

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

**WEDNESDAY, FEBRUARY 18, 2004, 7:30 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation – Howard Hays, First Church of the Nazarene

**APPOINTMENTS**

To the Commission on Arts and Culture

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

To Planning Commission

**CITIZEN COMMENTS**

**\*\*\* CONSENT CALENDAR \*\*\*<sup>®</sup>**

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

*Action: Approve the Summary of the February 2, 2004 Workshop and the Minutes of the February 4, 2004 Regular Meeting*

2. **Purchase of 1% for the Arts Sculpture for Fire Station #5** [Attach 2](#)

The Commission on Arts and Culture recommends that the City Council approve commissioning a bronze sculpture for the new Redlands Fire Station #5 through the 1% for the Arts Program.

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

<sup>®</sup> Requires Roll Call Vote

*Action: Authorize the City Manager, City Attorney, and the Commission on Arts and Culture to Negotiate a Contract with Colette Pitcher to Create and Install a Life-sized Bronze Fire Fighter at the Redlands Fire Station*

Staff presentation: Allison Sarmo, Cultural Arts Coordinator

3. **Setting a Hearing for the Vacation of 10' of the 100' Width Right-of-Way on Horizon Drive Located Adjacent to Lots 2 & 3, Foursquare Minor Subdivision at 638 Horizon Drive** [File #VR-2003-182] [Attach 3](#)

The petitioners, Ronald & Lee Ann Unfred, are requesting approval to vacate ten feet (10') of a 100' width right-of-way adjacent to Lots 2 & 3, Foursquare Minor Subdivision in order to improve the internal vehicular circulation on their lot(s) for their proposed Bed & Breakfast Inn. A 20' Multi-Purpose Easement will be dedicated to cover the existing underground utilities in the area. The Planning Commission recommended approval at its February 10<sup>th</sup>, 2004 meeting.

Proposed Ordinance Vacating 10' of the 100' Width Right-of-Way on Horizon Drive Located Adjacent to Lots 2 & 3, Foursquare Minor Subdivision Known as: 638 & 640 Horizon Drive

*Action: Introduction of Proposed Ordinance and Set a Hearing for March 3, 2004*

Staff presentation: Scott D. Peterson, Associate Planner

4. **Setting a Hearing to Rezone 0.95 Acres from PD, (Planned Development) & RMF-8, (Residential Multi-Family – 8 units per acre), to RO, (Residential Office) Located at 2558 & 2560 Patterson Road** [File #RZ-2003-278] [Attach 4](#)

The petitioners, Dave & Lisa Proietti, are requesting approval to rezone two (2) properties located at 2558 & 2560 Patterson Road from PD & RMF-8 to RO. The two (2) properties total 0.95 acres. The Planning Commission recommended approval at its February 10<sup>th</sup>, 2004 meeting.

Proposed Ordinance Rezoning the Property Known as the Proietti Rezone Located at 2558 & 2560 Patterson Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for March 3, 2004*

Staff presentation: Scott D. Peterson, Associate Planner

5. **Setting a Hearing on the Landmark Baptist Church Annexation Located at 3015 D Road** [File # ANX-2004-016] [Attach 5](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.779 acre Landmark Baptist Church annexation consists of 1 parcel.

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

Resolution No. 15-04 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Landmark Baptist Church Annexation, Located at 3015 D Road

®Action: *Adopt Resolution No. 15-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Landmark Baptist Church Annexation, Approximately 4.779 Acres Located at 3015 D Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for April 7, 2004*

Staff presentation: Senta Costello, Associate Planner

6. **Setting a Hearing on the Intent to Create Music Lane Area Sanitary Sewer Improvement District No. SS-46-04** [Attach 6](#)

A majority of the owners of real estate located west of 26 Road between Meander Drive and F ½ Road (including Music Lane) have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties, utilizing the Septic Sewer Elimination Program (SSEP) to help reduce assessments levied against the affected properties. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

A Public Hearing is scheduled for April 7, 2004

Resolution No. 16-04 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City Music Lane Area Sanitary Sewer Improvement District No. SS-46-04, Authorizing the City Utility Engineer to Prepare Details and Specifications for the Same, and Giving Notice of a Hearing

®Action: *Adopt Resolution No. 16-04*

Staff presentation: Mark Relph, Public Works and Utilities Director

7. **Resolution for GOCO Grant Application – Wingate Park** [Attach 7](#)

Adoption of resolution authorizing a \$200,000 grant application to be submitted to Great Outdoors Colorado (GOCO) for development at Wingate Park.

Resolution No. 17-04 – A Resolution Supporting and Authorizing the Submittal of a Grant Application Between Great Outdoors Colorado (GOCO) and the City of Grand Junction for the Development of Wingate Park

®Action: *Adopt Resolution No. 17-04*

Staff presentation: Joe Stevens, Parks and Recreation Director

8. **Setting a Hearing for Amending the Ordinance on Sidewalk Permits in the Downtown Shopping Park** [Attach 8](#)

This amendment to the ordinance will result in a reduction of many of the fee's charged and collected by the DDA with the expectation that it will result in an increase in outdoor activity along Main Street during the summer months.

Proposed Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Permits for Activities in the Downtown

Action: *Introduction of Proposed Ordinance and Set a Hearing for March 3, 2004*

Staff presentation: Harold Stalf, Executive Director for DDA

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



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

9. **Design and Construction Contracts** (Items a – c may be awarded under one motion)

a. **Signal Communications Design Contract**

[Attach 9](#)

Award of a Professional Services Design Contract for Signal Communications Design Phase 1C to Kimley-Horn & Associates, Inc. in the amount of \$60,700.00. Phase 1C will connect traffic signals on Patterson Road from 25 Road to 30 Road to the existing fiber optic cable network that was constructed for phases 1A and 1B.

*Action: Authorize the City Manager to Execute a Design Contract for Signal Communications Design Phase 1C to Kimley-Horn and Associates, Inc. in the Amount Not to Exceed \$60,700.00*

Staff presentation: Mark Relph, Public Works and Utilities Director

b. **25 ½ Road Reconstruction Phase 1 Utilities**

[Attach 10](#)

Award of a Construction Contract for the 25 ½ Road Reconstruction Phase I Utilities to M. A. Concrete Construction in the amount of \$785,551.47. The 25 ½ Road Reconstruction Phase I Utilities project is the first phase of a project that will improve 25 ½ Road from the north side of Independent Avenue to the south side of Patterson Road. A new City storm drain will be constructed, existing City sewer and water lines will be replaced as needed, and all irrigation crossings will be replaced.

*Action: Authorize the City Manager to Execute a Construction Contract for 25 ½ Road Reconstruction, Phase 1 Utilities to M.A. Concrete Construction in the Amount of \$785,551.47*

Staff presentation: Mark Relph, Public Works and Utilities Director

c. **Design and Construction of Wingate Park**

[Attach 11](#)

The Design/Build Contractor shall be responsible for the complete design and construction of Wingate Park. The selected contractor shall meet with the Parks Planner to review the conceptual idea of the park, participate in meetings as requested, complete subsurface investigation and provide Landscape Architectural

and Engineering design services and complete construction of the park. The City will be responsible for land use and sharing agreements with the School District.

*Action: Authorize the City Manager to Execute a Contract with American Civil Constructors (ACC) to Design and Build the City of Grand Junction Wingate Park in an Amount Not to Exceed \$580,000*

Staff presentation: Joe Stevens, Parks and Recreation Director

10. **Consider the Rehearing of the Valley Meadows North Rezone** [Attach 12](#)

Consideration of a request for a rehearing of the rezone application 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).

*Action: Consideration of the Rehearing Request and Setting a Date for a Public Hearing if the Request is to be Granted*

Staff presentation: Bob Blanchard, Community Development Director

11. **Consider the Repeal of Resolution No. 75-02 and Adopt Guidelines for Use of City Hall Grounds for Limited Public Forums** [Attach 13](#)

City Council has reconsidered the limitations on public speech and assembly resulting from the adoption of Resolution 75-02 in July of 2002.

Resolution No. 18-04 - A Resolution Repealing Resolution 75-02 and Adopting a Policy for the Use of City Hall Facilities and the Designated Outdoor Assembly Area

*®Action: Adopt Resolution No. 18-04*

Staff presentation: John Shaver, Acting City Attorney

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

13. **OTHER BUSINESS**

14. **ADJOURNMENT**

**Attach 1**

**Minutes from the Previous Meetings**

**GRAND JUNCTION  
CITY COUNCIL WORKSHOP SUMMARY**

**FEBRUARY 2, 2004**

The City Council of the City of Grand Junction, Colorado met on Monday, February 2, 2004 at 7:05 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer and President of the Council Jim Spehar. Councilmember Bill McCurry was absent.

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

1. **ACCESS OPTIONS FOR DEVELOPMENTS ON BLUE HERON ROAD:** City Manager Kelly Arnold introduced this item by giving a historical overview of the City property. The land was dedicated to the City specifically for economic development use. Public Works Director Mark Relph clarified that about two acres have since been deeded to City Market for their use. Community Development Director Bob Blanchard advised that the subdivision process is requiring another access to the parcel. Kroger is the applicant for the subdivision. Community Development Director Bob Blanchard presented options for additional access for the Innovative Textiles and Action Bindery properties along Blue Heron Road. One option requires lot line adjustment and could require a rezone. A second option is a long term lease. The third option is a revocable permit for the property, which would allow parking and would not require a rezone. A fourth option is to sell the property to Action Bindery and then allow the private parties to negotiate the access easement. A fifth option is to sell the property on the open market with the restrictions in the deed and the easements needed. Of course the Council could take no action. Council President Spehar suggested a further option is to negotiate additional property for the trail system.

Councilmember Kirtland asked the size of the parcel once all restrictions are taken care of. Mr. Blanchard said around six acres; Action Bindery needs five acres.

**Action summary:** City Council favored selling the property once all areas needed by the City are negotiated.

2. **CONTINUED DISCUSSION OF A POSSIBLE CABLE TV FRANCHISE:** City Manager Kelly Arnold advised that if the City Council wants to go forward with franchise negotiations that allows

other community entities to enter into the discussion and have a say. The Council should also know what services it is looking at to provide the City organization. Another question is whether a franchise fee should be increased.

Councilmember Hill asked if a vote does not pass, where that leaves the City. Acting City Attorney Shaver advised that the City could continue under the revocable permit or negotiate a new revocable permit until such time as a new question can go before the voters. Councilmember Palmer asked if the fee can be changed via contract. Acting City Attorney Shaver said a new fee can be established via a new contract with both parties agreeing. Councilmember Hill asked if an increase would be a TABOR question. Mr. Shaver said it shouldn't because it is a fee.

Council President Spehar clarified that right now everyone is acting in good faith but the agreement is questionable. The City could continue under the current agreement, could negotiate a new contract or negotiate a franchise agreement.

Councilmember Hill suggested a formal contract with the current terms be executed and then negotiate a new franchise. Acting City Attorney Shaver, reading from the Charter, advised that any such contract can only be for a term of two years unless it goes to a vote of the people. The contract or franchise would not be exclusive. The in-place agreement (revocable permit) has not created a problem; Bresnan is acting in good faith.

Councilmember Hill asked about Mr. Arnold's comments regarding bringing other entities into the discussion. Mr. Arnold suggested exploring the contract negotiations and if that breaks down, continue on into franchise negotiations. Council President Spehar said it a little differently, begin franchise negotiations and when negotiations are concluded, determine whether it will be a short term contract or go to the voters for a franchise. Acting City Attorney Shaver said a franchise negotiations process will be more time-consuming because of federal requirements. A formal route versus an informal route is the question. The City would initially pay for the formal process but there is cost recovery from the company. City Manager Arnold suggested a cable advisory committee that can make recommendations to the City Council.

Acting City Attorney Shaver suggested that Bresnan be notified that the City is going to begin a process. It is anticipated that to take 18 to 24 months. Councilmember Hill asked if the City should get a new contract in place based on the current revocable permit.

Paul Krugler from Bresnan Cable TV said many of the things mentioned are already in place or they are working on them. A two year contract makes it difficult for investors and for borrowing money.

**Action summary:** The City Council directed the Staff to have a conversation with Bresnan on their amenability to a formal contract based on the current revocable permit and that more information on the formal process be brought back to Council in sixty days.

**Recess at 8:55 p.m.**

**Back in session at 9:00 p.m.**

3. **DISCUSSION OF A RESOLUTION DEDICATING A PORTION OF PROPERTY TAX REVENUES FOR NEIGHBORHOOD PROGRAMS:**

City Manager Kelly Arnold introduced the subject and asked the Council to determine how they would like to define their philosophy on this program. Administrative Services Director Ron Lappi directed Council's attention to the spreadsheet that approximated the property tax collections over the next ten years. Most of the anticipated property tax is already programmed into the budget for other programs. He asked the Council if they really want to start collecting a pool of money to kick-start or assist in some neighborhood programs.

Councilmember Hill inquired how much of the property tax is already going toward neighborhood programs like spring clean-up, sidewalks, street lights, etc. Mr. Lappi said most of the property tax is spent on those ongoing programs. Council President Spehar wanted funding for programs that go beyond those ongoing programs and that simply the increase will not be a big enough pool of funds to get neighborhoods excited about such programs.

Councilmember Kirtland suggested that rather than just neighborhoods but to have funding for the Strategic Plan initiatives, including neighborhood programs but also the Youth Council, etc. Council President Spehar wanted property tax to be directly linked to neighborhood improvements.

Councilmember Butler agreed with property tax going to the neighborhood programs.

Administrative Services Director Lappi said such a designation would present a challenge as \$40 or \$50 million is already identified in the next ten year budget for other on-going projects.

City Manager Arnold suggested that this determination be an element of the Strategic Plan for 2004. Part of that will be making the connection with the funds that are already being spent in neighborhoods. That will develop a baseline.

**Action summary:** City Council concurred with having Staff make this project an Action Step in the Strategic Plan and Councilmember Hill saying to keep in mind the suggestion for creating a reserve fund for neighborhood programs.

4. **REDUCTION OF DISTANCE RESTRICTION FOR HOTEL AND RESTAURANT LIQUOR LICENSES TO COLLEGE CAMPUSES:**

There has been a request submitted to Council to consider reducing the distance required from a college campus to a hotel-restaurant liquor license. Acting City Attorney Shaver and City Clerk Stephanie Tuin answered questions of the Council and described the various options.

**Action summary:** The City Council deferred a decision until all members of Council could be present.

5. **STRATEGIC PLAN UPDATE:** A summary of the Strategic Plan meeting that was held on January 21, 2004 was presented. Assistant City Manager David Varley reviewed the report on the Strategic Plan Update. There were additional actions and some changes to the existing actions. The report also addressed the creation and continuation of Council committees to work on the elements of the Strategic Plan. Councilmember Hill emphasized under Open and Beautiful Spaces, completion of Highway 340, and under Responsible Young Citizens an emphasis on interaction. He asked about what the Jarvis Property Development committee would be doing. Council President Spehar said access is missing right now. City Manager Arnold said the RFQ is currently advertised. Councilmember Hill thought the entire Council will want to be involved in that selection process. Council President Spehar said there are some elements that will need to be addressed by a smaller group rather than all of Council.

**Action Summary:** Committees were discussed and Council favored a monthly or bi-monthly review of the Strategic Plan regardless of any Action Steps being completed.

**6. CONVENE INTO SPECIAL SESSION  
EXECUTIVE SESSION**

Councilmember Hill moved to go into executive session to determine the City's position, and to instruct the City's negotiators regarding a Forest Service memorandum of understanding pursuant to section 402 4 e of Colorado's Open Meetings Act, noting Council will not be returning to open session. Councilmember Enos-Martinez seconded. Motion carried.

**The meeting adjourned at 9:59 p.m.**

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

**February 4, 2004**

The City Council of the City of Grand Junction convened into regular session on the 4<sup>th</sup> day of February 2004, at 7:30 p.m. in the City Auditorium. Those present were Council-members Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer, and President of the Council Jim Spehar. Councilmember Bill McCurry was absent. 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 Palmer led in the pledge of allegiance. The audience remained standing for the invocation by Councilmember Harry Butler in the absence of Pastor Scott Hogue, First Baptist Church.

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

To Visitors & Convention Bureau Board of Directors

Steve Meyer was not present to receive his certificate.

**APPOINTMENTS**

To the Planning Commission

Councilmember Hill moved to appoint John Paulson to the Planning Commission to fill an unexpired term until October 2004, to appoint Travis Cox as 1<sup>st</sup> alternate, and Tom Lowery as 2<sup>nd</sup> alternate. Councilmember Palmer seconded the motion. Motion carried.

**RECOGNITIONS**

Sweet Adelines Presents a Check to the Avalon Foundation

Representatives from Sweet Adelines presented a check for \$5,727.41 to Ed Lipton, Chairman of the Avalon Foundation, for theatre reconstruction.

**CITIZEN COMMENTS**

There were none.

Council President Spehar acknowledged the presence of a news writing class and their instructor Laurena Mayne Davis.



## 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 #6.

### 1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the January 19, 2004 Noon Workshop, the January 19, 2004 Workshop, and the Minutes of the January 21, 2004 Regular Meeting*

### 2. **Setting a Hearing on the Pellam Annexation Located at 3136 E Road** [File #ANX-2004-011]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.808-acre Pellam Annexation consists of one 4.184 ac. parcel and 0.624 ac. in E Road right-of-way. The property is located at 3136 E Road.

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

Resolution No. 10-04 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Pellam Annexation, Located at 3136 E Road and Containing a Portion of E Road Right-of-Way

*Action: Adopt Resolution No. 10-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pellam Annexation, Approximately 4.808 Acres Located at 3136 E Road and Containing a Portion of E Road Right-of-Way.

*Action: Introduction of Proposed Ordinance and Set a Hearing for March 17, 2004*

3. **Setting a Hearing on the Summit View Estates Annexation Located at 649 29 ½ Road** [File #ANX-2003-271]

The 10.495-acre Summit View Estates Annexation consists of two parcels and is located at the southwest corner of F ½ Road and 29 ½ Road. A petition for annexation has been signed by the property owner.

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

Resolution No. 11-04 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control, Summit View Estates Annexation Located at 649 29 ½ Road

*Action: Adopt Resolution No. 11-04*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction Colorado, Summit View Estates Annexation, Approximately 10.495 Acres Located at 649 29 ½ Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for March 17, 2004*

4. **Funding Agreement for 29 Road Phase III Reconstruction Project**

A City Council Resolution authorizing the City Manager to execute a grant funding agreement with the State of Colorado, Department of Transportation for the last of three phases of the improvement of 29 Road (north side of the Grand Valley Canal to Patterson Road).

Resolution No. 12-04 – A Resolution Authorizing the City Manager to Execute a Grant Funding Agreement for 29 Road Phase III Reconstruction Project, STM-M555-022

*Action: Adopt Resolution No. 12-04*

**5. Purchase of Police Vehicles**

This purchase is for the replacement of five (5) Police Patrol vehicles. They are currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Manager to Purchase Five (5) Crown Victoria Police Vehicles from Ken Garff Automotive Group for the Amount of \$116,183.15*

**6. Purchase of Street Sweeper**

This is for the purchase of a 2004 Elgin Pelican P Street Sweeper. It is currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee.

*Action: Authorize the City Purchasing Manager to Purchase One 2004 Elgin Pelican P Street Sweeper from Faris Machinery Company for the Amount of \$98,090.00*

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

**Amendment to the Design Contract for the Combined Sewer Elimination Project**

This amendment is for the Combined Sewer Elimination Project design contract with the engineering firm Sear-Brown in the amount of \$260,417 for additional work associated with additional CSEP design components, additional waterline design components, revisions to existing design components, design of field changes, and additional construction administration. CSEP is a combination of the sanitary and storm sewer separation project and the water line replacements in the downtown area.

Mark Relph, Public Works and Utilities Director, presented this item. He explained that the CSEP project has a total budget of \$15 million and the project includes both separation of sewer and storm sewer lines and the replacement of waterlines. He explained the City added 8,800 additional feet to the storm water replacement project, plus some additional design work, a design of an inlet and a vault of fiber optics. He said the waterline portion of the project includes about 5,500 additional feet. He concluded his presentation by saying the amendment to the contract also includes additional construction administration, inspections, and testing.

Councilmember Palmer asked about the additional design needed for the original project. Mr. Relph explained that the original design was based on a

study conducted by Gerald Williams some years ago but based on the actual fieldwork, the project required more extensive design work prior to completion.

Councilmember Hill asked if only one more contract was to be awarded to finish the project. Mr. Relph said yes, one more contract, the sixth contract for about \$3.3 million, would still be awarded. He told Council after completion of the project some funds would be left over in the storm water sewer replacement account, plus a significant balance would remain in the waterline replacement account.

Councilmember Kirtland moved to authorize the City Manager to execute a design contract amendment in the amount of \$260,417 with Sear-Brown. Councilmember Hill seconded the motion. Motion carried.

### **Public Hearing – Assessments for the Alley Improvement District No. ST-03**

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

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

The public hearing was opened at 7:46 p.m.

Mark Relph, Public Works and Utilities Director, presented this item. He identified the alley locations and explained how the fee is determined.

There were no public comments.

The public hearing was closed at 7:48 p.m.

Ordinance No. 3599 – 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 11<sup>th</sup> 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

Councilmember Enos-Martinez moved to adopt Ordinance No. 3599 on Second Reading and to order it published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Rezoning the Tom Foster Property Located at 515 and 517 Kansas Avenue, from PD to RSF-4** [File #RZ-2003-231]

Hold a public hearing and consider final passage 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.

The public hearing was opened at 7:50 p.m.

Lisa Cox, Senior Planner, reviewed this item. She described the history of the property and the surrounding zoning and uses. She told Council that the property was an enclave when the City annexed the property and the City applied the same zoning as it was in the County. She said the requested rezone conforms to the Growth Plan and the owner plans to subdivide the property into four lots.

Councilmember Hill asked how the existing triplex would be counted. Ms. Cox stated the owner is planning to demolish the structure.

Tom Foster, the applicant, said he purchased the property about ten years ago and wanted to clean it up. He now intends to progress further. He explained the triplex was built in the 1940s and is partially adobe. After he had a structural analysis performed, he was told the structure was not worth repairing. He said his intention is to demolish it and divide the property into three lots.

There were no public comments.

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

Ordinance No. 3600 – 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)

Councilmember Kirtland moved to adopt Ordinance No. 3600 on Second Reading and to order it published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

**Public Hearing – 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]

Hold a public hearing and consider final passage of a proposed ordinance to vacate a 10' strip of right-of-way located along the eastern 10' of Lot 16, Bookcliff Heights Subdivision.

The public hearing was opened at 8:01 p.m.

Lisa Cox, Senior Planner, reviewed this item. She described the request and identified the location. She stated that the request satisfies the right-of-way vacation criteria. She said there was a concern that the hospital would still need an additional easement for storm drainage and the requirement for that additional easement, if needed, would be a requirement of the vacation.

Rob Jenkins, project architect for St. Mary's Hospital, noted that the right-of-way was granted when the Bookcliff Heights complex was built. He told Council they do not intend to use the right-of-way and St. Mary's owns the parcel that is known as St. Mary's Park. He stated the hospital does not object to the additional easement requirement.

