the goals and policies of the Growth Plan.
2. The zone district meets the criteria found in Section 2.6.A of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Residential Single Family-4 (RSF-4) zone district be established.

The Planning Commission and City Council find that the Residential Single Family-4 (RSF-4) zoning is in conformance with the stated criteria of Section 2.6.A 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 to the Residential Single Family-4 (RSF-4) zone district:

Parcel One: That part of the S 632.50' of the W 786.00' of the NW1/4 NE1/4 of Sec 3, T1S, R1W of the UM, being more particularly described as follows: Commencing at the N1/4 corner of said Sec 3, and considering the W line of the NE1/4 of said Sec 3 to bear S 00°00'00" W with all bearings contained herein relative thereto; thence S 00°00'00" W along said W line of the NE1/4 of said Sec 3, 688.50'; thence N 89°59'00" E 265.00' to the POB; thence continuing N 89°59'00" E 521.00'; thence S 00°00'00" W 632.50'; thence S 89°59'00" W 521.00'; thence N 00°00'00" E 632.50' to the POB.

Parcel Two: The S 15' of the following described tract: That part of the S 632.50' of the W 786.00' of the NW1/4 NE1/4 of Sec 3, T1S, R1W of the UM, being more particularly

described as follows: Commencing at the N1/4 corner of said Sec 3 and considering the W line of the NE1/4 of said Sec 3 to bear S 00°00'00" W with all bearings contained herein relative thereto; thence S 00°00'00" W along said W line of the NE1/4 of Sec 3, 688.50' to the POB; thence N 89°59'00" E 265.00'; thence S 00°00'00" W 632.50'; thence S 89°59'00" W 265.00' to a point on said W line of the NE1/4 of said Sec 3; thence N 00°00'00" E 632.50' to the POB.

Introduced on first reading this 7th day of January, 2004.

PASSED and ADOPTED on second reading this ____ day of January, 2004.

Mayor

ATTEST:

City Clerk