There were no public comments.

The public hearing was closed at 8:09 p.m.

Ordinance No. 3601 – An Ordinance Vacating a 10' strip of Right-of-Way Located along the Eastern 10' of Lot 16, Bookcliff Heights Subdivision

Councilmember Palmer moved to adopt Ordinance No. 3601 on Second Reading and to order it published. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Tomkins Annexation and Zoning Located at 2835 & 2837 D Road** [File #ANX-2003-235]

Acceptance of the petition for annexation and hold a public hearing and consider final passage of the annexation ordinance for the Tomkins Annexation, consisting of 13.360 acres on 2 parcels of land. A petition for annexation was presented as part of a Preliminary Plan, in accordance with the 1998 Persigo Agreement with Mesa County.

Hold a Public Hearing and Consider Final Passage of a proposed zoning ordinance for the Tomkins annexation; request for RMF-8 zoning; located at 2835 and 2837 D Road.

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

Lisa Cox, Senior Planner and filling in for Lori Bowers, reviewed the requests for annexation and zoning. She described the surrounding uses and stated the area is a medium transition area between industrial use and a lower residential density. She then identified the surrounding zoning and the densities as identified on the Future Land Use Map.

Ms. Cox noted that the petition and the annexation request met all State requirements and that the requested rezone is RMF-8, which is at the upper end of the land use designation. She pointed out that the current County zone designation did not meet the Growth Plan.

Councilmember Hill asked what the minimum density in that zone district is. Ms. Cox stated RSF-4 is the minimum allowable density designation.

There were no public comments.

The public hearing was closed at 8:17 p.m.

**a. Accepting Petition**

Resolution No. 13-04 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as the Tomkins Annexation is Eligible for Annexation, Located at 2835 and 2837 D Road

**b. Annexation Ordinance**

Ordinance No. 3602 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Tomkins Annexation, Approximately 13.360 Acres, Located at 2835 and 2837 D Road

**c. Zoning Ordinance**

Ordinance No. 3603 – An Ordinance Zoning the Tomkins Annexation to RMF-8 Located at 2835 and 2837 D Road

Councilmember Hill moved to adopt Resolution No. 13-04, and to adopt Ordinances No. 3602, and No. 3603 on Second Reading and to order them published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Bogart Annexation and Zoning Located at 563 22 ½ Road**  
[File #ANX-2003-254]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Bogart Annexation, located at 563 22 ½ Road. The 1.409-acre annexation consists of 1 parcel of land.

Hold a public hearing and consider final passage of the zoning ordinance to zone the Bogart Annexation to RSF-2 located at 563 22 ½ Road. The property consists of 1.409 acres and is requesting annexation in conjunction with a request for a Simple Subdivision.

The public hearing was opened at 8:19 p.m.

Senta Costello, Associate Planner, reviewed this item. She described the location of the property, the reason for the request, the size of the property, the Future Land Use designation, and the surrounding area. She identified the surrounding zoning and the existing County zoning. Ms. Costello advised Council that the original request was for an RSF-4 zoning but Code requirements and compatibility with the surrounding areas dictated an RSF-2 designation and it would be a better fit. She said the request meets the criteria of the Zoning and Development Code, as well as the goals and policies of the Future Land Use Plan.

Councilmember Hill asked for clarification on compatibility. Ms. Costello agreed that although the zoning is RSF-4, the area is built more in line with RSF-2, thus the compatibility opinion.

There were no public comments.

The public hearing was closed at 8:22 p.m.

**a. Accepting Petition**

Resolution No. 14-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Bogart Annexation Located at 563 22 ½ Road and Including a Portion of the 22 ½ Road and Hwy 340 Rights-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3604 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bogart Annexation, Approximately 4.791 Acres, Located at 563 22 ½ Road and Including a Portion of the 22 ½ Road and Hwy 340 Rights-of-Way



**c. Zoning Ordinance**

Ordinance No. 3605 – An Ordinance Zoning the Bogart Annexation to RSF-2 Located at 563 22 ½ Road

Councilmember Enos-Martinez moved to adopt Resolution No. 14-04, and Ordinances No. 3604, and No. 3605 on Second Reading and to order them published. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Zoning the Grand Bud Annexation Located at the NW Corner of 28 ½ Road and Highway 50** [File #GPA-2003-184]

Hold a public hearing and consider final passage of an 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).

The public hearing was opened at 8:23 p.m.

Kathy Portner, Planning Manager, reviewed this item. She described the surrounding uses and zoning designations. She explained residential areas, both in and outside the City limits that are adjacent to the property. She said the fairgrounds are across the highway and the applicant originally requested a Growth Plan amendment to commercial, which was denied. She said the applicant was asking for an RMF-8 zone designation, which would allow more design flexibility, and Staff recommends an RMF-8 designation for this parcel. She said this designation would allow a transition from the RSF-4 zone designation of the Arrowhead Subdivision to the commercial designation to the west of the property.

Councilmember Hill asked Ms. Portner to clarify how an RMF-8 zoning would allow more design flexibility. Ms. Portner said this designation could be used for attached homes and multi-family homes, as well as single-family homes, and since the setback requirement is less for patio homes, they too would be allowed. She said there also would be a heavy screening requirement between the housing development and the commercial area to the west. Councilmember Hill asked if buffering along the busy highway side would be required. Ms. Portner replied the City does not have such a requirement but Staff would highly recommend it.

Councilmember Hill next asked about the support she'd mentioned by the Orchard Mesa Plan for the request and how any CDOT plans would work with this request. Ms. Portner said the developer would have to address safe access to the property, and she was not aware of any CDOT plans to make improvements in that area.

Councilmember Butler asked about the intersection. Public Works Director Mark

Relph confirmed no formal plan for this intersection exists, but knows Staff has started discussing this area.

Councilmember Kirtland asked if there were any height restrictions. Ms. Portner responded the height restriction is 35 feet.

Fred Aldrich, the attorney representing the petitioner, said he wanted to address two issues that drive the zone request. He explained the location of the site would require a great deal of flexibility in developing the site. He said traffic has been concern, as it was in the first request. He said any development of this site would impact traffic and a preliminary plan must be developed before traffic impact could be assessed. He said mitigation of any impact would be addressed as the property is designed.

Dwayne Jackson, a citizen, asked if any consideration was given to use this property for an interchange for 29 Road. Mr. Relph addressed Council and explained that portion of the road is a County project and 29 Road would be a major signalized intersection. He stated early access management discussions are just beginning.

The public hearing was closed at 8:39 p.m.

Ordinance No. 3606 – An Ordinance Zoning the Grand Bud Annexation to RMF-8 Located at the NW Corner of 28 ½ Road and Highway 50

Councilmember Palmer moved to adopt Ordinance No. 3606 on Second Reading and to order it published. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

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

There were none.

### **OTHER BUSINESS**

Interim Update on Riverside Parkway Bonds

Ron Lappi, Administrative Services and Finance Director, updated Council on the bond issuance for the Riverside Parkway project. He distributed a four-page memorandum that described in detail the interim report.

Mr. Lappi gave a short history of the project and the process used for selecting an underwriter and investment banker. He said the two firms, Kirkpatrick-Pettis and George K. Baum, were selected based on their expertise and experience. He said the process used for selecting the firms complied with the Purchasing Policy of the City as well as following the process that is used statewide by other cities and other public organizations. He credited the expertise and experience

of these firms and said they were instrumental in the City receiving a two-step increase in its bond rating and also receiving a better insurance rating.

Mr. Lappi concluded his presentation by detailing the steps left in the process. He said Council had completed all of its part. He said the final fee to the underwriters has been negotiated to be 68 basis points, which is in the lower half of their competitive proposal. He said therefore the City saved \$897,000 and \$531,861 in insurance costs. He explained that the underwriters were paid about \$100,000 more than the other firms that had applied, but because of their expertise, they had saved the City a great deal of money in the long run.

Councilmember Hill said justifying costs for professional services can be difficult, but the City finance team deserves credit for being able to hire a firm at 68% of their normal fee.

Councilmember Palmer agreed with Councilmember Hill noting it was prudent to select an experienced company that also saved the City money.

Councilmember Kirtland appreciated the detailed report and echoed his praise for all the work done by Mr. Lappi and Staff.

Council President Spehar asked about the \$2 million amount of savings, which had been reported earlier. Mr. Lappi explained that the difference in the amounts was due to market rate fluctuations that had occurred since the previous report was given. Mr. Lappi explained to Council that the process selected for the sale and issuance of the bonds allows the City to choose a day for the sale of the first bond issue rather than having the sale of the bonds at a certain date.

## **ADJOURNMENT**

The meeting adjourned at 9:02 p.m.

Stephanie Tuin, MMC  
City Clerk

**Attach 2**

**Purchase of 1% for the Arts Sculpture for Fire Station #5  
CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>						
<b>Subject:</b>	<b>Purchase of 1% for the Arts Sculpture for Fire Station #5</b>					
<b>Meeting Date:</b>	<b>February 18, 2004</b>					
<b>Date Prepared:</b>	<b>February 3, 2004</b>				<b>File #</b>	
<b>Author:</b>	<b>Allison Sarmo</b>			<b>Cultural Arts Coordinator</b>		
<b>Presenter Name:</b>	<b>Allison Sarmo</b>			<b>Cultural Arts Coordinator</b>		
<b>Report results back to Council:</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input checked="" type="checkbox"/>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<b>Name</b>	<b>Pamela Blythe, Arts Commission Chair</b>
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>	<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** The Commission on Arts and Culture recommends that the City Council approve commissioning a bronze sculpture for the new Redlands Fire Station #5 through the 1% for the Arts Program.

**Budget:** Redlands Fire Station - 1% of construction budget = \$14,500.

**Action Requested/Recommendation:** Authorize the City Manager, City Attorney, and the Commission on Arts and Culture to negotiate a contract with Colette Pitcher to create and install a life-sized bronze fire fighter at the Redlands Fire Station.

**Attachments:** Proposed art by the three finalists attached.

**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 the new fire station, a "Call for Entries" (Request for Proposals) was mailed to about 150 artists in Mesa County and Colorado. In January, 2004 the Arts Commission and representatives from the Fire Department reviewed slides and 25 proposed sculptures and/or sculpture in conjunction with a sign from 17 Colorado artists (including three from Grand Junction) and selected three finalists.

The finalists each made presentations on Feb. 11. The Arts Commission, plus representatives from the Fire Department, Parks Department, and City Council reviewed the proposals and discussed the three options: a life-sized bronze fire fighter, a carved brick sign with a bas relief of two fire fighters, and a sign with three brightly painted disks which spin in the wind. The final choice between the bronze sculpture and the carved brick relief engendered much

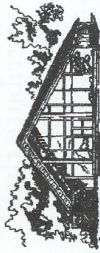
discussion, with the Commission deciding to recommend purchase of the bronze fire fighter for the new station.



Other artwork available.  
Commissions accepted.



Colette Pitcher Sculpture



**Showcase**

1335 8th Avenue

Greeley, CO 80631

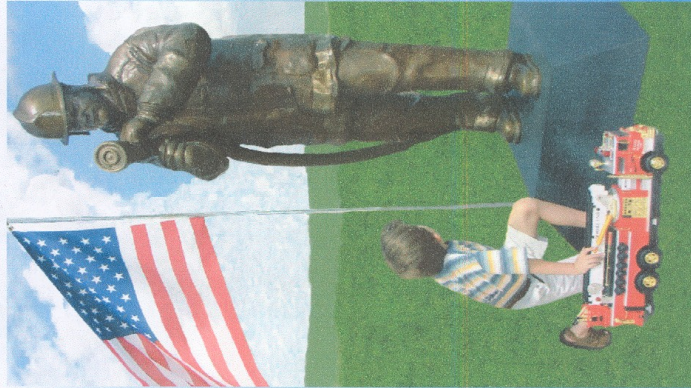
(970) 356-8593

toll free 888-356-8593

[www.artbycolettepitcher.homestead.com](http://www.artbycolettepitcher.homestead.com)

e-mail: [cpit590937@aol.com](mailto:cpit590937@aol.com)

## Every Day A Hero



**Lifesize Bronze**  
**Limited edition of 20**





## Honor



## Tribute

How can a community thank a person for saving a life? Or saving a home or business? Rescuing a child or pet? Or just knowing that there is a guardian looking out for our best interests? Someone who is willing to lay his life down in this duty?

Words are never enough. . .

A lasting tribute that reminds, inspires, and memorializes can be placed in your community. Bronze. Throughout history sculpture remains to tell the stories of cultures and communities- permanent and enduring beauty silently speaking volumes to future generations.



## Respect





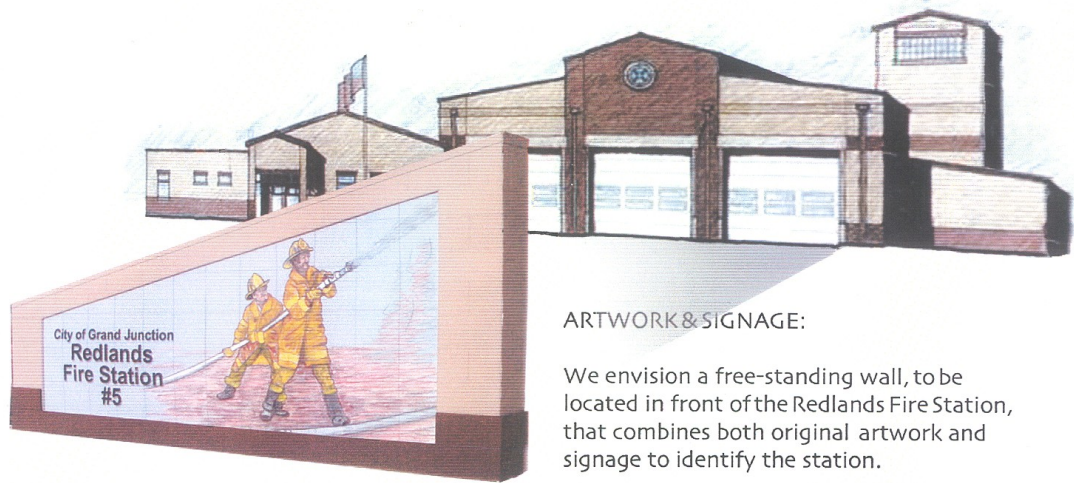


# Proposal for REDLANDS FIRE STATION

To  
The Grand Junction  
Commission on Arts & Culture

from  
Jon & Karen Ritchey  
Earthwork Studios  
Boone, Colorado





#### ARTWORK & SIGNAGE:

We envision a free-standing wall, to be located in front of the Redlands Fire Station, that combines both original artwork and signage to identify the station.

The artwork will be a realistic bas-relief sculpture of “two firemen working a fire.” Since this revised proposal does not include the Grand Junction Fire Department’s seal, due to possible changes in the seal, we have moved the carved raised-relief lettering to the left. This revised proposal allows for a sixty per-cent larger sculpture.

Both high & low relief carvings would be used for these areas, colored with a combination of engobes (colored clay slips) and glazes. The firemen’s “bunker” gear would be colored shades of yellow, similar to the GJ Fire Department’s gear. The lettering would be glazed with a metallic-colored glaze. The tile background would be a matte engobe surface, to place the emphasis on the carved and raised-relief areas. The higher bas-relief carvings will also have a clear top-coat glaze over the colors. The design of the free-standing wall remains the same as the original proposal. It would be constructed of the same CMU block, used in the building itself, and in the same colors (from Buehner Block Co., Salt Lake City, UT). Construction of the wall will provide a 2” deep niche, or recessed area, for the installation of the tile units.

#### TECHNIQUE:

We use a brick clay unit, manufactured by Summit Brick & Tile Company. The units are stacked on one of the studio easels, and the design transferred onto the surface. After the carving has been completed, each tile is numbered and taken down for drying.

When the bricks are dry, they are loaded into one of our kilns and fired to approximately 2,200 degrees F. which “vitrifies” the clay into a fired brick. After this, the units with glazed areas are coated with at least three coats of each glaze, and then re-fired to about 2,000 degrees F.

Installation of the brick tile units will follow standard masonry procedures, using a Portland-based “thin-set mortar,” creating a permanent surface, resistant to theft, vandalism and weathering. Even with prolonged exposure to sun and weather, the fired-on colors and glazes will resist any noticeable fading, and will remain bright. Examples can be seen at [www.earthworkstudios.com](http://www.earthworkstudios.com)

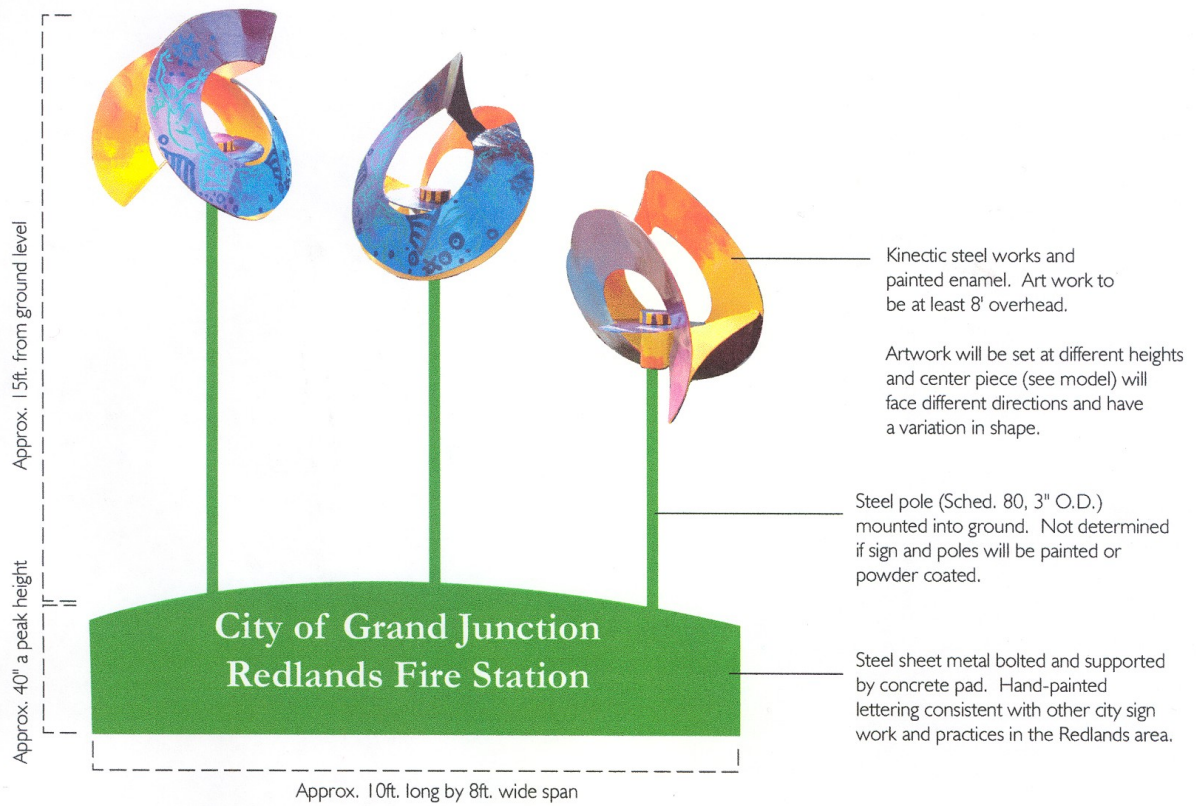
**MEMORIAL WALL:** Prior to the full-scale carving, we first create a tile model (approx. half-scale) as a guide to the carving. Should we be chosen as the artists to create this project, we would donate this model to be used in a “Memorial” located on the back side of the wall, dedicated to recognize firemen who have died.

#### SUMMARY:

With our original artwork, and a technique dating back over 2,500 years, this wall will continue to look great for many decades, timeless as the need for fire departments and fire suppression.

**Percent for Art - Call For Entries**  
**Grand Junction Commission on Arts and Culture**  
**Redlands Fire Station**  
**February 11, 2004**  
**Artist: Reven Marie Swanson**

**Overview of Project Proposal**



**Reven M. Swanson**  
2616 Eudora Street  
Denver, Colorado 80207  
303.322.4034

**Percent for Art – Call for Entries  
Grand Junction Commission on Arts and Culture**

**Redlands Fire Station  
Grand Junction, Colorado  
February 11, 2004**

**Brief Project Description**

On my occasions to visit the Redlands area of the Grand Junction, I have always come away impressed by the natural elements. The expanse of the sky spreads across the delicate ecosystem of the red desert and Colorado River basin.

For this project, I would proposed to establish a relationship between the construction of the new fire house and the natural elements. By creating three wind-powered sculptures, they will move as a constant remainder of nature's presence. The "spinners" will be in the shape of cosmic figures as they reach into the expansive sky. Their colorful dance will promote a sense of celebration and whimsical dance. The overall footprint of the installation suggests an inviting shape for visitors as well as reflect some of the natural shapes created in sandstone found in the nearby rock outcrops of the Colorado Monument.

Set in front of the fire house, the site-specific installation seeks to promote the underlying premise of fire protection. It communicates a respect for the land. It promotes its presence in the community by placing a unique work that entertains passing motorist by its kinetic movement. The installation also serves as a utilitarian function by placing a proper sign for the public building.

**Maintenance & Materials**

The artwork and sign will be constructed of steel. The paint applied is a high quality enamel paint. If the budget allows, the poles and sign material will be powder-coated to extend the life of the color, especially in areas where the work may be subject to frequent irrigation.

To maintain the work, a routine maintenance schedule of every two years should be established. The maintenance would involve greasing the bearings and cleaning the paint for dust and pollution residue. Each bearing will have an standard exterior fitting. The paint should be cleaned with a mild soap and waxed with a common automotive wax. The total time to complete the routine maintenance of the work should take no longer than two hours, once every two years.

**Budget**

The budget allocated for this project is sufficient to complete this project. A formal budget was not drafted for this presentation, however, upon request, a formal budget may submitted including required information about the subcontractors hired to complete portions of the installation.

**The Artist**

As a professional sculptor, I have a strong understanding of the importance to create works that require little maintenance. I give consideration to its durability and safety to the public. I have experience creating and managing outdoor public art work to meet the allocated funds and scheduled deadlines. In addition, I look forward to the opportunity to coordinate and assist with the public officials by providing engineered drawings and details to make the project run smoothly. In addition, the artist maintains the proper liability insurance to conduct business as a sculptor, creating works to be installed in a public environment.

**Attach 3**  
**Setting a Hearing for the Vacation of Right-of-Way on Horizon Drive**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Setting a Hearing for the Vacation of 10' of the 100' width right-of-way on Horizon Drive located adjacent to Lots 2 & 3, Foursquare Minor Subdivision – 638/640 Horizon Drive						
<b>Meeting Date</b>	February 18, 2004						
<b>Date Prepared</b>	February 11, 2004				<b>File # VR-2003-182</b>		
<b>Author</b>	Scott D. Peterson		Associate Planner				
<b>Presenter Name</b>	Scott D. Peterson		Associate Planner				
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>When</b>		
<b>Citizen Presentation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Name</b>		
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>	<input checked="" type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>	<b>Individual Consideration</b>

**Summary:** The petitioners, Ronald & Lee Ann Unfred, are requesting approval to vacate ten feet (10') of a 100' width right-of-way adjacent to Lots 2 & 3, Foursquare Minor Subdivision in order to improve the internal vehicular circulation on their lot(s) for their proposed Bed & Breakfast Inn. A 20' Multi-Purpose Easement will be dedicated to cover the existing underground utilities in the area. The Planning Commission recommended approval at its February 10<sup>th</sup>, 2004 meeting.

**Budget:** N/A

**Action Requested/Recommendation:** First reading of the ordinance and set hearing for March 3, 2004.

**Attachments:**

1. Staff Report/Background Information
2. Site Location Map
3. Aerial Photo
4. Growth Plan Map
5. Existing Zoning Map
6. Ordinance & Exhibit A



<b>STAFF REPORT/BACKGROUND INFORMATION</b>			
<b>Location:</b>		638 Horizon Drive	
<b>Applicant:</b>		Ronald & Lee Ann Unfred, Owners	
<b>Existing Land Use:</b>		Single Family Home	
<b>Proposed Land Use:</b>		Five (5) bedroom Bed & Breakfast	
<b>Surrounding Land Use:</b>	<b>North</b>	Church	
	<b>South</b>	Multi-Family Residential	
	<b>East</b>	Multi-Family Residential	
	<b>West</b>	Multi-Family Residential	
<b>Existing Zoning:</b>		Residential Single Family – 1 (RSF-1)	
<b>Proposed Zoning:</b>		N/A	
<b>Surrounding Zoning:</b>	<b>North</b>	Residential Single Family – 1 (RSF-1)	
	<b>South</b>	PD, Planned Development	
	<b>East</b>	PD, Planned Development	
	<b>West</b>	PD, Planned Development	
<b>Growth Plan Designation:</b>		Residential Low (1/2 – 2 DU/Ac.)	
<b>Zoning within density range?</b>		N/A	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

The petitioners, Ronald and Lee Ann Unfred, are requesting approval to vacate ten feet (10') of a 100' width right-of-way adjacent to their two (2) lots in order to improve the internal vehicular circulation on their lot(s) for their proposed Bed & Breakfast Inn located at 638 Horizon Drive. Currently, Horizon Drive is classified as a Minor Arterial which is required to be an 80' right-of-way width. The Horizon Drive right-of-way adjacent to the petitioner's properties is 100' in width. The existing 10' Utility Easement located on Lots 2 & 3, adjacent to the Horizon Drive right-of-way, will be modified to a 20' Multi-Purpose Easement to cover the existing underground electric, gas and telephone utilities. No adverse comments from the utility review agencies were received during the staff review process provided an easement was dedicated.

**Consistency with the Growth Plan:**

The site is currently zoned RSF-1, Residential Single Family – 1 with the Growth Plan Future Land Use Map showing this area as Residential Low (1/2 – 2 DU/Ac.).

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

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

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

Granting the request to vacate ten feet (10') of an existing 100' width right-of-way does not conflict with the Growth Plan, major street plan and other adopted plans and policies of the City of Grand Junction.

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

No parcel will be landlocked as a result of this ten foot (10') right-of-way vacation.

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

Access will not be restricted.

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

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

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

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Zoning & Development Code as the ten foot (10') right-of-way vacation will be converted to a 20' Multi-Purpose Easement for the benefit of the existing underground electric, gas and telephone utilities. No adverse comments were received from the utility review agencies during the staff review process.

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

Maintenance requirements to the City will not change as a result of the proposed vacation, as a new 20' Multi-Purpose Easement will be dedicated for the existing utilities.

## **FINDINGS OF FACT/CONCLUSIONS**

After reviewing the Horizon Drive right-of-way vacation application located adjacent to Lots 2 & 3, Foursquare Minor Subdivision, VR-2003-182, for the vacation of 10' of a 100' width public right-of-way, the Planning Commission at their February 10<sup>th</sup>, 2004 meeting made the following findings of fact and conclusions:

1. The requested 10' right-of-way vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11 C. of the Zoning and Development Code have all been met.
3. That an adequate 20' Multi-Purpose Easement be granted to the City for the existing underground utilities.

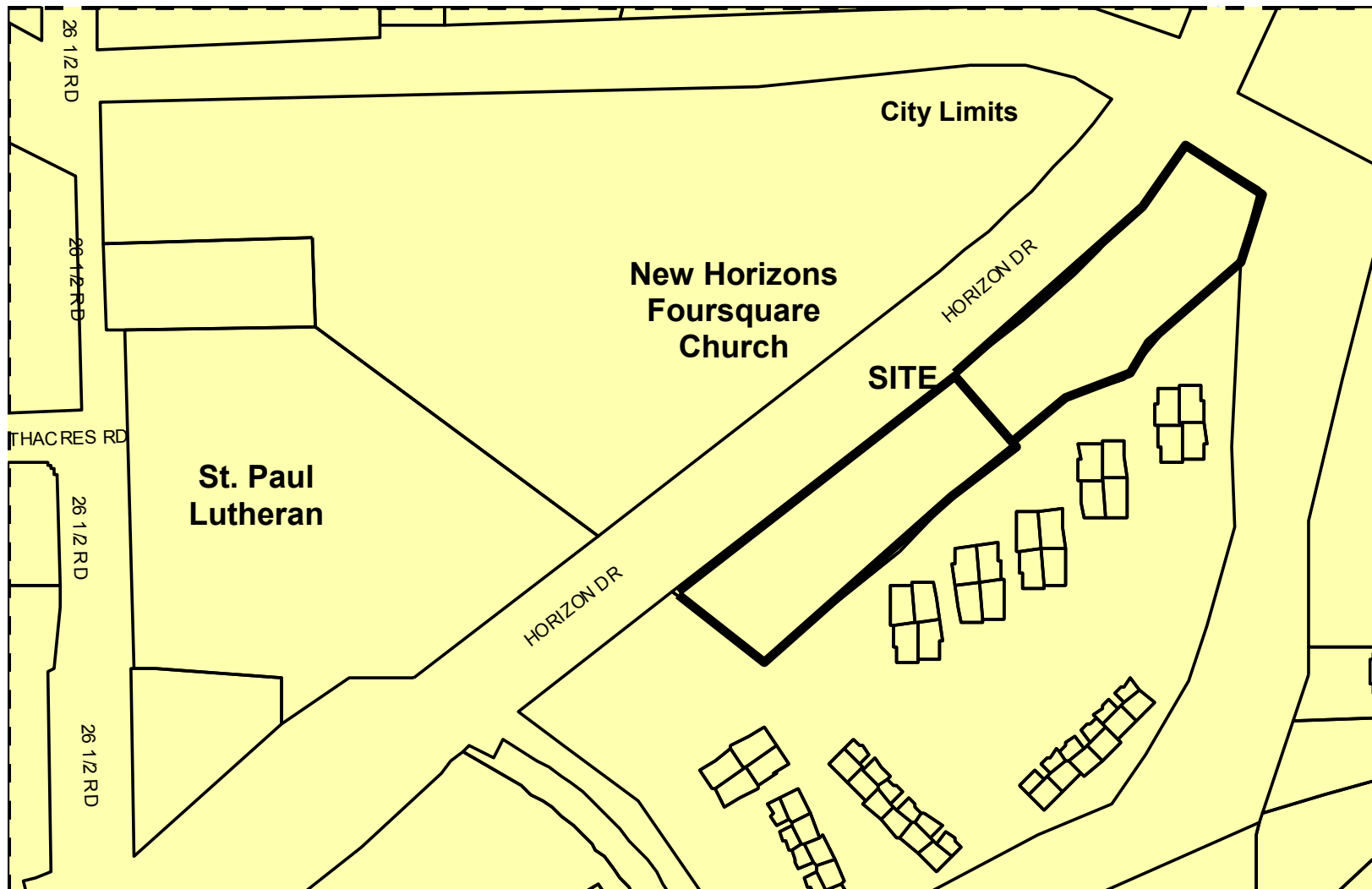
**Action Requested/Recommendation:** Recommend First Reading of the Ordinance for the vacation of 10' of the 100' width right-of-way on Horizon Drive located adjacent to Lots 2 & 3, Foursquare Minor Subdivision – 638/640 Horizon Drive, finding the request consistent with the Growth Plan and Section 2.11 C. of the Zoning & Development Code.

## **Attachments:**

1. Site Location Map
2. Aerial Photo
3. Growth Plan Map
4. Existing Zoning Map
5. Ordinance & Exhibit A

# Site Location Map – Horizon Drive ROW Vacation

Figure 1





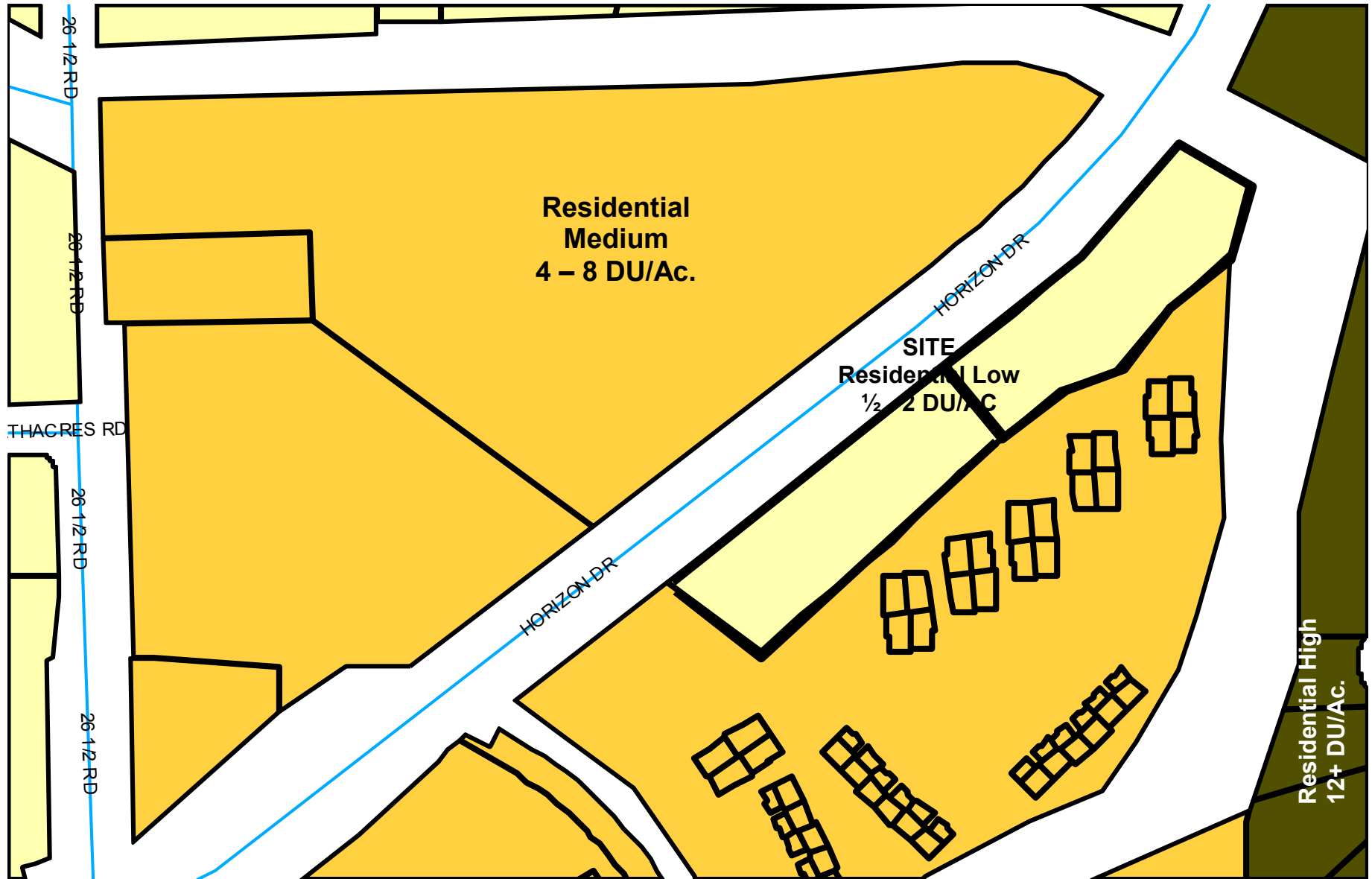
# Aerial Photo Map – Horizon Drive ROW Vacation

Figure 2



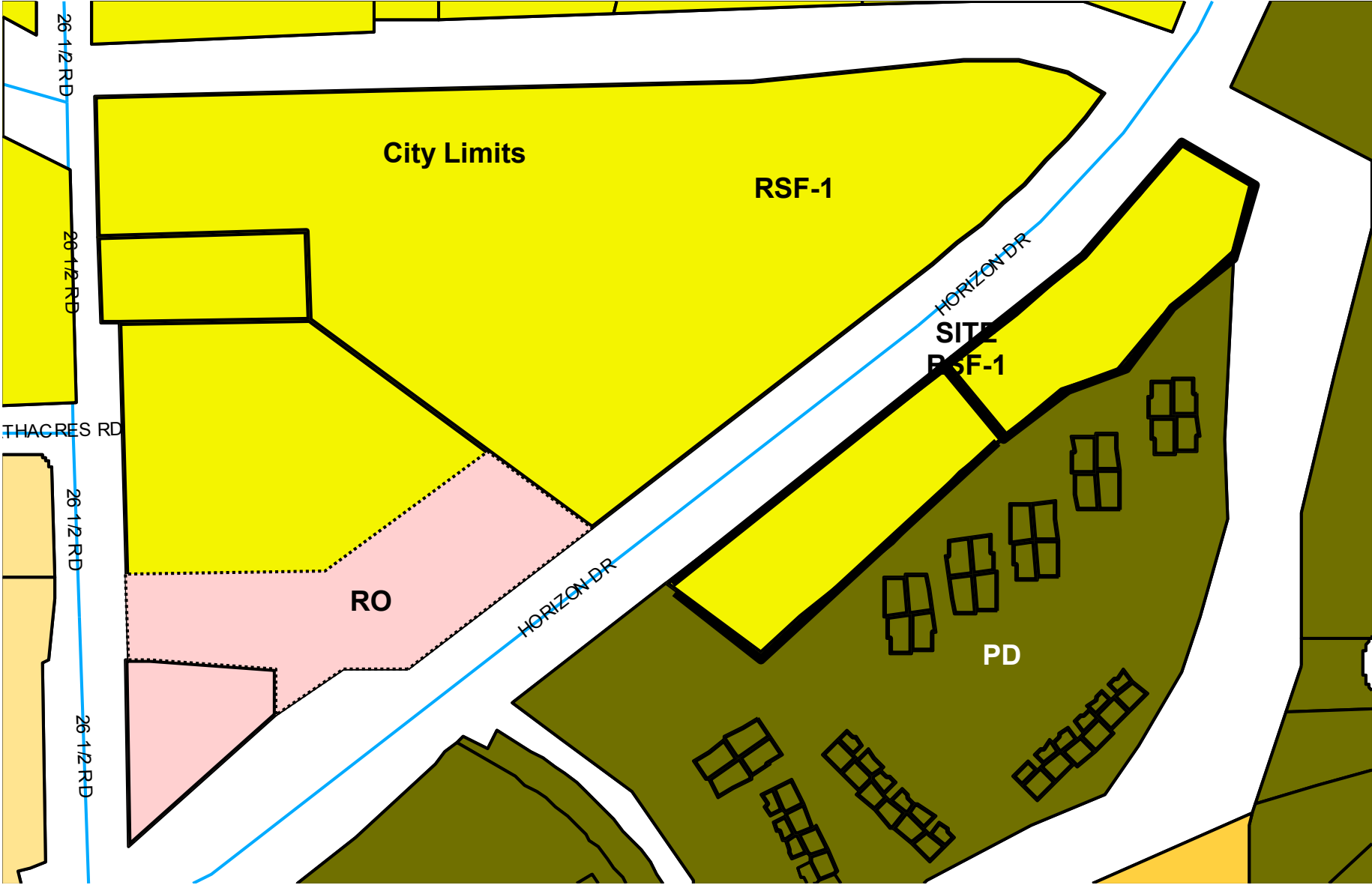
# Future Land Use Map – Horizon Drive ROW Vacation

Figure 3



# Existing City Zoning – Horizon Drive ROW Vacation

Figure 4



**CITY OF GRAND JUNCTION**

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

AN ORDINANCE VACATING 10' OF THE 100' WIDTH RIGHT-OF-WAY  
ON HORIZON DRIVE LOCATED ADJACENT TO LOTS 2 & 3,  
FOURSQUARE MINOR SUBDIVISION  
KNOWN AS: 638 & 640 Horizon Drive

RECITALS:

In conjunction with the approval of a Conditional Use Permit for converting the existing single family home into a five (5) bedroom Bed & Breakfast, the applicant proposes to vacate 10' of the 100' width right-of-way on Horizon Drive located adjacent to Lots 2 & 3, Foursquare Minor Subdivision.

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

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

1. The following described 10' of the 100' width right-of-way on Horizon Drive located adjacent to Lots 2 & 3, Foursquare Minor Subdivision is hereby conditionally vacated:

A strip of land being 10.00 feet wide situated in the SE ¼ of Section 2, Township 1 South, Range 2 West of the Ute Meridian, Mesa County, Colorado being more particularly described as follows:

The southeasterly 10.00 feet of Horizon Drive right-of-way as described in Book 877 at Page 345 of the records of Mesa County that abuts Lot 2 and Lot 3 of Foursquare Minor Subdivision as recorded in Plat Book 14 at Page 290 and 291 of said Mesa County records:

Said strip contains 7723 sq. ft. more or less.

This 10' right-of-way vacation is conditioned and contingent upon the filing of a 20' Multi-Purpose Easement be granted to the City for the existing underground utilities.

INTRODUCED on First Reading on the 18<sup>th</sup> day of February, 2004 and ordered published.

ADOPTED on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

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

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



**Attach 4**

**Setting a Hearing to Rezone Property Located at 2558 & 2560 Patterson Road  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Setting a Hearing for the rezone of 0.95 acres from PD, (Planned Development) & RMF-8, (Residential Multi-Family – 8 units per acre), to RO, (Residential Office) – 2558 & 2560 Patterson Road					
<b>Meeting Date</b>	February 18, 2004					
<b>Date Prepared</b>	February 11, 2004				<b>File # RZ-2003-278</b>	
<b>Author</b>	Scott D. Peterson		Associate Planner			
<b>Presenter Name</b>	Scott D. Peterson		Associate Planner			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Name</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>	<input checked="" type="checkbox"/>	<b>Consent</b>	<input type="checkbox"/>
						<b>Individual Consideration</b>

**Summary:** The petitioners, Dave & Lisa Proietti, are requesting approval to rezone two (2) properties located at 2558 & 2560 Patterson Road from PD & RMF-8 to RO. The two (2) properties total 0.95 acres. The Planning Commission recommended approval at its February 10<sup>th</sup>, 2004 meeting.

**Budget:** N/A

**Action Requested/Recommendation:** First reading of the ordinance and set hearing for March 3, 2004.

**Attachments:**

7. Staff Report/Background Information
8. Site Location Map
9. Aerial Photo
10. Growth Plan Map
11. Existing Zoning Map
12. Ordinance

<b>STAFF REPORT/BACKGROUND INFORMATION</b>			
<b>Location:</b>		2558 & 2560 Patterson Road	
<b>Applicant:</b>		Dave & Lisa Proietti, Owners	
<b>Existing Land Use:</b>		Single Family Home(s)	
<b>Proposed Land Use:</b>		Future dental clinic	
<b>Surrounding Land Use:</b>	<b>North</b>	Five (5) unit townhouse	
	<b>South</b>	Pomona Elementary School	
	<b>East</b>	Single-family residential	
	<b>West</b>	7 <sup>th</sup> Day Adventist Church Community Services Building	
<b>Existing Zoning:</b>		PD, Planned Development (Residential) & RMF-8, Residential Multi-Family – 8	
<b>Proposed Zoning:</b>		RO, Residential Office	
<b>Surrounding Zoning:</b>	<b>North</b>	PD, Planned Development (Residential), RMF-8, Residential Multi-Family – 8 & RMF-24, Residential Multi-Family – 24	
	<b>South</b>	CSR, Community Services & Recreation	
	<b>East</b>	RMF-8, Residential Multi-Family – 8	
	<b>West</b>	RMF-8, Residential Multi-Family – 8	
<b>Growth Plan Designation:</b>		Residential Medium High (8-12 DU/Ac.)	
<b>Zoning within density range?</b>		X	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

The petitioners, Dave & Lisa Proietti, are requesting to rezone their two (2) properties located at 2558 & 2560 Patterson Road to RO (Residential Office), in order to develop a proposed dental clinic. In 1998, the property located at 2558 Patterson Road (Lot 1, Vostatek Minor Subd.) was rezoned from RSF-8 (Residential Single Family – 8) to PR (Planned Residential) under the old Zoning Code designations. The proposal at that time was to develop Lots 1 & 2, Vostatek Minor Subdivision (2556 & 2558 Patterson Road) for use as a duplex on Lot 1 and a five (5) plex on Lot 2. In 2000, the zoning designations were changed to what are now the current designations of PD & RMF-8, for the petitioner’s two (2) properties.

The RO District was established to provide low intensity, non-retail, neighborhood service and office uses that would be compatible with adjacent residential neighborhoods. Development regulations and performance standards



are intended to make buildings compatible and complementary in scale and appearance to a residential environment.

**Consistency with the Growth Plan:**

The Growth Plan shows this area as Residential Medium High (8 -12 DU/Ac.). The proposed zoning of RO (Residential Office) implements the Residential Medium, Medium High and High land use classification of the Growth Plan in transitional corridors between single-family residential and more intensive land uses.

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

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

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

The existing zone districts of PD and RMF-8 support the existing land uses and were not in error at the time of adoption. However, the RO District was not available until the year 2000 with the adoption of the new Zoning Code and provides a transitional land use along corridors between single-family residential and more intense land uses.

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

The area surrounding the proposed rezoning request consists of a church building to the west and multi-family residential to the north consisting of a 5-plex townhouse and a multi-family apartment complex in the near vicinity. To the east are single-family homes. To the south is Patterson Road and Pomona Elementary School. The areas surrounding major intersections in the community, especially Patterson Road, have become more commercialized with fewer housing developments over time. The City's enactment in 2000 to adopt the RO Residential Office Zoning District was intended to provide a compatible buffer for areas such as this for near-by existing residential development.

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

The proposed rezone to RO 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 RO 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 RO Zoning District implements the Residential Medium to High land use classifications of the Growth Plan. The RO District is considered compatible with surrounding properties as part of the transitional corridor between residential and more intensive land uses.

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 RO zone district. A Site Plan Review and possible Simple Subdivision will be required at the time of development for review and approval by City staff.

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

The land available in the surrounding area could accommodate the RO Zone District as churches and residential land uses are all permitted in the RO District. However, at this time, there are not any other properties in this immediate vicinity that are currently zoned RO.

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

The community and neighborhood will benefit from the proposal as it will provide a transitional land use between Patterson Road and the existing adjacent multi-family and single-family residential properties.

## **FINDINGS OF FACT/CONCLUSIONS**

After reviewing the Proietti Rezone application located at 2558 & 2560 Patterson Road, RZ-2003-278, for a rezone to RO, Residential Office, the Planning Commission at their February 10<sup>th</sup>, 2004 meeting made the following findings of fact and conclusions:

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

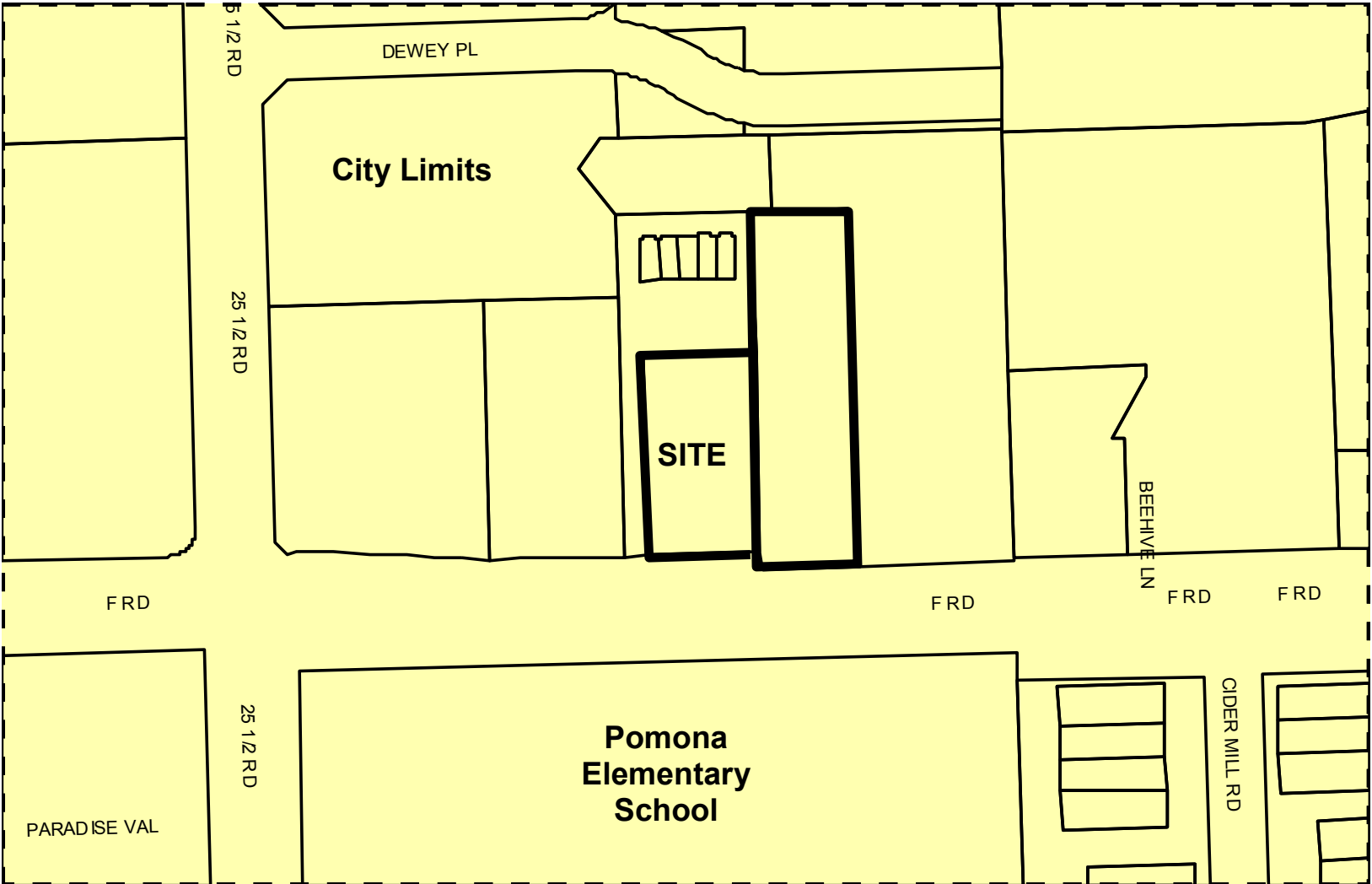
**Action Requested/Recommendation:** Recommend First Reading of the Ordinance for the rezone of 0.95 acres from PD, (Planned Development) & RMF-8, (Residential Multi-Family – 8 units per acre), to RO, (Residential Office) – 2558 & 2560 Patterson Road, finding the request consistent with the Growth Plan and Section 2.6 A. of the Zoning & Development Code.

**Attachments:**

6. Site Location Map
7. Aerial Photo
8. Growth Plan Map
9. Existing Zoning Map
10. Ordinance

# Site Location Map – Proietti Rezone – 2558/2560 F Road

Figure 1



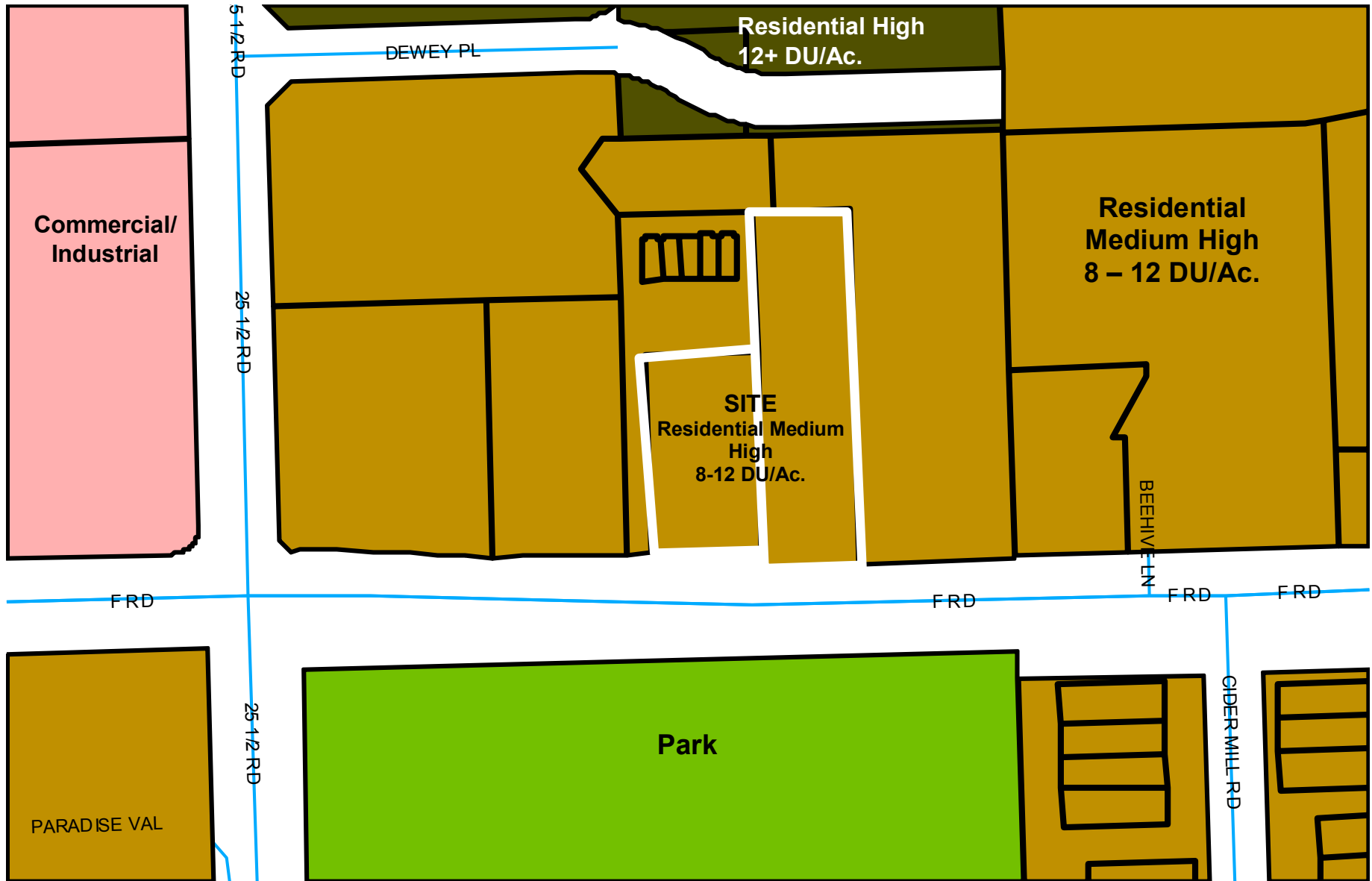
# Aerial Photo Map – 2558/2560 F Road

Figure 2



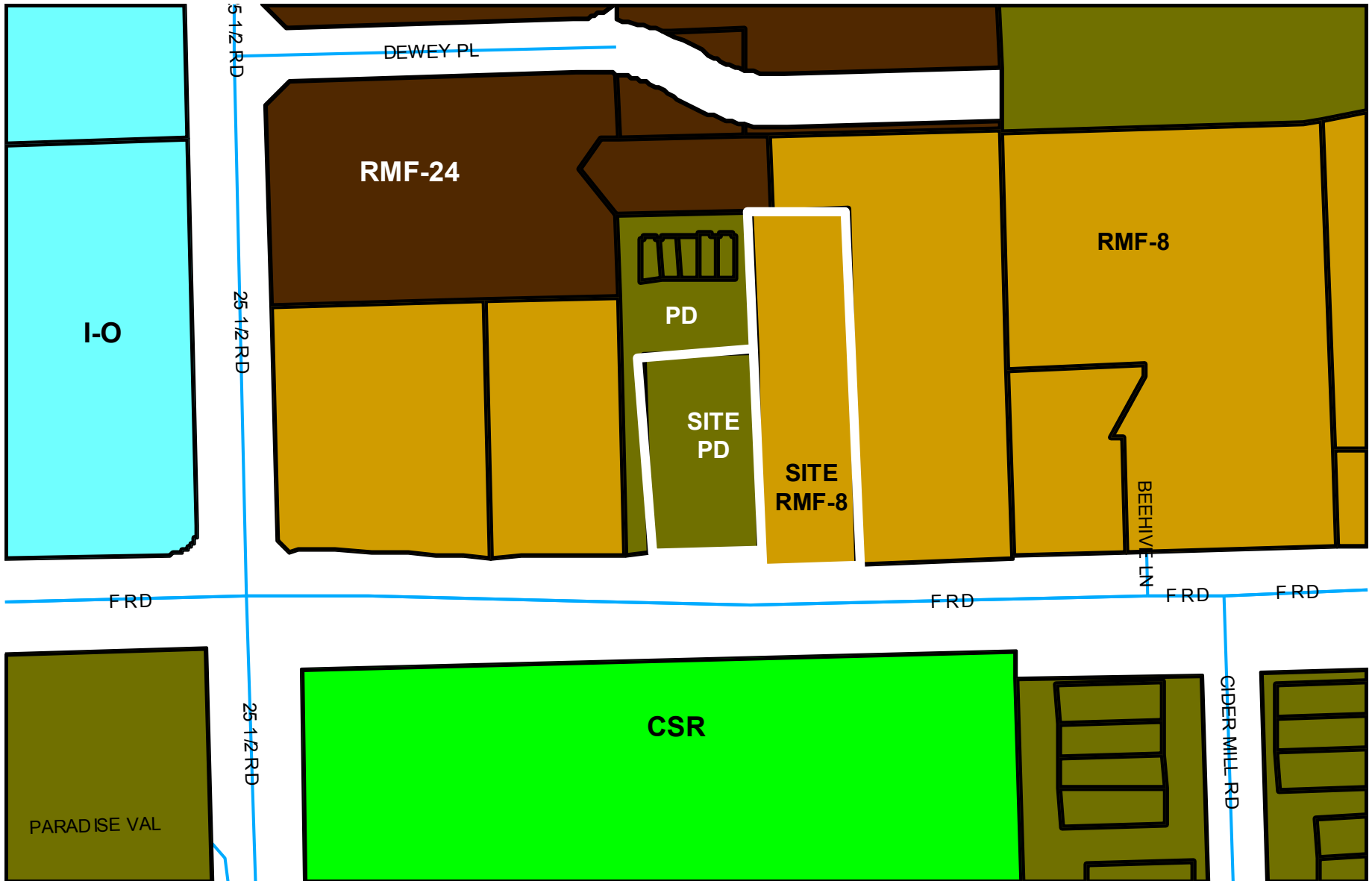
# Future Land Use Map – 2558/2560 F Road

Figure 3



# Existing City Zoning – 2558/2560 F Road

Figure 4



**CITY OF GRAND JUNCTION, COLORADO**

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

**AN ORDINANCE REZONING THE PROPERTY KNOWN AS  
THE PROIETTI REZONE  
LOCATED AT 2558 & 2560 Patterson Road**

**RECITALS:**

The Grand Junction Planning Commission, at its February 10<sup>th</sup>, 2004 public hearing, recommended approval of the rezone request from the PD, (Planned Development) & RMF-8, (Residential Multi-Family – 8 units per acre), to RO, (Residential Office) Zoning District.

A rezone from the PD, (Planned Development) & RMF-8, (Residential Multi-Family – 8 units per acre), to RO, (Residential Office) Zoning District, has been requested for the property located at 2558 & 2560 Patterson Road. The City Council finds that the request meets the goals and policies and future land use set forth by the Growth Plan (Residential Medium High 8 - 12 DU/Ac.) City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning & Development Code have all been satisfied.

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

Includes the following tax parcel: 2945-034-53-001 (2558 Patterson Road)

Lot 1, Vostatek Minor Subdivision, Mesa County, Colorado

Includes the following tax parcel: 2945-034-00-060 (2560 Patterson Road)

Beginning 8 rods West of the Southeast corner of the W ½ SW ¼ SE ¼ of Section 3, Township 1 South, Range 1 West of the Ute Meridian, thence North 20 rods, thence West 5 rods, thence South 20 rods, thence East 5 rods to beginning, EXCEPTING THEREFROM that portion thereof conveyed to the City of Grand Junction by instrument recorded March 15, 1989 in Book 1734 at Page 140, Mesa County, Colorado.

INTRODUCED for FIRST READING and PUBLICATION this 18<sup>th</sup> day of February, 2004.



PASSED on SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

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

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

**Attach 5**  
**Setting a Hearing on the Landmark Baptist Church Annexation**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Setting a hearing for the Landmark Baptist Church annexation located at 3015 D Road					
<b>Meeting Date</b>		February 18, 2004					
<b>Date Prepared</b>		February 9, 2004			File #ANX-2004-016		
<b>Author</b>		Senta Costello		Associate Planner			
<b>Presenter Name</b>		Senta Costello		Associate Planner			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.779 acre Landmark Baptist Church annexation consists of 1 parcel.

**Budget:** N/A

**Action Requested/Recommendation:** Approval of the Resolution of Referral, accepting the Landmark Baptist Church Annexation petition and introduce the proposed Landmark Baptist Church Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for April 7, 2004.

**Background Information:** See attached Staff Report/Background Information

**Attachments:**

- 13. Staff report/Background information
- 14. General Location Map
- 15. Aerial Photo
- 16. Growth Plan Map
- 17. Zoning Map
- 18. Annexation map
- 19. Resolution Referring Petition
- 20. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
<b>Location:</b>		3015 D Road	
<b>Applicants:</b>		Landmark Baptist Church	
<b>Existing Land Use:</b>		Agricultural	
<b>Proposed Land Use:</b>		Agricultural / Future church site	
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential	
	<b>South</b>	Single Family Residential	
	<b>East</b>	Single Family Residential	
	<b>West</b>	Single Family Residential	
<b>Existing Zoning:</b>		RSF-R	
<b>Proposed Zoning:</b>		RSF-E	
<b>Surrounding Zoning:</b>	<b>North</b>	County AFT	
	<b>South</b>	County AFT	
	<b>East</b>	County AFT	
	<b>West</b>	County RSF-4	
<b>Growth Plan Designation:</b>		Estate 2-5 ac/du	
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>
			<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 4.779 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City. At some point in the future they wish to construct a church on the property.

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;

- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

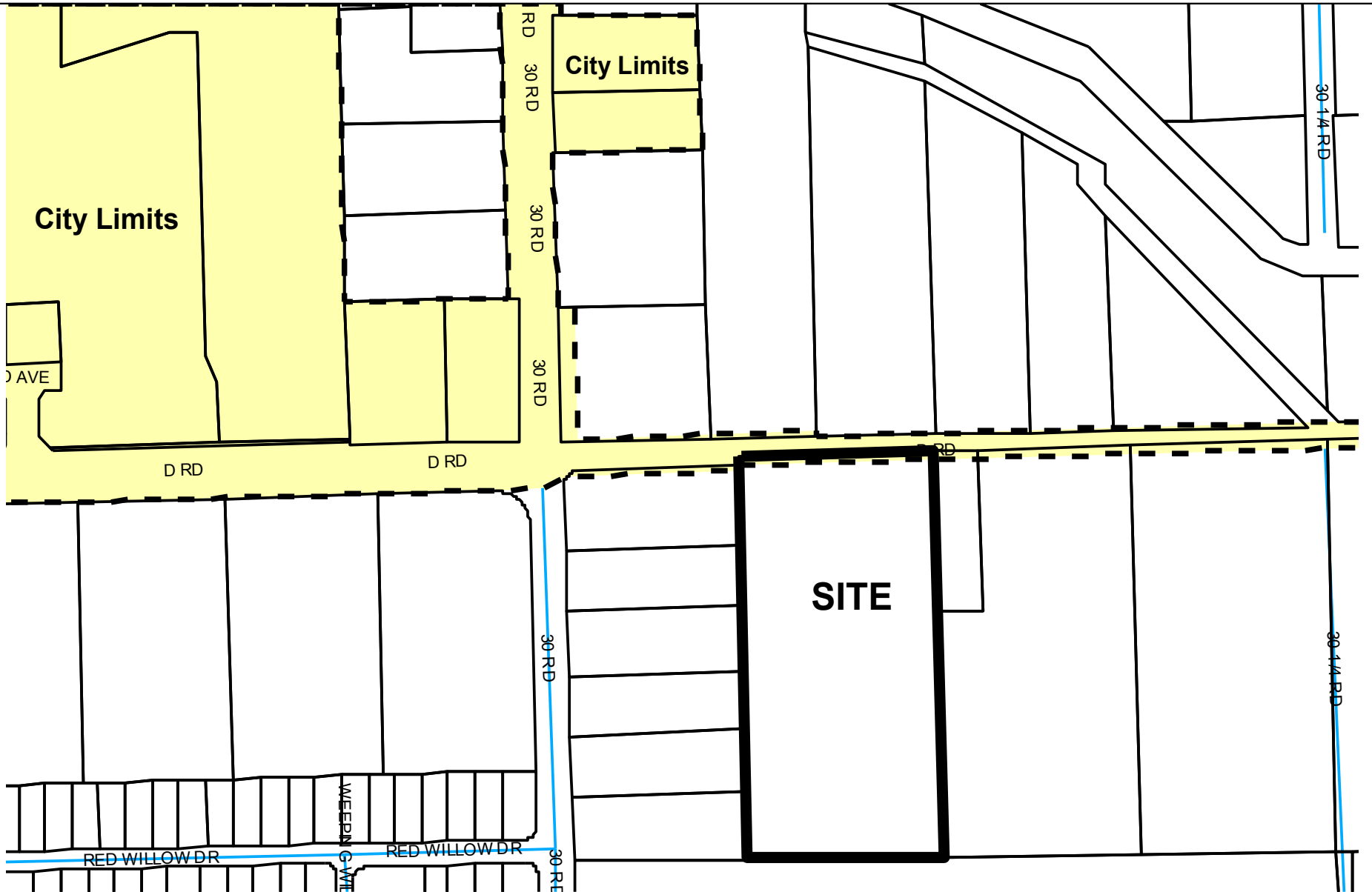
<u><i>ANNEXATION SCHEDULE</i></u>	
<b>February 18, 2004</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>March 9, 2004</b>	Planning Commission considers Zone of Annexation
<b>March 17, 2004</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>April 7, 2004</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
<b>May 9, 2004</b>	Effective date of Annexation and Zoning

**LANDMARK BAPTIST CHURCH ANNEXATION SUMMARY**

<b>File Number:</b>		ANX-2004-016
<b>Location:</b>		3015 D Road
<b>Tax ID Number:</b>		2943-212-00-043
<b>Parcels:</b>		1
<b>Estimated Population:</b>		0
<b># of Parcels (owner occupied):</b>		0
<b># of Dwelling Units:</b>		0
<b>Acres land annexed:</b>		4.779
<b>Developable Acres Remaining:</b>		4.779
<b>Right-of-way in Annexation:</b>		0.0 ac
<b>Previous County Zoning:</b>		RSF-R
<b>Proposed City Zoning:</b>		RSF-E
<b>Current Land Use:</b>		Agricultural
<b>Future Land Use:</b>		Church site
<b>Values:</b>	<b>Assessed:</b>	= \$670
	<b>Actual:</b>	= \$2310
<b>Address Ranges:</b>		3015 D Road
<b>Special Districts:</b>	<b>Water:</b>	Clifton Water
	<b>Sewer:</b>	Central Grand Valley Sanitation
	<b>Fire:</b>	Grand Junction Rural Fire
	<b>Irrigation/Drainage:</b>	Grand Valley Irrigation / Grand Jct Drainage District
	<b>School:</b>	Mesa County School District #51
	<b>Pest:</b>	Upper Grand Valley Pest District

# Site Location Map

Figure 1



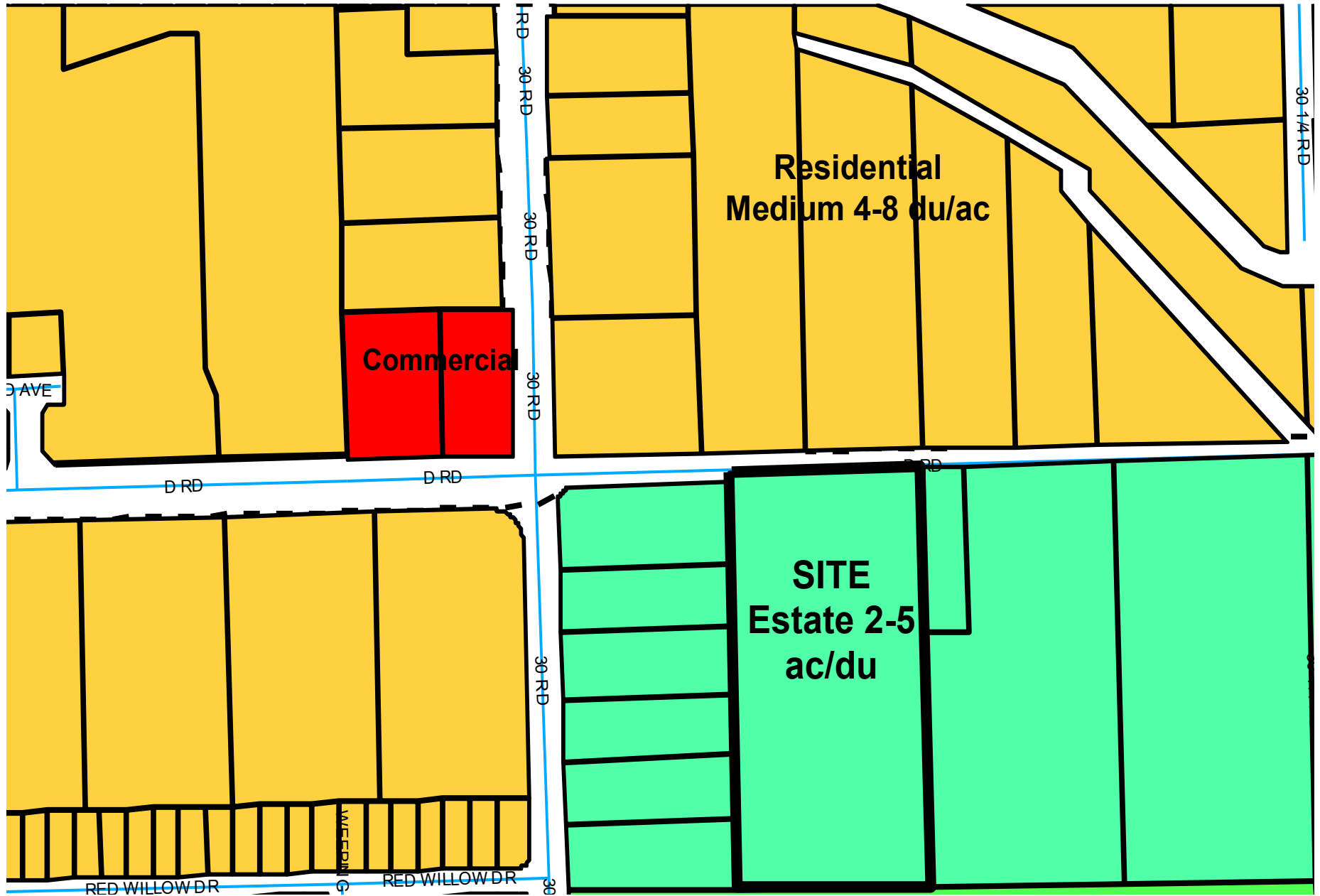
# Aerial Photo Map

Figure 2



# Future Land Use Map

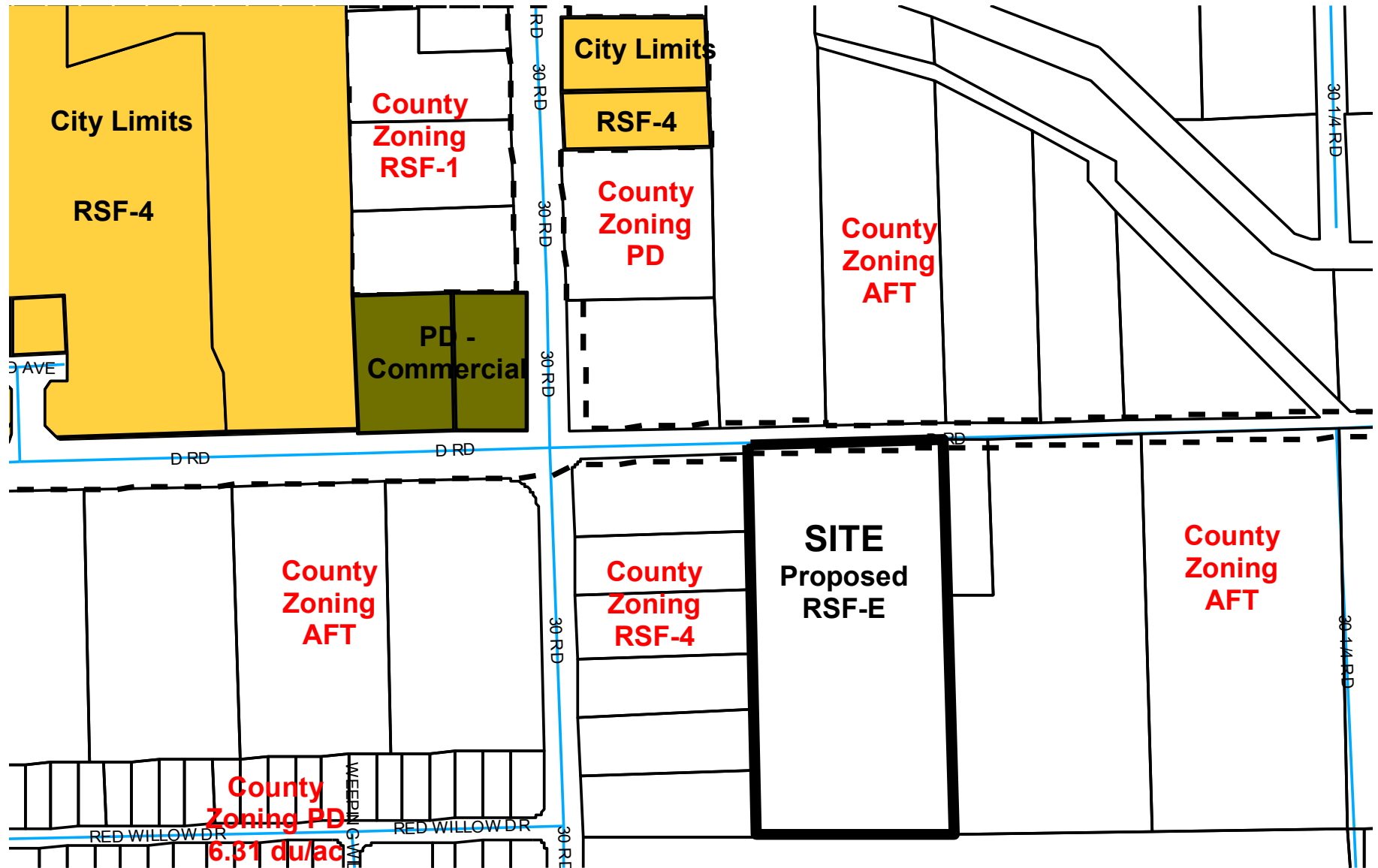
Figure 3





# 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."



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

**NOTICE IS HEREBY GIVEN** that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 18<sup>th</sup> of February, 2004, the following Resolution was adopted:

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

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

**LANDMARK BAPTIST CHURCH ANNEXATION**

**LOCATED at 3015 D ROAD.**

WHEREAS, on the 18<sup>th</sup> day of February, 2004, a petition was referred to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

**LANDMARK BAPTIST CHURCH ANNEXATION**

A certain parcel of land lying in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4 NW 1/4) of Section 21, 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 Northeast corner of the NW 1/4 NW 1/4 NW 1/4 of said Section 21 and assuming the North line of the Northwest Quarter (NW 1/4) of said Section 21 bears N 89°54'55" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'41" E along the East line of the NW 1/4 NW 1/4 NW 1/4 of said Section 21 a distance of 30.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°03'41" E along the East line of the NW 1/4 NW 1/4 NW 1/4 of said Section 21 a distance of 631.18 feet, more or less, to a point on the North line of the Hitchcock Major Boundary Line Adjustment, as recorded in Plat Book 16, Page 257, Public Records of Mesa County, Colorado and being the Southeast corner of the NW 1/4 NW 1/4 NW 1/4 of said Section 21; thence S 89°50'11" W along the South line of the NW 1/4 NW 1/4 NW 1/4 of said Section 21 and the North line of said Hitchcock Major Boundary Line Adjustment, a distance of 329.21 feet, more or less, to a point being the Southeast corner of La Veta Subdivision, as same is recorded in Plat Book 12, Page 227, Public Records of Mesa County, Colorado; thence N 00°08'47" W along the East line of said La Veta Subdivision, a distance of 631.63 feet, more or less, to a point on a line 30.00 feet South of and parallel to, the North line of the NW 1/4 of said Section 21; thence N 89°54'55" E along said parallel line, a distance of 330.14 feet, more or less, to the Point of Beginning.

CONTAINING 4.779 Acres (208,160 Sq. Ft.), more or less, as described.

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

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

1. That a hearing will be held on the 7<sup>th</sup> day of April, 2004, in the City Hall auditorium, located at 250 North 5<sup>th</sup> Street, City of Grand Junction, Colorado, at 7:30 PM to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.
2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this 18<sup>th</sup> day of February, 2004.

Attest:

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

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

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

---

City Clerk

<i>DATES PUBLISHED</i>
<b>February 20, 2004</b>
<b>February 27, 2004</b>
<b>March 5, 2004</b>
<b>March 12, 2004</b>

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

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

**LANDMARK BAPTIST CHURCH ANNEXATION**

**APPROXIMATELY 4.779 ACRES**

**LOCATED AT 3015 D ROAD**

**WHEREAS**, on the 18<sup>th</sup> day of February, 2004 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 7<sup>th</sup> day of April, 2004; and

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

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

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

**LANDMARK BAPTIST CHURCH ANNEXATION**

A certain parcel of land lying in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4 NW 1/4) of Section 21, 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 Northeast corner of the NW 1/4 NW 1/4 NW 1/4 of said Section 21 and assuming the North line of the Northwest Quarter (NW 1/4) of said Section 21 bears N 89°54'55" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°03'41" E along the East line of the NW 1/4 NW 1/4 NW 1/4 of said Section 21 a distance of 30.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°03'41" E along the East line of the NW 1/4 NW 1/4 NW 1/4 of said Section 21 a distance of 631.18 feet, more or less, to a point on the North line of the Hitchcock Major Boundary Line

Adjustment, as recorded in Plat Book 16, Page 257, Public Records of Mesa County, Colorado and being the Southeast corner of the NW 1/4 NW 1/4 NW 1/4 of said Section 21; thence S 89°50'11" W along the South line of the NW 1/4 NW 1/4 NW 1/4 of said Section 21 and the North line of said Hitchcock Major Boundary Line Adjustment, a distance of 329.21 feet, more or less, to a point being the Southeast corner of La Veta Subdivision, as same is recorded in Plat Book 12, Page 227, Public Records of Mesa County, Colorado; thence N 00°08'47" W along the East line of said La Veta Subdivision, a distance of 631.63 feet, more or less, to a point on a line 30.00 feet South of and parallel to, the North line of the NW 1/4 of said Section 21; thence N 89°54'55" E along said parallel line, a distance of 330.14 feet, more or less, to the Point of Beginning.

CONTAINING 4.779 Acres (208,160 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 18<sup>th</sup> day of February, 2004 and ordered published.

**ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2004.

Attest:

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

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



**Attach 6**

**Setting a Hearing on the Intent to Create Sanitary Sewer Improvement District  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Intent to Create Music Lane Area Sanitary Sewer Improvement District No. SS-46-04 and giving notice of a hearing.					
<b>Meeting Date</b>	February 18, 2004					
<b>Date Prepared</b>	February 12, 2004				File #	
<b>Author</b>	Michael Grizenko		Real Estate Technician			
<b>Presenter Name</b>	Mark Relph		Public Works and Utilities Director			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes	X	No	Name	
<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** A majority of the owners of real estate located west of 26 Road between Meander Drive and F ½ Road (including Music Lane) have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties, utilizing the Septic Sewer Elimination Program (SSEP) to help reduce assessments levied against the affected properties. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

**Budget:** Costs to be incurred within the limits of the proposed district boundaries are estimated to be \$173,015. Sufficient funds have been transferred from Fund 902, the sewer system “general fund”, to pay for these costs. Except for the 30% Septic System Elimination contribution, this fund will be reimbursed by assessments to be levied against the 21 benefiting properties, as follows:

Estimated Project Costs	\$173,015	\$8,239 / lot
-30% Septic System Elimination Contribution by City	<u>(\$51,905)</u>	<u>(\$2,472) / lot</u>
Total Estimated Assessments	\$121,110	\$5,767 / lot

This proposed improvement district is one of several slated for construction as part of the 2004 budget of \$1,500,000 in **906-F48200**. A breakdown of the budget is as follows:

PROJECT NAME	BUDGET ESTIMATE
Carry Forward from 2003	\$ 100,000.00
Music Lane Area SID	\$ 195,970.00
Galley Lane SID (Design)	\$ 20,000.00

Hodesha Way SID	\$ 456,319.00
Rainbow Ranch SID	\$ 244,969.00
Meadowlark SID	\$ 192,956.00
Rio Vista/Mesa Grande SID (Design)	\$ 20,000.00
S/O Broadway SID	\$ 80,000.00
Estimated TOTAL:	\$1,310,214.00
Budget Total & Carryover:	\$1,600,000.00
Remaining Funds:	\$ 289,786.00

**Action Requested/Recommendation:** Adopt a resolution declaring the intention of the City Council to create Music Lane Area Sanitary Sewer Improvement District No. SS-46-04 and giving notice of a hearing.

**Attachments:** Vicinity map, ownership summary, proposed resolution, which includes the notice of hearing.

**Background Information:** In 2001 the City Council and Mesa County Commissioners adopted two policies to promote the elimination of septic systems in the Persigo sewer service area. The two agencies have agreed to budget \$1million annually for years 2001 through 2005, and \$1.5 million annually for years 2006 through 2010, to fund improvement districts that will extend sanitary sewer service to various neighborhoods. Additionally, a Septic System Elimination Program (SSEP) has been created that provides financial assistance for property owners who wish to participate in improvement districts. This program authorizes the City and Mesa County to pay 30% of improvement district costs.

Improvement districts historically begin with public interest. The City or Mesa County receive questions from property owners in an area regarding possibility of sewer service and connection to the Persigo Waste Water Treatment Plant.

The City and County hold an initial public meeting for the affected parties introducing the SSEP and provide estimated high and low range costs for the district. At this meeting an informal petition is circulated. If a simple majority of property owners affected favor a district, the project is designed by the City and advertised for bids. Otherwise, the district is tabled until some later date.

After the City receives bids, a second public meeting is held with residents to discuss the estimated assessment based on bid price from the lowest qualified bidder. At this meeting a formal, legally binding, petition is circulated with costs based on the low bid received.

If a majority of the property owners vote to form the district, the City Council takes action to create the district and awards the construction contract. After construction is completed the City Council initiates assessment proceedings. Each property in the district is assessed based on actual costs of construction, less the 30% SSEP contribution, if it applies.

This proposed improvement district consists of 21 single-family properties which are connected to septic systems. Ninety-five percent of the property owners have signed a petition requesting that this improvement district be created. People's Ordinance No. 33 authorizes the City Council to create improvement districts when requested by a majority of the owners of real estate to be assessed.

On April 7<sup>th</sup>, 2004, the City Council will conduct a public hearing and consider a resolution to create this proposed improvement district.

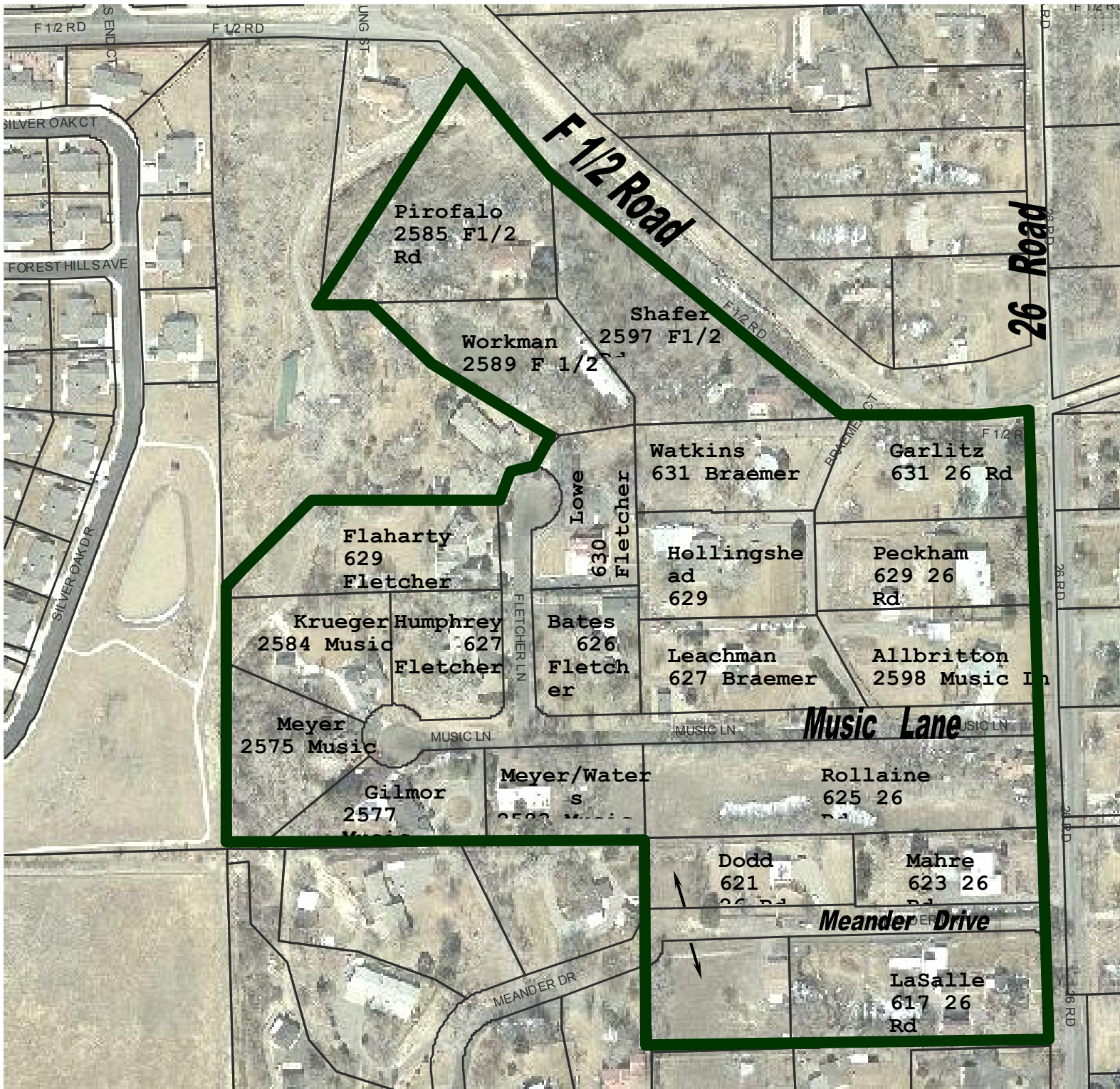
## OWNERSHIP SUMMARY

### PROPOSED MUSIC LANE AREA SANITARY SEWER IMPROVEMENT DISTRICT No. SS-46-04

SCHEDULE NO.	OWNERSHIP	PROPERTY ADDRESS	ESMT REQD.
2945-034-00-071	• Braden & Pamela Shafer	2597 F ½ Road	Yes
2945-034-00-072	Matthew & Emma Pirofalo (Trustees)	2585 F ½ Road	No
2945-034-00-079	• Georgia Watkins	631 Braemer Court	Yes
2945-034-00-080	• Dalton & Patsy Garlitz	631 26 Road	Yes
2945-034-00-081	• Robin & Miriam Peckham	629 26 Road	Yes
2945-034-00-083	• Robert & Margaret Leachman	627 Braemer Court	No
2945-034-00-084	• John & Donna Allbritton	2598 Music Ln.	Yes
2945-034-00-085	• Jack & Frances Rollaine	625 26 Road	Yes
2945-034-00-172	• Raymond & Judy Workman	2589 F ½ Road	No
2945-034-00-189	• Dale & Susan Hollingshead	629 Braemer Court	No
2945-034-02-001	• Stephen Meyer & Elizabeth Waters	2583 Music Ln.	No
2945-034-02-002	• Christine Gilmor	2577 Music Ln.	No
2945-034-02-003	• Mary Meyer (Trust)	2575 Music Ln.	No
2945-034-02-004	• Arlo & Phyllis Krueger	2584 Music Ln.	No
2945-034-02-005	• Brad & Joan Humphrey	627 Fletcher Ln.	No
2945-034-02-006	• James Bates	626 Fletcher Ln.	No
2945-034-02-007	• Wesley & Joan Lowe	630 Fletcher Ln.	No
2945-034-02-009	• Grant & Heidi Flaharty	629 Fletcher Ln.	No
2945-034-04-002	• Patricia & Chris Mahre	623 26 Rd	No
2945-034-04-004	• Albert & Terry LaSalle (POA)	617 26 Rd	No
2945-034-04-005	• Jesse & Anne Marie Dodd	621 26 Rd	Yes

- Indicates property owners signing petition = 20 of 21 = 95%

# BOUNDARY OF PROPOSED MUSIC LANE AREA SANITARY SEWER IMPROVEMENT DISTRICT



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

**A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY MUSIC LANE AREA SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-46-04, AUTHORIZING THE CITY UTILITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME, AND GIVING NOTICE OF A HEARING**

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 a Sanitary Sewer Improvement District be created for the design, construction and installation of sanitary sewer facilities and appurtenances related thereto for the special benefit of the real property hereinafter described; and

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction and installation of sanitary sewer facilities as petitioned for is necessary for the health, safety and welfare of the residents of the territory to be served and would be of special benefit to the properties included within said district; and

WHEREAS, the City Council deems it necessary and appropriate to take the necessary preliminary proceedings for the creation of a special sanitary sewer improvement district, to be known as Sanitary Sewer Improvement District No. SS-46-04, to include the services and facilities as hereinafter described for the special benefit of the real property as hereinafter described.

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

1. That the real property (also known as the "District Lands") to be assessed with the total actual costs of the proposed services, labor, materials and improvements which the City may deem appropriate, is described as follows:

Lots 1-4, inclusive, Brown Subdivision, Mesa County Colorado, AND ALSO

All that part of the NE 1/4 SE 1/4 Section 3, T1S, R1W, of the Ute Meridian, lying south of the Grand Valley Canal, EXCEPT for the following described parcels:

Lot 8, Harwood-Tolman Subdivision, AND EXCEPT

Beginning 15.06 ft S of the NW corner NW 1/4 NE 1/4 SE 1/4 Section 3, T1S, R1W, Ute Meridian; thence S 0°14' E, 895.95 ft; thence N 44° E, 493 ft; thence N 39°29'10" W 135.70 ft; thence W 85 ft; thence N 6°46' E 426.9 ft; thence N 86°47' W 225.48 ft to the point of beginning, AND EXCEPT

Beginning 1152.8 ft W and 2168.7 ft N of the SE corner Section 3, T1S, R1W, Ute Meridian; thence N32°21' E 439.1 ft; thence N 41°40' W 60.03 ft; thence N 86°47' W 145 ft; thence S 6°46' W 426.9 ft to the point of beginning.

All in the City of Grand Junction, County of Mesa, State of Colorado.

2. That the proposed services, labor, materials and improvements (also known as the "District Improvements") necessary to accommodate the request of the owners of the District Lands shall include, but may not be limited to, the design, construction, installation and placement of sanitary sewer main lines, inlets, manholes, connecting mains, service line stub-outs to the property lines, compensation or fees required for easements, permits or other permanent or temporary interests in real property which may be required to accommodate the installation, operation, maintenance, repair and replacement of the District Improvements, together with any other services or facilities required to accomplish this request as deemed necessary by the City Utility Engineer, all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

3. That the assessments to be levied against and upon the District Lands shall be based upon the total actual costs of the District Improvements. The City Utility Engineer has estimated the total probable costs of the District Improvements to be \$173,015.00. Based on the aforesaid estimate of the City Utility Engineer, the assessments to be levied against and upon each individual parcel are estimated to be \$8,239.00; provided, however, that pursuant to a Joint Resolution by the City Council and the Board of Commissioners of Mesa County, being City Resolution No. 38-00, and Mesa County Resolution No. MCM 2000-73, the City has determined that the District Lands are eligible for and shall receive the benefits of the Septic System Elimination Program and thus said District Lands shall be assessed for only seventy (70%) of the assessable cost of said improvements. Notwithstanding the foregoing estimates, the total costs of the District Improvements, whether greater or less than said estimates, shall be assessed against and upon the District Lands. The assessments to be levied against and upon the District Lands do not include other costs and fees which the owners of the District Lands will be required to pay prior to making connection to the District Improvements, including, but not limited to, costs to extend the service lines from the stub-outs to the building(s) to be served, Plant Investment Fees, and any other fees which may be required prior to making physical connections to the District Improvements.

4. That the assessments to be levied against and upon the District Lands to pay the whole costs of the District Improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. 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 such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment.

Assessments to be paid in installments shall accrue simple interest at the rate of 8 percent (8%) per annum on the unpaid balance and 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 until paid in full; provided, however, that any new lot created within a period of ten (10) years following the creation of said Sanitary Sewer Improvement District No. SS-46-04 shall not have the election of paying the assessment to be levied against and upon such new lots in ten (10) annual installments, but rather, such assessments shall be due and payable at the time any such new lots are created.

5. That the City Utilities Engineer is hereby authorized and directed to prepare full details, plans and specifications for the District Improvements, together with and a map of the district depicting the District Lands to be assessed from which the amount of the estimated assessments 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.

6. That Notice of Intention to Create said Sanitary Sewer Improvement District No. SS-46-04, 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

### OF INTENTION TO CREATE SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-46-04, 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 owners of the property to be assessed, 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, has declared its intention to create Sanitary Sewer Improvement District No. SS-46-04, in said City, for the purposes of installing sanitary sewer facilities and related appurtenances to serve the property hereinafter described which lands are to be assessed with the total costs of the improvements, to wit:

Lots 1-4, inclusive, Brown Subdivision, Mesa County Colorado, AND ALSO

All that part of the NE 1/4 SE 1/4 Section 3, T1S, R1W, of the Ute Meridian, lying south of the Grand Valley Canal, EXCEPT for the following described parcels:

Lot 8, Harwood-Tolman Subdivision, AND EXCEPT

Beginning 15.06 ft S of the NW corner NW 1/4 NE 1/4 SE 1/4 Section 3, T1S, R1W, Ute Meridian; thence S 0°14' E, 895.95 ft; thence N 44° E, 493 ft; thence N 39°29'10" W 135.70 ft; thence W 85 ft; thence N 6°46' E 426.9 ft; thence N 86°47' W 225.48 ft to the point of beginning, AND EXCEPT

Beginning 1152.8 ft W and 2168.7 ft N of the SE corner Section 3, T1S, R1W, Ute Meridian; thence N32°21' E 439.1 ft; thence N 41°40' W 60.03 ft; thence N 86°47' W 145 ft; thence S 6°46' W 426.9 ft to the point of beginning.

All in the City of Grand Junction, County of Mesa, State of Colorado.

**Location of Improvements:** Located in an area west of 26 Road between Meander Drive and F 1/2 Road.

**Type of Improvements:** The improvements requested include the installation or construction of sanitary sewer main lines, inlets, manholes, connecting mains, service line stub-outs to the property lines, together with engineering, inspection, administration and any other services or facilities required to accomplish this request as deemed necessary by the City Utility Engineer, hereinafter referred to as the "District Improvements", all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

That the assessments to be levied against and upon the District Lands to pay the whole costs of the District Improvements, which have been estimated by the City Utility Engineer to be \$173,015.00; provided, however, that pursuant to a Joint Resolution by

the City Council and the Mesa County Board of Commissioners, being City Resolution No. 38-00, and Mesa County Resolution No. MCM 2000-73, the City has determined that the District Lands are eligible for and shall receive the benefits of the Septic System Elimination Program and thus said District Lands shall be assessed for only seventy (70%) of the assessable cost of said improvements. Assessments shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. 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 such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment. Assessments to be paid in installments shall accrue simple interest at the rate of 8 percent (8%) per annum on the unpaid balance and 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 until paid in full; provided, however, that any new lot created within a period of ten (10) years following the creation of said Sanitary Sewer Improvement District No. SS-46-04 shall not have the election of paying the assessment to be levied against and upon such new lots in ten (10) annual installments, but rather, such assessments shall be due and payable at the time any such new lots are created.

On April 7, 2004, at the hour of 7:30 o'clock P.M. in the City Council Chambers located at 250 N. 5<sup>th</sup> 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 estimated 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 \_\_\_\_\_, 2004.

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

**By:** \_\_\_\_\_  
City Clerk

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2004.

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President of the Council

**Attest:**

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City Clerk

**Attach 7**  
**Resolution for GOCO Grant Application – Wingate Park**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
<b>Subject</b>	Resolution for GOCO Grant Application – Wingate Park							
<b>Meeting Date</b>	February 18, 2004							
<b>Date Prepared</b>	February 6, 2004				<b>File #</b>			
<b>Author</b>	Don Hobbs		Assistant Director Parks & Recreation					
<b>Presenter Name</b>	Joe Stevens		Director Parks & Recreation					
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>			
<b>Citizen Presentation</b>	X	Yes		No	<b>Name</b>			
	<b>Workshop</b>	X		<b>Formal Agenda</b>	X	<b>Consent</b>		<b>Individual Consideration</b>

**Summary:**

Adoption of resolution authorizing a \$200,000 grant application to be submitted to Great Outdoors Colorado (GOCO) for development at Wingate Park.

**Budget:**

\$625,000 has been budgeted in the City's CIP for the development of Wingate Park.

**Action Requested/Recommendation:**

City Council adoption of resolution authorizing the submittal of a grant application to GOCO to assist in the development of Wingate Park

**Attachments:**

Proposed Resolution

**Background Information:**

Great Outdoors Colorado is accepting grant applications from municipalities to assist in the development and enhancement of outdoor facilities. Staff would like Council authorization to apply for a \$200,000 grant that if approved, would be combined with the \$625,000 budgeted in 2004 for the development of Wingate Park. The grant application will target the construction of restrooms, playground and on-site trail. The attached resolution authorizes the submittal of the application, commits to the expenditure of the funds necessary to meet the obligations of the grant, \$200,000, and confirms \$3,909 have been budgeted for annual maintenance, and the site will be properly maintained after completion of the project.

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

**A RESOLUTION SUPPORTING AND AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION BETWEEN GREAT OUTDOORS COLORADO (GOCO) AND THE CITY OF GRAND JUNCTION FOR THE DEVELOPMENT OF WINGATE PARK**

**RECITALS:**

**Whereas**, the City of Grand Junction hereby agrees to commit up to \$625,000 in 2004 toward the development of Wingate Park. The need for the development of this facility was clearly identified in the 1992 Parks and Recreation Comprehensive Plan and reaffirmed in the 2001 adopted update, by stressing the need for additional neighborhood parks and more specifically, a park in this area of the Redlands. The City of Grand Junction would like to continue its excellent partnership with Great Outdoors Colorado for development of Wingate Park.

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

- Section 1:** The City Council of the City of Grand Junction hereby authorizes the City Manager to submit a grant application to the state board of the Great Outdoors Colorado Trust Fund for the development of Wingate Park.
- Section 2:** The City Council of the City of Grand Junction hereby authorizes the expenditure of funds as necessary to meet the terms and obligation of the grant agreement and application.
- Section 3:** The City of Grand Junction owns the entire five acre parcel and has demonstrated the ability to maintain developed areas and has authorized an annual maintenance budget of \$3,909 toward this site.
- Section 4:** This resolution shall be in full force and effect from and after its passage and approval.

PASSED and APPROVED this 18th day of February 2004.

Attest:

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Jim Spehar, President of City Council

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Stephanie Tuin, City Clerk

**Attach 8**  
**Setting a Hearing for Amending the Ordinance on Sidewalk Permits**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>		Sidewalk Permits				
<b>Meeting Date</b>		February 18, 2004				
<b>Date Prepared</b>		February 11, 2004			<b>File #</b>	
<b>Author</b>		John Shaver		City Attorney		
<b>Presenter Name</b>		Harold Stalf		Executive Director - DDA		
<b>Report results back to Council</b>		<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>
<b>Citizen Presentation</b>		<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>
<input type="checkbox"/>	<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>	<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** This amendment to the ordinance will result in a reduction of many of the fee's charged and collected by the DDA with the expectation that it will result in an increase in outdoor activity along Main St. during the summer months.

**Budget:** No impact on the City budget. The DDA should experience a neutral revenue effect, as the current revenue from these permits is less than \$1,000 annually and will likely result in a slight increase in permits to balance some decrease in fees.

**Action Requested/Recommendation:** Approval of the Ordinance change to enable the DDA to manage this program.

**Attachments:** Ordinance from City Attorney

**Background Information:** The Farmer's Market Festival, as a new event, does not conform with our current permitting system which requires a separate permit each week. Therefore, we are suggesting that a "Recurring Event Permit" priced at \$200 for the summer, be implemented to appropriately permit this event. Additionally, it is recommended that sidewalk dining permits be changed from a flat fee of \$150, to a fee based on the number of chairs at the location. This fee will be \$10 per chair with a \$150 maximum in order to encourage smaller businesses to participate. Finally, the amendment allows the DDA Director, in co-operation with the Traffic Engineer, review applications for sidewalk dining on public right of way, and permit this activity for restaurants that are on Main St. Minimum pedestrian right of way of five feet will be maintained. This is a reduction of three feet from the current minimum width.

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

**AN ORDINANCE AMENDING PART OF CHAPTER 32 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO PERMITS FOR ACTIVITIES IN THE DOWNTOWN**

Recitals.

Since its inception, the City of Grand Junction Downtown Development Authority (“DDA”) has exercised delegated authority from the City Council, pursuant to Ordinance No. 1989, adopted in 1981. The DDA has been responsible for regulating the use of the City’s right-of-way in the area of Main Street between First and Seventh Streets.

The activities that occur Downtown have enhanced the City. While Ordinance 1989 was updated in 2002 by Ordinance No. 3422, there have been new activities and ideas since that time that will further enhance the downtown. The current ordinance does not permit those activities. Additionally, there are activities that have gone on in the past and will continue to occur, for which no appropriate permit is provided for in the regulation.

For these reasons, the City Council finds that there are no obvious detriments, while there are clear benefits to expanding the DDA commercial activity permitting program in the downtown right-of-way.

It is the Council’s intent to delegate to the DDA Board of Directors and where appropriate the DDA Director, the City Council’s powers and related duties, liabilities and obligations, pursuant to § 127 of the City Charter, except as provided herein.

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

**1. Chapter 32, Section 62 is amended by the addition of the following definitions.**

*Parade Permit* means a permit that allows the use of Main Street between 1<sup>st</sup> Street and 7<sup>th</sup> Street for a procession or march for ceremony or display.

*Sidewalk restaurant* means the extension of the food and non-alcohol beverage service of a restaurant in the Downtown Park.

*Recurring Activity Permit* means a permit that allows a unique and /or charitable use of the Downtown Park on a recurring basis throughout the year. A Recurring Activity Permit may be granted to the sponsor or agency coordinating the event rather than specific, participating individuals.

*Tent Sale/Sidewalk Sale Permit* means a permit that allows existing Main Street merchants to sell merchandise or service from an area in the public right-of-way.

**2. Chapter 32, Section 63, Permit fees, is hereby amended to read as follows:**



(a) *Fees for permits.* The DDA may charge per annum for the permits and documents authorized by this ordinance as follows. The City Council may amend such fees and charges by resolution.

- (1) Each sidewalk café or restaurant – \$10 per seat/\$150.00 max.
- (2) Mobile vending cart or kiosk . . . . . \$100
- (3) Recurring activity permit . . . . . \$200
- (4) Special use permits. . . . . \$100
- (5) Pedestrian vendor. . . . . \$ 25/month or \$100 annually
- (6) Parade permit . . . . . \$ 10
- (7) Tent Sale/Sidewalk Sale . . . . . \$ 25

(b) All fees collected by the DDA or its employees or agents pursuant to this ordinance shall be deposited with the City on account of the DDA.

(c) If the DDA desires to waive the fee or all or a portion of one or more permit terms for charitable and eleemosynary activities, it shall only do so pursuant to adopted written rules and policies, consistent with the provisions of this ordinance and other City rules and requirements. Any such waiver shall only be valid if decided by the DDA Board in a meeting that complies with the Colorado Open Meetings Act. Such DDA regulations shall provide that each such waiver shall be requested in writing and shall be accompanied by proof that the proceeds from the permitted commercial activity will be used for a charitable or equivalent entity that has tax exempt status under the Internal Revenue Code, as amended from time to time.

**3. Chapter 32, Section 64, Permit Requirements is amended to read as follows:**

**Section 32-64. Permit Requirements.**

(a) *Length of permits.* Permits issued pursuant to this ordinance are valid for no longer than the following lengths of time. Renewal permits may be granted as set forth below.

- (1) Pedestrian vendor permits - thirty (30) days.
- (2) Sidewalk café/restaurant – one (1) year
- (3) Mobile vending carts/kiosks - six (6) months.
- (4) Recurring activity permit – one (1) year
- (5) Special use permits - three (3) days.
- (6) Parade permit – one (1) day
- (7) Tent Sale/Sidewalk Sale permits – three (3) days

(8) All other permits - one (1) year.

(b) *Applications for permits.* All permit applications, including renewals, shall be made to the DDA on a DDA form on which the applicant provides at least the following:

- (1) Name, address and phone number(s) of applicant.
- (2) Name, addresses and emergency telephone number of at least two persons who will be available during the activity or event, so that the DDA or the City may quickly contact a person with authority.
- (3) Names, addresses, telephone numbers and email addresses of each sponsor of the applicant.
- (4) Type of business/commercial activity to be conducted, including a description of the merchandise to be sold or displayed.
- (5) Copy of current City sales tax license if required by the City's Sales Tax Code.
- (6) The applicant's signed statement that the applicant has the authority to and does bind the permittee to hold harmless and indemnify: the City of Grand Junction and the DDA (and the officers, officials and employees of each); with respect to and relating to any claim(s) or charge for damage to persons and/or property or injury to persons which were, or were alleged, to be occasioned by the permit (including permittee action or inaction).
- (7) (a) Permittee shall furnish and maintain such public liability, food products' liability, products' liability and other insurance as will protect permittee, the City and the DDA (and the officers, officials and employees of the City and the DDA), from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith.  
(b) Such insurance shall: provide coverage that is consistent with the City's practices and/or the provisions of the Governmental Immunity Act, whichever the DDA determines from time-to-time to apply or require. Until the DDA Board adopts different limits, permittee insurance shall provide coverage of not less than \$150,000 for bodily injury on each person, \$600,000 for each occurrence and not less than \$600,000 for property damage per occurrence; be without prejudice to coverage otherwise existing and shall name as additional insureds the City, the DDA (and the officers, officials and employees of each); provide that the policy shall not terminate or be canceled prior to the completion of the contract without thirty (30) days written notice to the DDA.

- (8) Description of the building, structure, kiosk, mobile vending cart or other improvement(s) to be used in connection with conducting commercial activity including blueprints, drawings, sketches and such other information or details as the DDA shall require.
- (9) The location for which the permit is requested.
- (10) A description of how the business will be conducted, including hours of operations.
- (11) A description of how the use or activity may enhance the Downtown Park and how the use or activity conforms with the DDA plan of development including how/to whom the net proceeds gained from the use or activity will be distributed.
- (12) A list of all necessary or applicable permits that the applicant must obtain and the current status of each, before the use or activity is lawfully begun.
- (13) The DDA Director may require the applicant to prepare and submit such drawings and diagrams of facilities as may be necessary to determine if the permit should be issued and/or to enforce the permit if it is issued.
- (14) Description of the hours and specific locations of proposed street or sidewalk closures or traffic controls with the boundaries of the DDA. **Note: The City Engineer must issue right-of-way closures for all City right-of-way including those within the Downtown Park. The DDA Director shall consult with the City Engineer regarding pedestrian/sidewalk restrictions including but not limited to those that may occur with the issuance of a sidewalk café/restaurant permit.**
- (15) Description of the activities related to any street closure(s) or other activities required to be done by the applicant or others.
- (16) How the applicant will provide any required security.
- (17) A listing of each sponsor for the use and/or activity.
- (18) If any music, vocalization or mechanical musical presentation is to be broadcast or presented, the application shall so state. The applicant shall particularly describe the time, place, manner, means and mode of such presentation. Each applicant agrees to comply with ASCAP requirements, including the payment of fees. Each applicant and permittee, by accepting the benefits and terms of any DDA permit or consent, agrees to hold harmless and indemnify the DDA and the City (and the officials, officers and employees of

each) with respect to claims or activities for which money is owed to ASCAP or consent must be obtained.

(c) *Renewal.* A Downtown Park permit may be renewed, if all other requirements of this ordinance have been met and if:

- (1) No violations of the permit restrictions or a City ordinance or requirement have occurred during the prior permit period or one calendar, whichever is longer;
- (2) The permit holder did not cease to conduct business under the prior permit during the time the permit was in force;
- (3) The applicant affirms in writing that all the information on the original application is correct and true, except as modified in writing at the time of the application for the renewal; and
- (4) All fees are paid.

**4. Chapter 32, Section 66, Types of Permits is amended to read as follows:**

(a) The types of permits which may be issued are for:

- (1) Pedestrian vendors.
- (2) Sidewalk café/restaurant
- (3) Mobile vending carts/kiosks.
- (4) Recurring activity permits
- (5) Special Use Permits.
- (6) Parade Permits
- (7) Tent Sale/Sidewalk Sale Permit

**5. Chapter 32, Section 67, General Provisions shall be amended to read as follows:**

(a) The permittee may conduct business on the public right-of-way within the Downtown Park but only subject to and in compliance with the following:

- (1) Each permittee pursuant to this ordinance shall pick up and properly dispose of any paper, cardboard, wood or plastic containers, wrappers and other litter which is deposited or is located on the sidewalk within twenty five feet (25') of the permittee's use, activity or location.

- (2) Each permittee shall provide readily accessible container(s) and facilities for the collection of litter, debris and trash and shall properly dispose of all litter, debris and trash collected.
- (3) No permittee shall sell or give any food, object or other item to any person who is located in the right of way, including parking areas, unless such right of way has been closed by the City Engineer.
- (4) The permittee shall not offer to sell or sell except within the location designated by the permit.
- (5) A permittee shall not leave his equipment or merchandise unattended, except for a sidewalk café/restaurant or kiosk and only when the café/restaurant or kiosk is secured.
- (6) The permittee shall not conduct any business, use or activity between the hours of 12:00 a.m. (midnight) and 6:00 a.m.
- (7) A permittee shall not offer to sell or sell merchandise that is not described in the application.
- (8) No permittee may hold more than one permit at any one time, unless approved by the DDA Board.
- (9) The permittee shall only locate tables, chairs, benches, and/or other personal property in the portion of the adjacent Main Street right-of-way to the permittee's restaurant or café that is within the permitted area.

The DDA Director in consultation with the City Engineer shall ensure that permittees' using the sidewalk maintain an adequate unobstructed and unoccupied area of the sidewalk for the two-way movement of pedestrian traffic. An adequate unobstructed and unoccupied area shall be deemed to be no less than five feet (60") wide and be no closer than two feet from the closest point on Main Street to the sidewalk activity.

The DDA Director may authorize the use of the sidewalk so long as "clear space" of not less than 60" is provided for at least 40% of the permitted area; the DDA Director may issue a permit notwithstanding the existence of a planter box (es), tree(s), art or some other fixture or permanent installation so long as not more than 60% of the permitted area is not encumbered by such fixtures.

b) An amended permit may be issued in an expedited manner without additional fees if the permittee has remained (while all prior permits were in effect) in compliance with all applicable requirements and laws.

(c) Each permittee shall forthwith obey every lawful order of the DDA and any City official, including police officers, such as an order to move to a different location (if needed, for example, to avoid congestion or obstruction of a sidewalk) or an order to forthwith remove all personal property from the Downtown Park (in case of congestion or public safety or similar concerns).

(d) No permittee shall make unlawful noise or any continuous noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his use, business or merchandise.

(e) During a community event, as determined by the City or the DDA, each permittee shall be subject to overriding rules, requirements and even prohibitions, during the community event. For example, a permittee for a mobile vending cart, a kiosk or a pedestrian vendor may be limited in hours, location and/or type of goods or foods.

**6. Chapter 32, Section 69, Rules for Sidewalk Cafés and Restaurants is amended to read as follows:**

(a) The following provisions shall apply to sidewalk restaurants and cafés:

- (1) Such permits shall be renewed annually no later than April 1<sup>st</sup> each year. Permits fees are non-refundable and will not be prorated.
- (2) During such times as an adjacent owner consents in writing, the permittee may also occupy an additional area in front of such consenting owner's property subject to the overriding limits regarding pedestrian clear space, proximity to Main Street and overriding regulations made applicable for community events.

**7. Chapter 32 is hereby amended by the addition of the following section:**

**Section 32-70. Special Rules on Special Use and Recurring Activity Permits.**

(a) Layout for these activities must be approved by the Downtown Development Authority ten days in advance of the first day of the event. Layouts for such events are encouraged to be in conformance with Attachment.

(b) Generators are not allowed on Main Street. Electrical outlets are available on all lampposts.

**8. Section 32-69 shall be renumbered to 32-71.**

**9. All other provisions of this chapter shall remain in full force and effect.**

INTRODUCED on first reading this 18<sup>th</sup> day of February, 2004.

ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2004.

---

President of the Council

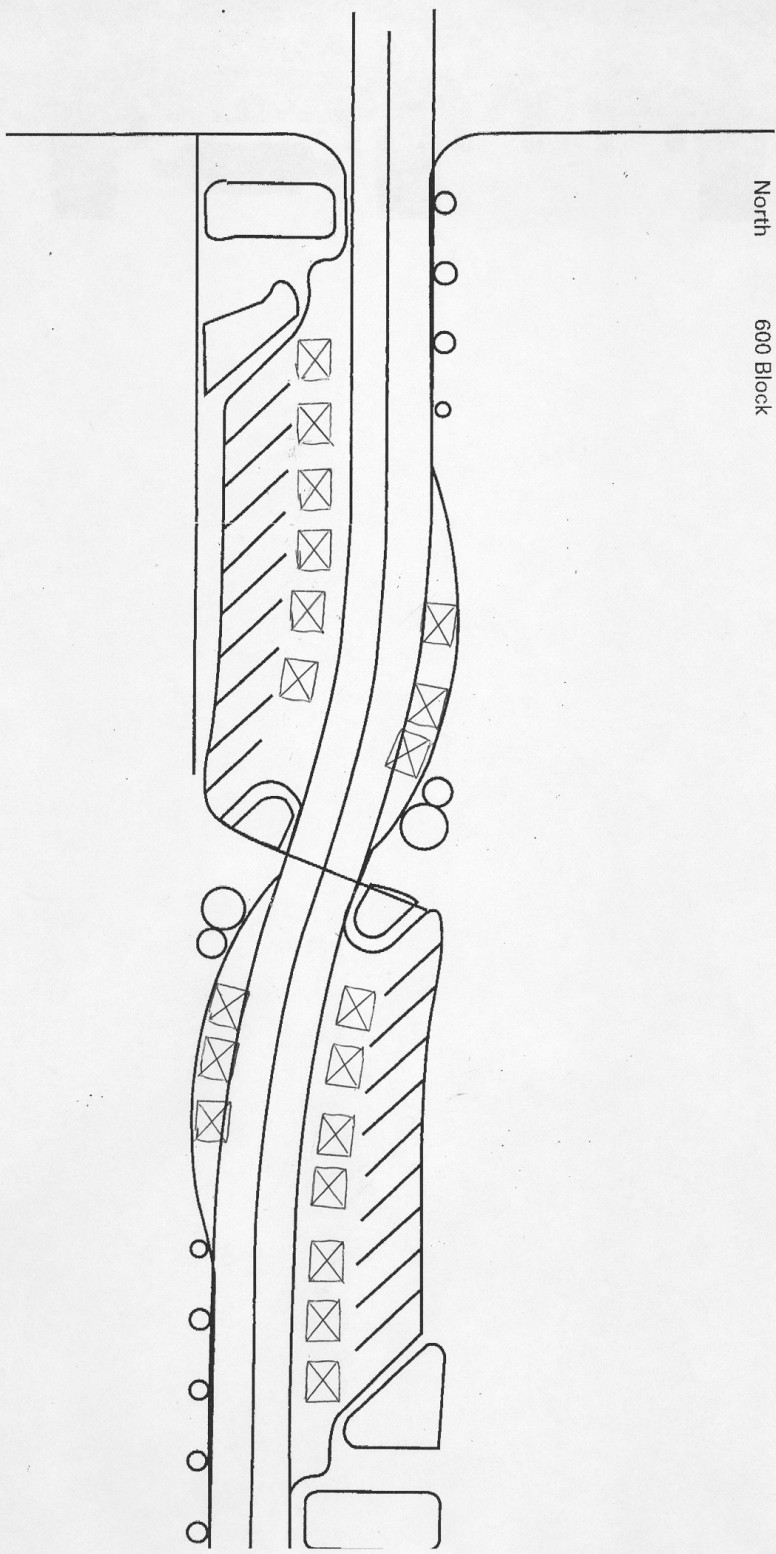
Attest:

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City Clerk

ATTACHMENT

North 600 Block





**Attach 9**  
**Signal Communications Design Contract**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA									
<b>Subject</b>		Signal Communications Design Contract							
<b>Meeting Date</b>		February 18, 2004							
<b>Date Prepared</b>		February 12, 2004					<b>File #</b>		
<b>Author</b>		Jody Kliska			Transportation Engineer				
<b>Presenter Name</b>		Mark Relph			Public Works and Utilities Director				
<b>Report results back to Council</b>		X	No		Yes	<b>When</b>			
<b>Citizen Presentation</b>			Yes	X	No	<b>Name</b>			
	<b>Workshop</b>	X	<b>Formal Agenda</b>				<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** Award of a Professional Services Design Contract for Signal Communications Design Phase 1C to Kimley-Horn & Associates, Inc. in the amount of \$60,700. Phase 1C will connect traffic signals on Patterson Road from 25 Road to 30 Road to the existing fiber optic cable network that was constructed for phases 1A and 1B.

**Budget:** The CIP has funds in 2004 for Activity F33800 in the amount of \$187,000. This is half of the original amount budgeted in prior CIP's and is not anticipated to be enough to fund construction in 2004, only design. Construction is anticipated in 2005.

**Action Requested/Recommendation:** Authorize the City Manager to sign a contract for the Signal Communications Design Phase 1C to Kimley-Horn & Associates, Inc. in an amount not to exceed \$60,700.00.

**Attachments:** Contract which includes Exhibit A.

**Background Information:** In 1999, the City, County and CDOT jointly funded a feasibility study for signal communications in the urban valley. The recommendations of the study resulted in programming funds over a ten year period to implement installation of fiber optic line to connect the traffic signals. As construction has progressed, the project has also begun to use the fiber optic cable to connect city and county facilities. Phase 1A was designed in 2000 and constructed in 2001 and connected traffic signals from Mesa Mall to 1<sup>st</sup> Street to the Transportation Engineering office at City Shops while providing fiber optic connection to the Mesa Mall County substation, food bank and Justice Facility. Phase 1B was designed in 2002 and constructed in 2003 and connected 23 signals in the downtown area to the system, as well as providing connections to City Hall, Mesa County Courthouse, Two Rivers Convention Center, the Police Station and Fire Station 1. Additionally, an exclusive pair

of fibers was provided between the Police Station and the Sheriff's Department to meet requirements of Homeland Security.

Phase 1C will design the connections for traffic signals along Patterson Road from 25 Road to 30 Road and tie into the existing system as well as providing connection to Fire Stations 2 & 3. Under this contract, Kimley-Horn will provide design services, a complete set of plans and specifications ready for bidding, provide bid support and provide construction support.

The firm of Kimley-Horn has designed the first two phases of the project and the project team is quite familiar with the requirements of this project as well as the overall concept of constructing the fiber optic network. There is a limited selection of consultants in this specialty area. Staff believes it is important for continuity in the design process to retain the same design team and that the Kimley-Horn project team is familiar with this project and very well-qualified for the work under this contract. Kimley-Horn was one of two firms short-listed and interviewed through the RFP process in 1999. While the firm of PBS&J was selected to prepare the feasibility study, Kimley-Horn was selected to do the design work in 2000 because of their work with the CDOT system in Denver and the hopes that CDOT would be a partner in our project. Kimley-Horn was originally screened through the city's RFP process when this project began in 1999.

The Signal Communications project is a long term commitment by the City of Grand Junction to improve traffic flow and system operations on major corridors.

**AN AGREEMENT BY AND BETWEEN THE CITY OF GRAND JUNCTION AND  
KIMLEY-HORN AND ASSOCIATES, INC.  
FOR TRAFFIC SIGNAL SYSTEM COMMUNICATIONS DESIGN  
PHASE 1C**

**1.0 PARTIES**

The parties in this Agreement are the City of Grand Junction a Colorado home rule municipal corporation, hereinafter referred to as the "City", and Kimley-Horn and Associates, Inc., hereinafter referred to as the "Contractor".

**2.0 RECITALS AND PURPOSE**

- 2.3 The City desires to engage the Contractor for the purpose of performing the services described in Exhibit A attached hereto and incorporated by this reference as if fully set forth. Hereinafter referred to as "services" or "work".
- 2.3 The Contractor represents that it has the special expertise and background necessary to provide the City with the services.

**3.0 SCOPE OF SERVICES**

The Contractor agrees to provide specific professional services as set forth in Exhibit "A".

**4.0 COMPENSATION**

- 4.3 The Contractor shall be paid for services performed as described in Exhibit "A" under this agreement as a total not to exceed \$60,700.00. Such amount shall be inclusive of all costs of whatsoever nature associated with the Contractor's efforts, including but not limited to salaries, benefits, expenses, overhead, administration, profits and outside consultant fees. Fees shall be invoiced no more frequently than bi-weekly based upon the effort expended by the contractor at the hourly rates identified in Exhibit "A". The scope of services and payment thereof shall only be charged by a properly authorized amendment to this Agreement. No City employee has the authority to bind the City with regard to any payment for any services which exceeds the amount payable under the terms of this Agreement.
- 4.3 The Contractor shall submit detailed invoices no more frequently than bi-weekly to the City describing the professional services rendered. The invoices shall document the hours spent on the project identifying, by task, the work performed for the period being billed, the hours worked by employee, and the hourly rate charged for that work. Expenses will be documented and billed as a separate line item on the invoice. Access to the Contractor's payroll documentation identifying individual employee, date and hours worked shall be available to the City upon three (3) days notice to the Contractor. Invoices shall be paid within

thirty (30) days may be assessed an interest charge of one percent (1%) per month unless the delay in payment resulted from claimed unsatisfactory work or documentation therefore. Payment shall be made for work performed in proportion to the percentage of the task completed.

## **5.0 PROJECT REPRESENTATION**

- 5.1 The City designates Jody Kliska, P.E. as the responsible City staff member to provide direction to the Contractor during the conduct of the project. The Contractor shall comply with the directions given by Jody Kliska.
- 5.2 The Contractor designates Daniel Madruga, P.E. as the Project Manager. The City may rely upon the guidance, opinions and recommendations provided by the Contractor and its representatives. Should any of the representatives be replaced, particularly Daniel Madruga and such replacement require the City or the Contractor to undertake additional reevaluations, coordination, orientations, etc., the Contractor shall be fully responsible for all such additional costs and services.

## **6.0 TERM**

The Contractor's services under this Agreement shall commence on March 1, 2004 and shall be completed by no later than December 31, 2004.

## **7.0 INSURANCE**

- 7.1 The Contractor shall procure and maintain, and shall cause each subcontractor of the Contractor, if any, to procure and maintain, the minimum insurance coverages listed below. All coverages shall be continuously maintained to cover all liability, claims, demands, and other obligations assumed by the Contractor pursuant to this Agreement. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured by the Contractor to maintain such continuous coverage.
  - 7.1.1 Workers' Compensation insurance as required by the Labor Code of the State of Colorado and Employers Liability Insurance. Evidence of qualified self-insured status may be substituted.
  - 7.1.2. General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000) each occurrence and ONE MILLION DOLLARS (\$1,000,000) aggregate. The policy shall include the City of Grand Junction, its officers and its employees, as additional insured, with primary coverage as respects the City of Grand Junction, its officers and its employees, and shall contain a severability of interests provision.
  - 7.1.3 Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000) per

person in any one occurrence and SIX THUNDRED THOUSAND DOLLARS (\$600,000) for two or more persons in any one occurrence, and auto property damage insurance of at least FIFTY THOUSAND DOLLARS (\$50,000) per occurrence, with respect to each of Contractor's owned, hired or non-owned vehicles assigned to or used in performance of the services. The policy shall include the City, its officers and its employees, as additional insureds, with primary coverage as respects the City, its officers and its employees, and shall contain a severability of interests provision. If the Contractor has no owned automobiles, the requirements of this paragraph shall be met by each employee of the Contractor providing services to the City under this contract.

7.1.4 Professional Liability coverage with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000) each occurrence and ONE MILLION DOLLARS (\$1,000,000) aggregate.

7.2 A certificate of insurance shall be completed by the Contractor's insurance agent(s) as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the City prior to commencement of any services under the contract.

7.3 The parties hereto understand and agree that the City is relying on, and does not waive or intend to waive by any provision of this contract, the monetary limitations (presently \$150,000 per person and \$600, 000 per occurrence) of any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, 24-10-101 *et. seq.*, 10 C.R.S., as from time to time amended, or otherwise available to the City, its officers, or its employees.

## **8.0 INDEMNIFICATION**

The Contractor agrees to indemnify and hold harmless the City, and its officers and its employees, from and against all liability, claims, demands, and expenses, including court costs and attorney fees, on account of any injury, loss, or damage, which arise out to or are in any manner connected with the work to be performed under this contract, if such injury, loss, or damage is caused by the negligent error, omission, or other fault of the Contractor or any officer or employee of the Contractor. The obligations of this Section 8 shall not extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the City.

## **9.0 QUALITY OF WORK**

Contractor's professional services shall be in accordance with the prevailing standard of practice normally exercised in the performance of professional services of a similar nature in the Denver metropolitan area. Contractor's services shall be rendered based on Contractor's best professional judgment, experience and training and shall be consistent with established professional standards of practice.

## **10.0 INDEPENDENT CONTRACTOR**

Contractor and any persons employed by Contractor for the performance of work hereunder shall be independent contractors and not agents of the City. Any provisions in this Agreement that may appear to give the City the right to direct contractor as to details of doing work or to exercise a measure of control over the work mean that Contractor shall follow the direction of the City as to end results of the work only. **As an independent contractor, Contractor is not entitled to workers' compensation benefits except as may be provided by the independent contractor nor to unemployment insurance benefits unless unemployment compensation coverage is provided by the independent contractor or some other entity. The Contractor is obligated to pay all federal and state income tax on any moneys earned or paid pursuant to this contract.**

## **11.0 ASSIGNMENT**

Contractor shall not assign or delegate this Agreement or any portion thereof, or any monies due to hereunder without the City's prior written consent.

## **12.0 DEFAULT**

Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event either party should fail or refuse to perform according to the terms of this Agreement, such party may be declared in default.

## **13.0 TERMINATION**

13.3 This Agreement may be terminated by either party for material breach or default of this Agreement by the other party not caused by any action or omission of the other party by giving the other party written notice at least fifteen (15) days in advance of the termination date. Termination pursuant to this subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

13.2 In addition to the foregoing, this Agreement may be terminated by the City for its convenience and without cause of any nature by giving written notice at least seven (7) days in advance of the termination date. In the event of such termination, the Contractor will be paid for the reasonable value of the services rendered to the date of termination, not to exceed the total amount set forth in Exhibit A, and upon such payment, all obligations of the City to the Contractor under this Agreement will cease. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

## **14.0 INSTRUMENTS OF SERVICE**

The City acknowledges that all documents, papers and records prepared by the Contractor are instruments of professional service. Nevertheless, upon request of the City, the Contractor shall provide originals of any such instrument of service at no

additional cost that are related to, prepared as a result of or required by this Agreement. Furthermore, for the purpose of making audit, examination, excerpts and transcriptions the City shall have the right of inspection of the Contractor's offices, books, records and instruments of service.

## **15.0 ENFORCEMENT**

In the event that suit is brought to enforce, interpret, construe or apply this agreement or any of its terms, the prevailing party shall be entitled to its reasonable attorneys' fees including the value of in-house counsel and related court costs. Venue for any action shall be in Mesa County, Colorado.

## **16.0 COMPLIANCE WITH LAWS**

Contractor 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, licenses and approvals.

## **17.0 OPINIONS OF COST**

In providing opinions of probable construction cost, the City understands that the Contractor has no control over the cost or availability of labor, equipment or materials, or over market conditions or the constructor's method of pricing, and that the Contractor's opinions of probable construction costs are made on the basis the Contractor's professional judgment and experience. The Contractor makes no warranty, express or implied, that the bids or negotiated costs of the work will not vary from the Contractor's.

## **18.0 INTEGRATION AND AMENDMENT**

This Agreement represents the entire Agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.

## **19.0 EQUAL OPPORTUNITY EMPLOYER**

19.1 Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex disability or national origin. Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, age, sex disability, or national origin. Such action shall include but not be limited to the, following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.

19.2 Contractor shall be in compliance with the applicable provisions of the American with Disabilities Act of 1990 as enacted and from time to time amended any other applicable federal, state, or local laws and regulations. A signed, written certificate stating compliance with the Americans with Disabilities Act may be requested at any time during the life of this Agreement or any renewal thereof.

**DATED:** \_\_\_\_\_, 20\_\_\_\_.

CITY OF GRAND JUNCTION  
A Colorado Municipal Corporation

CONTRACTOR:  
Kimley-Horn & Associates, Inc.

By: \_\_\_\_\_

By: \_\_\_\_\_

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

**EXHIBIT A  
SCOPE OF SERVICES  
GRAND JUNCTION SIGNAL SYSTEM COMMUNICATION DESIGN  
PHASE 1C**

**Project Schedule**

This project will follow the following schedule, assuming a notice to proceed on March 2, 2004:

- Kick-off Meeting – March 8, 2004
- 50% Design Submittal – March 22, 2004
- 90% Design Submittal – April 12, 2004
- 100% Design Submittal – May 3, 2004
- Final Design Submittal – May 17, 2004

**Task 1 – Group 3 Design (Patterson Road, 25 Road to 27 ½ Road)**

Kimley-Horn will prepare a design for Group 3 according to the City of Grand Junction Fiber Optic Project Detail plan (latest edition). This area can be roughly described as all traffic signals along Patterson Road between 25 Road and 27½ Road. The Group 3 design will include the connection of the proposed fiber optic cable to existing fiber optic cable in Group 2.

The design will consist of City of Grand Junction aerial photos of the corridor and, for ease of construction plan reading, a skeleton of the road beneath the aerial photo with the cable routing and installation. The fiber optic cable routing will be clearly identified, as will the location of key elements, including proposed optical transceivers (OTR's), pull boxes, manholes and existing cabinets and traffic signals. The plan set will also include fiber optic splice diagrams, a communication block diagram, a summary of quantities and details. The details may need to be modified to account for the latest technology and construction techniques.



Kimley-Horn will update the contract and specification documents to take into account items that are unique to this project.

It is currently the City of Grand Junction's desire to mount the proposed fiber optic cable on existing utility poles that run along the south side of Patterson Road. KHA will meet with the utility pole owners to determine the best location of the fiber optic cable and identify any permits and requirements that may be needed by both the City and the contractor to install the cable.

No underground utilities will be identified. Rather, the contractor will be required to perform field locates through the Utility Notification Center of Colorado (UNCC) and potholing.

This task will conform to the schedule that is listed in Project Schedule at the beginning of this section. Kimley-Horn will make a trip to Grand Junction for each of the design meetings with the exception of the Final Design Submittal. All trips will be as efficient as possible by meeting with utility companies or other agencies, completing site visits and verifying existing information during the same trip as the design submittals.

#### ***Deliverables***

- 50% Level Design Plans
- 90% Level Design Plans and Specifications
- 100% Level Design Plans and Specifications
- Final Design Plans and Specifications

The 90%, 100% and Final design levels will include the appropriate level of the Engineers Opinion of Probable Cost. The Final Plans and Specifications will be signed and sealed by a professional engineer licensed in the State of Colorado.

#### **Task 2 – Group 9 Design (Patterson Road 28 ½ Road to 30 Road)**

Kimley-Horn will prepare a design for Group 9 according to the City of Grand Junction Fiber Optic Project Detail plan (latest edition). This area can be roughly described as all traffic signals along Patterson Road between 28½ Road and 30 Road. The Group 9 design will include construction plans to connect the proposed fiber optic cable to fiber optic cable in Group 3 at 27½ Road.

All design plan sheets, quantities, communication block diagrams, splice details and detail sheets will be consistent with Tasks 1 of this project.

Kimley-Horn will update the contract and specification documents to take into account items that are unique to this Task.

Should the City wish to have Kimley-Horn execute the design of this task, all new deliverables will be included with the plan set for Group 3. This task will also conform to the schedule that is already identified for Task 1.

#### ***Deliverables***

- 50% Level Design Plans
- 90% Level Design Plans and Specifications
- 100% Level Design Plans and Specifications
- Final Design Plans and Specifications

The 90%, 100% and Final design levels will include the appropriate level of the Engineers Opinion of Probable Cost. The Final Plans and Specifications will be signed and sealed by a professional engineer licensed in the State of Colorado.

### **Task 3 – Project Management**

Kimley-Horn will provide project management throughout the entire project. The project management will include the following:

- Progress reports identifying progress, action items and any issues that need to be resolved prior to the next meeting/submittal.
- Invoices, monthly progress reports and back-up information as required.
- Coordination of personnel from Kimley-Horn and the City of Grand Junction
- Quality Control and Quality Assurance

Kimley-Horn will submit a copy of all major deliverables to a senior ITS engineer within Kimley-Horn for a quality check. The deliverables submitted for the quality check will be submitted to the City for review, and the review comments will be incorporated into the next deliverable. This quality check may occur outside of the Denver office, some comments regarding style and other such elements may not be pertinent to the design.

Kimley-Horn will provide electronic files for all plan sheets, specifications and diagrammatic presentation sheets using Microsoft Word, Excel, AutoCADD 2000 and other software owned by the City. These will be provided via e-mail to the City Project Manager upon request and at the end of the project on a read-only CD-ROM. All deliverables shall be given to the City of Grand Junction prior to final payment.

**Attach 10**  
**25 ½ Road Reconstruction Phase 1 Utilities**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Construction Contract for 25 ½ Road Reconstruction Phase 1 Utilities (Independent Avenue to Patterson Road)						
<b>Meeting Date</b>	February 18, 2004						
<b>Date Prepared</b>	February 12, 2004				File # - N/A		
<b>Author</b>	Mike Curtis, Project Engineer						
<b>Presenter Name</b>	Mark Relph, Public Works & Utilities Director						
<b>Report results back to Council</b>	X	No		Yes	When		
<b>Citizen Presentation</b>		Yes	X	No	Name		
<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b>	X	<b>Individual Consideration</b>

**Summary:** Award of a construction contract for the **25 ½ Road Reconstruction Phase I Utilities** to M. A. Concrete Construction in the amount of \$785,551.47. The **25 ½ Road Reconstruction Phase I Utilities** project is the first phase of a project that will improve 25 ½ Road from the north side of Independent Avenue to the south side of Patterson Road. A new City storm drain will be constructed, existing City sewer and water lines will be replaced as needed, and all irrigation crossings will be replaced.

**Budget:** This project is funded under Funds 2011, 905, 904, and 301 for Program Year 2004.

The estimated project costs are:

Construction Contract	\$785,551.47
Street Construction Estimated	\$940,000.00
Design and ROW	\$55,433.00
Street Lighting	\$46,000.00
Electric Service Conversions	\$5,000.00
West Pinyon Temporary Detour Extension	\$10,000.00
Construction Inspection and Administration	\$50,000.00
<b>Total Project Costs</b>	<b>\$1,891,984.47</b>

Funding:

City Budget 2011	\$1,363,000.00
City Budget 904 and 905	\$88,294.13
City Budget 301	\$20,492.00

Grand Junction Drainage District	\$10,000.00
Total Funding	\$1,481,786.13
Balance in 2004	-\$410,198.34

Proposed additional funding from 2003 carry forwards:

F00400 Contract Street Maintenance	\$209,753.00
F00900 Curb, Gutter, & Sidewalk	\$94,496.00
F48900 Two Rivers Parking Lot	\$105,799.00
Total	\$410,048.00

**Action Requested/Recommendation:** Authorize the City Manager to sign a Construction Contract for the **25 ½ Road Reconstruction Phase I Utilities** with M. A. Concrete Construction in the amount of \$785,551.47.

**Attachments:** none

**Background Information:**

Right-of-Way & Easements Procured	February 23, 2004
City Utility Construction Start	February 23, 2004
Xcel, Qwest, & Bresnan Utility Relocation & Undergrounding Start	March 1, 2004
Ute Water Relocation Start	March 1, 2004
Utility Construction Completed	May 28, 2004
Phase 2 Street Reconstruction Start	June 7, 2004
Phase 2 Street Reconstruction Completed	October 29, 2004

Bids for the project were opened on February 9, 2004. The low bid was submitted by M. A. Concrete Construction in the amount of \$785,551.47. The following bids were received:

Bidder	From	Bid Amount
M.A. Concrete Construction	Grand Junction	\$785,551.47
Mountain Region Corporation	Grand Junction	\$816,053.60
Sorter Construction.	Grand Junction	\$826,021.22
Mendez, Inc.	Grand Junction	\$853,161.86
Engineer's Estimate		\$1,030,238.35

**Attach 11**  
**Design and Construction of Wingate Park**  
**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>		Design and Construction of Wingate Park				
<b>Meeting Date</b>		February 18, 2004				
<b>Date Prepared</b>		February 10, 2004			<b>File #</b>	
<b>Author</b>		Rex Sellers Shawn Cooper		<b>Senior Buyer Parks Planner</b>		
<b>Presenter Name</b>		Joe Stevens		<b>Parks Director</b>		
<b>Report results back to Council</b>		X	No		Yes	When
<b>Citizen Presentation</b>			Yes		No	Name
	<b>Workshop</b>	X		<b>Formal Agenda</b>		<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** The Design/Build Contractor shall be responsible for the complete design and construction of Wingate Park. The selected contractor shall meet with the Parks Planner to review the conceptual idea of the park, participate in meetings as requested, complete subsurface investigation and provide Landscape Architectural and Engineering design services and complete construction of the park. The City will be responsible for land use and sharing agreements with the School District.

**Budget:** Funding of \$ 580,000.00 is approved in the Parks 2004 Fiscal Year Capital Budget to design and build Wingate Park. A total of \$625,000 has been budgeted for the entire project; the remaining funds are identified for construction material testing, a property survey and a construction contingency.

**Action Requested/Recommendation:** Authorize the City Manager to enter into a contract with American Civil Constructors (ACC) to design and build the City of Grand Junction Wingate Park. The Landscape Architectural Design Fees are 4% of construction costs, the Engineering Survey and Design are 4% of construction costs, and the preconstruction service fees are the lesser of .5% of construction costs or \$2,500.00. These fees represent \$48,000.00 based upon total projected costs not to exceed \$580,000.00. The Parks Planner is designated the Project Manger and shall negotiate the final design and commensurate construction pricing as agreed upon by the City and the Contractor.

**Attachments:** N/A

**Background Information:** The City owns property next to the Wingate Elementary School and is working with School District 51 and the neighborhood adjacent to the school to formulate a conceptual idea and plan for the park. In order to expedite the design and construction of the park it was determined to combine all of the work into one design/build contract. Request for Proposals were advertised in the Daily Sentinel and distributed through the City's active solicitation list on Bid Net. The evaluations of these proposals were broken into two phases. There were four (4) firms that responded to the RFP and were then evaluated by Joe Stevens – Parks Director, Don Hobbs - Assistant Director, and Shawn Cooper – Parks Planner. Two finalists were invited to participate in oral interviews and to submit pricing. Mari Steinbach – Recreation Superintendent, and Rex Sellers – Senior Buyer were also included in the evaluation of the finalists. ACC has successfully completed several projects for the City's Parks Department over the last several years and their performance has been very good. Recent projects by ACC include the Baseball Field and Multi-Use Field expansion at Canyon View Park, the outfield reconstruction at Suplezio Field, and the track reconstruction at Stocker Stadium. ACC's home office is located in the Denver area, DHM Design is located in the Carbondale area and Rolland Engineering is located in Grand Junction, these three firms will be the primary consultants on the team. ACC has indicated that a large percentage of their work on the site will be performed by local contractors and overseen by their personnel and other team members.

Proposals Received the top two (2) were the finalists:

**American Civil Constructors**  
**Clarke and Company Inc.**  
Roper Construction  
WD Yards

**Littleton, Colorado**  
**Grand Junction, Colorado**  
Grand Junction, Colorado  
Grand Junction, Colorado

**Attach 12**

**Consider the Rehearing of the Valley Meadows North Rezone  
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>		Consideration of a request for a rehearing of the Rezone Request for the Valley Meadows North property located at the north end of Kapota Street					
<b>Meeting Date</b>		February 18, 2004					
<b>Date Prepared</b>		February 12, 2004			<b>File #RZP-2003-153</b>		
<b>Author</b>		Robert Blanchard		Community Development Director			
<b>Presenter Name</b>		Same		Same			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	X	No	Name	
	Workshop	X		Formal Agenda		Consent	X Individual Consideration

**Summary:** Consideration of a request for a rehearing of the rezone application 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).

**Budget:** N/A

**Action Requested/Recommendation:** Consideration of the rehearing request and setting a date for a public hearing if the request is to be granted.

**Background Information:** See attached report.

**Attachments:**

- Site location map
- Rehearing request

BACKGROUND INFORMATION				
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

\* RSF-R, Residential Single Family Rural (5 acres per dwelling unit)

\* RSF-4, Residential Single Family-4 (2-4 dwelling units per acre)

### Project Background/Summary

In accordance with Section 2.18.D, Rehearing, of the Zoning and Development Code, a request for a rehearing of the rezone request for the Valley Meadows North property has been filed by the Co-President of the Valley Meadows East Homeowners Association.

Section 2.18.D.1 of the Zoning Code contains the criteria that the Council must consider when deciding whether to grant a rehearing or not:

In granting a request for a rehearing, the decision maker shall:

- a. Find that the person requesting the rehearing was present at the original hearing or otherwise on the official record concerning the development application.



The request for rehearing was filed by Bob Knight, the Co-President of the Valley Meadows East Homeowners Association. Mr. Knight testified at the Planning Commission hearing therefore this criterion is satisfied.

- b. Find that the rehearing was requested in a timely manner.

The rezone request was considered by Council on January 21, 2004, The request for rehearing was received in the Community Development Department on January 30, 2004. The receipt of the request 9 days after the rezone hearing should be considered timely. Therefore this criterion is satisfied.

- c. Find that in making its decision, the decision-maker may have failed to consider or misunderstood pertinent facts in the record or that information crucial to the decision was not made available at or prior to the decision being made.

The request for rehearing is based on the contention that:

1. The Council received erroneous information regarding the ownership of the berm between Valley Meadows East and Valley Meadows North;
2. The Council received incomplete information regarding access to land east of Valley Meadows North; and,
3. The Council did not fully consider problems of safety of the street network and drainage.

This final finding must be determined by Council. Should Council agree with any of the contentions of the request, a rehearing should be scheduled for a future Council meeting. If Council does not agree with the allegations, no rehearing will be conducted.

# Aerial Photo Map

Figure 2



**RECEIVED**

JAN 30 2004

**COMMUNITY DEVELOPMENT  
DEPT.**

673 Chama Lane  
Grand Junction, CO 81505  
January 30, 2004  
Phone 243-6483

Mr. Bob Blanchard, Director  
Commumnity Development Department  
250 North Fifth Street  
Grand Junction, CO 81505-2668

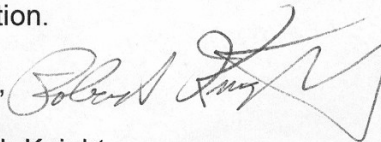
Dear Mr. Blanchard,

We, the residents of Valley Meadows East, request a rehearing, before the City Council, of the decision of January 21, 2004, whereby approval was granted for conditional rezone of Valley Meadows North from RSF-R to RSF-4 (File # RZP-2003-153) because:

1. The Council received erroneous information on the question of who owns the berm between Valley Meadows North and Valley Meadows East. (See Attached Explanation.)
2. The Council received incomplete information as to access to land east of Valley Meadows North, (the Burnell property), when they were told that this property was not legally landlocked. (See Attached Explanation.)
3. The Council did not fully consider the implications when they approved the rezone, without considering the problems with safety of the street network and drainage, as contained in Section 2.6A-3 of the Code. (See Attached Explanation)

Thank you for your consideration.

Sincerely,



Bob Knight  
Co-President

cc: Grand Junction City Council

## EXPLANATION

### ITEM #1

#### WHO OWNS THE BERM?

- (a) The berm straddles the property line with the majority of it being on the Valley Meadows East side of the line.
- (b) On the VME side of the property line, there is a 10 foot wide registered Irrigation and Drainage Easement.
- (c) A 10 inch irrigation pipe is buried in the berm on the VME side of the line.
- (d) The berm itself directs occasional storm water and/or irrigation water west to 25 1/2 Road, and protects VME from flooding.
- (e) There is no apparent benefit to Valley Meadows North from the Berm or the irrigation water that flows within it.
- (f) On its north side, the Berm encroaches on the VMN property over most of its' 720 foot length. This encroachment is up to 4 feet wide as measured from the common property line to the toe of the berm on its' north side. We have considered that someone could acquire the encroachment area by Adverse Possession in court action. This would give others control of the Kapota Street access.

(See sketch attached)

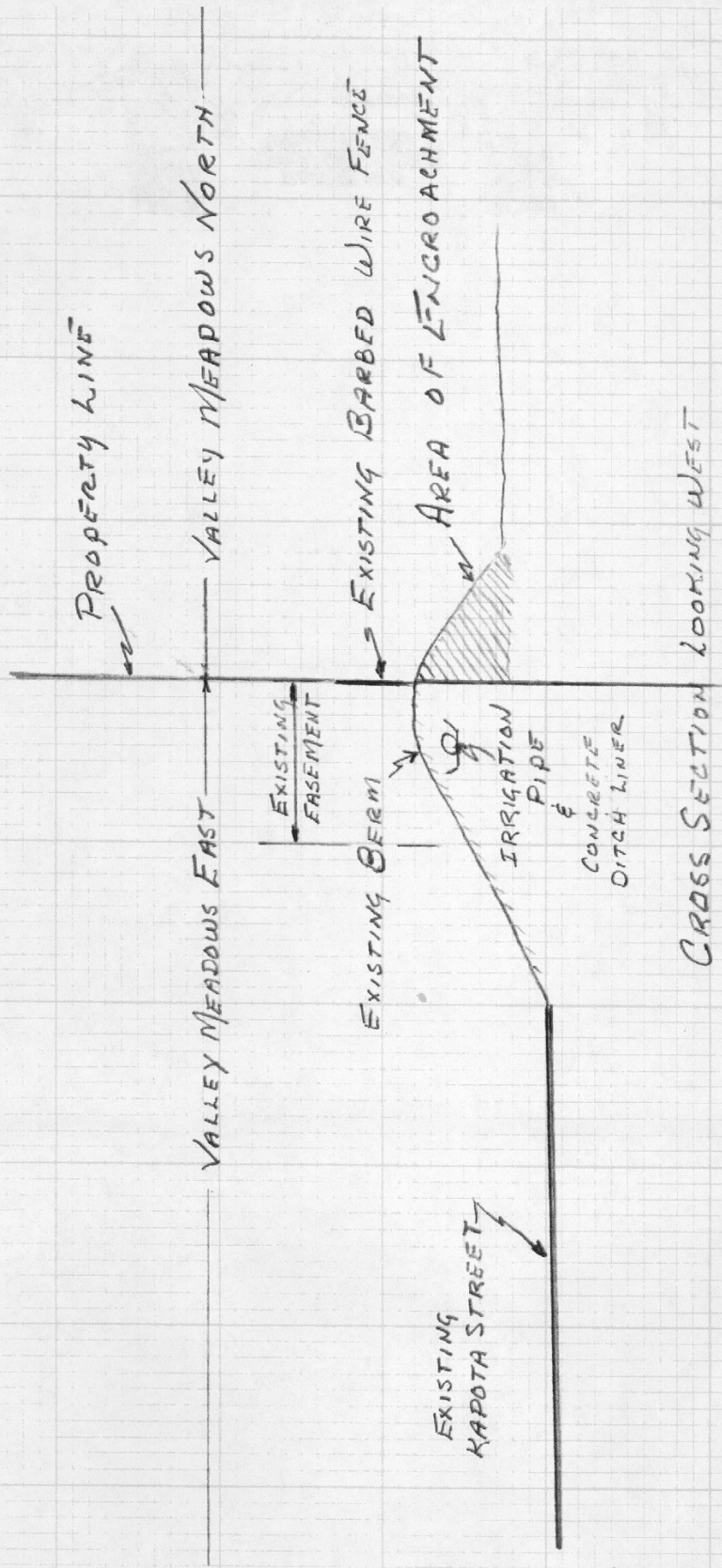
#### SO - WHO OWNS THE BERM?

On the south top and side of the Berm, seven Homeowners in Valley Meadows East, separately, own the building lots, parts of which are on the on the Berm. Also, on the south side, Valley Meadows East owns an out lot and the City owns a 44' wide reserve at the end of Kapota.

On the north side of the Berm, EDKA Land Co. owns, under existing title, the area covered by the encroachment, which may be subject to contest through an Adverse Possession proceedings.



Schematic  
of berm at Kapota



Scale 1" = 4' approx.

John Chapman  
1-27-04

## ITEM #2

To the question of “does the Burnell property have an access?” The answer given that the property has an access to G Road is misleading. The Burnell property has what is classified as a driveway, which is a one-lane right-of-way on property owned by Robert D. Hackett. Dr. Hackett, who lives at 2573 G Road, has made it very clear that he has no intentions of allowing additional right-of-way on his property. The Burnell property is zoned RSF-R, so a driveway is adequate for the one residence on the property, but the property cannot be developed further until an access is available.

## ITEM #3

The Council has rezoned the VMN parcel from RSF-R to RSF-4 without knowing the extent of the problems of access and drainage that exist. Section 2.6-A, paragraph 3, clearly requires that Zoning Map amendments **must not occur** if there are problems on any one of the ten or more conditions that would create adverse impact.

Either the Code, Section 2.6A, is wrong or the City's practice of pre-approval of rezoning is wrong. Mr. Wilson, former City attorney, at the Council Meeting of August 7, 2002 - 17 months ago - admitted that Section 2.6A-3 needed to be reworded. He also told us this would be done in the current Code Amendment process. It was not done and it may not be possible to amend it to fit the current City practice.

Under these circumstances, until the Code **is** amended, the City should honor the existing Code. The City practice of rezoning ahead of knowing the extent of, or solution to, unusual problems is misleading. It tells the public that there are no such problems.

If you have to rezone the Valley Meadows North property at this time, would it be better to make the rezone conditional on the satisfactory solution to unusual problems associated with access and drainage. If the engineering can not bring forth a feasible and economic solution to the problems in, say two years time, the zoning should then revert to RSF-R. This way the zoning would not remain on the Map as a deception. If a satisfactory solution were to be found, the condition would have been met and the RSF-4 zoning would prevail.

GOLDEN, MUMBY, SUMMERS, LIVINGSTON & KANE, RLLP

Attorneys at Law

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K.K. Summers  
J. Richard Livingston  
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Alan N. Hassler

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Grand Junction, CO 81502  
(970) 242-7322 Fax (970) 242-0698  
www.gmslk.com

*Of Counsel*  
Keith G. Mumby

e-mail: jrlivingston@gmslk.com

February 17, 2004

**VIA FAX - 256-4031**

Bob Blanchard, Director  
Grand Junction Community Development  
250 North 5th Street  
Grand Junction, CO 81501

Re: RZP-2003-153  
Valley Meadows North  
Response to Request for Rehearing

Dear Mr. Blanchard:

On behalf of the applicant for the Valley Meadows North re-zone, please accept and present to the Council this Response to the Request for Rehearing.

The Request for Rehearing was not Timely Filed. Section 2.18.D.3.C., Application Deadline, requires submittal within ten (10) calendar days of the action taken by the Council. The re-zone ordinance at issue in this matter was adopted by the Council on January 21, 2004. The deadline for submitting a rehearing request was, therefore, January 31, 2004. The rehearing application herein occurred after January 31, 2004 and, therefore, should be denied for failure to be filed in a timely manner.

The Request for Rehearing Fails to Meet Criteria for Rehearing. The Request for Rehearing alleges the Council received erroneous or incomplete information regarding ownership of a berm and access to property east of Valley Meadows North. Section 2.18.D of the Zoning and Development Code requires a showing that the Council failed to consider pertinent facts or that information crucial to the decision was not available to the Council. The Request for Rehearing fails to show that the ownership of the berm was a pertinent fact relative to the re-zone. Assuming, *arguendo*, that any portion of the berm is not in the Valley Meadows North property it simply would not be covered by the applicable zoning granted by the Council. While the berm is a relative issue to the physical development of Valley Meadows North it is not a pertinent fact when considering the criteria for zoning the property. Similarly, the issue of access to and from property east of Valley Meadows North was not a pertinent fact relative to the re-zone.

Lastly, the Request for Rehearing alleges the Council did not fully consider the implications of safety of the street network and drainage. Such an allegation fails to meet the burden required of one seeking a rehearing. Under Section 2.18.D one seeking a rehearing must specifically identify the facts in the record that the Council failed to consider or misunderstood. No such facts have been identified in this Request for Rehearing and the Request should be denied.

In summary, the Request for Rehearing should be denied as it fails to show crucial information was not available to the Council at the original hearing or that pertinent facts were misunderstood or not considered by the Council. The Request fails on the technical point that it was not submitted within ten (10) days of the decision.

Sincerely yours,

GOLDEN, MUMBY, SUMMERS, LIVINGSTON &

KANE, RLLP

J. Richard Livingston

JRL:jlc

cc: Edison S. Lenhart  
John Shaver, Acting City Attorney  
Bob Knight



**Attach 13**

**Consider the Repeal of Resolution No. 75-02**

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA								
<b>Subject</b>	Resolution Repealing Resolution 75-02							
<b>Meeting Date</b>	February 18, 2004							
<b>Date Prepared</b>	February 12, 2004				<b>File #</b>			
<b>Author</b>	John Shaver			<b>Acting City Attorney</b>				
<b>Presenter Name</b>	John Shaver			<b>Acting City Attorney</b>				
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>			
<b>Citizen Presentation</b>		<b>Yes</b>		<b>No</b>	<b>Name</b>			
	<b>Workshop</b>	<b>X</b>		<b>Formal Agenda</b>		<b>Consent</b>	<b>X</b>	<b>Individual Consideration</b>

**Summary:** Resolution \_\_-04 repeals Resolution 75-02. City Council has reconsidered the limitations on public speech and assembly resulting from the adoption of Resolution 75-02 in July of 2002.

**Budget:** Cost of preparation and adoption only; no direct budgetary impact.

**Action Requested/Recommendation:** Adoption of Resolution \_\_-04 repealing Resolution 75-02 and setting reasonable time, place and manner restrictions for the use of the designated outdoor assembly area and City Hall facilities.

**Attachments:**

Facility policies including a drawing designating the designated assembly area.  
Resolution \_\_-04

**Background Information:** See summary.

## **Use of City Hall Meeting Facilities and Designated Outdoor Assembly Area February 2004**

1. Specific rooms in City Hall and the designated assembly area in front of City Hall (see attached drawing designating the area) are available for and may be scheduled for public use. Scheduling is on a first come first serve basis. Preference is always given to City uses.
2. City Hall meeting rooms are available M-Sat 7:30 a.m. – 10:00 p.m., except holidays; the designated assembly area is available 7 days a week 7:00 a.m. – 11:00 p.m.
3. Both the Rood Avenue and 5th Street doors will be opened for meetings scheduled inside City Hall. The person responsible for the meeting shall inform the City Hall custodians at least 8 hours in advance when a meeting will be occurring after 5:30 p.m. or on a weekend day(s). Doors will not be opened for outdoor uses unless the use is during normal City Hall business hours.
4. Use of broadcast and/or computer equipment requires trained City personnel. Non-governmental users will be assessed a fee for the use of broadcast and/or computer equipment. A list of available equipment operators is attached. Fees are based on average out-of-pocket cost to the City to cover the operator's overtime.
5. Broadcasting is conducted by KRMJ. All broadcast fees and charges are payable directly to KRMJ. Before a user may broadcast, Todd Braley at Mesa County (257-2214) must ensure airtime availability. A satellite downlink fee is usually required to be paid prior to feed being available to user. Payment of that fee is user's responsibility. Broadcasting of outside uses may be accomplished only by tape delay.
6. A fee schedule is attached and may be adjusted from time to time to offset then-current costs.
7. The auditorium, training room and executive conference rooms are available for use by non-City users.
8. No food or beverages (other than water) is allowed in the auditorium, training room or hearing room. The user of any room shall leave the room in the same condition as found.
9. For the security of City employees, the employee break room is not available to outside users.

10. No musical program or loud event shall be scheduled during regular business in any meeting room or in the designated outdoor assembly area. A user producing unnecessary or unusually loud noise may be prosecuted in accordance with 16-106 and/or 24-3 GJCO.
11. No alcoholic beverages shall be allowed in City Hall or in the designated outdoor assembly area.
12. No climbing, sitting or standing shall be allowed on the fountain, art work, wall(s), Cornerstones, sign(s), bicycle rack(s) or hydrant(s) in, near or around the designated outdoor assembly area.
13. Users shall be responsible for complying with any and all applicable laws, rules, regulations or ordinances.
14. Occupancy limits have been established by the Fire Department. Maximum occupancy is shown. The user shall enforce the occupancy limit for each meeting room/facility. An unobstructed ingress and egress shall be provided by and be maintained by the user from City Hall through the designated outdoor assembly area during normal business hours and/or at times when the building is occupied.
15. Persons seeking to use a meeting room or the outdoor assembly area may reserve space pursuant to these regulations by contacting the City Clerk. Reservations shall be confirmed on a reservation form provided by the City Clerk and completed by the person responsible for the reservation.
16. Confirmed reservations are on a first-come, first-serve basis. A sample reservation form is attached (the specifics of each reservation will vary from user to user.) Please note that the City reserves the right to cancel a previously confirmed reservation or withdraw permission to use a City facility on short notice.
17. For-profit users are encouraged to use Two Rivers Convention Center and/or local hotel and motel meeting rooms. Scheduling for Two Rivers may be made by calling (970) 244-1588. The Visitor and Convention Bureau may be reached by calling (970) 244-1480. A for-profit user will be charged a fee as set forth in the then-current fee schedule (current fee schedule is attached.)
18. Each meeting room and the designated outdoor assembly area are shown on the GroupWise scheduler. The Availability Legend provides the name and telephone numbers of the person(s) authorized to schedule a room or the designated outdoor assembly area. All GroupWise users can query

for availability. Internal users can schedule the room or designated outdoor assembly area via email or phone call to the contact person.

19. Available equipment is listed on the attached matrix. Every room has a phone jack and network connection. With no less than 24 hours advanced notice, City Information Systems personnel will be available to activate either or both connections. Analog speakerphones, LCD projectors and standard overhead projectors can be checked out through Information Systems to be used in rooms where that equipment is not standard.

**Availability Legend**

A - available all hours, except holidays & holiday week-ends

A2 – available until 11:00 p.m. if use occurs during non-business hours user must furnish amplification or have none

B - business hours only unless accompanied by city employee

L - lunchtime discouraged

I - Internal users only (includes city sponsored boards & commissions)

Room or Designated Outdoor Assembly Area	Contact person & back-up	Phone #/Dept.	Available Equip.	Availability	Capacity
Auditorium With breakout rooms	Stephanie Tuin Juanita Peterson	244-1509	Sound System, Assisted Listening, Projection System, Broadcast, Satellite feed, break out rooms have white boards	A	Full auditorium - 164 Mt. Garfield/ Mesa break-out rooms - 25 each - Combined into 1 break-out room - 50 Monument Room - (mini auditorium) - 116

Hearing Room	Jodi Romero Grace Hendricks	244-1521	Sound system, Assisted Listening, Limited Projection System (VCR & overhead camera), satellite feed	B	60
--------------	--------------------------------	----------	---	---	----

<b>Room</b>	<b>Contact person &amp; back-up</b>	<b>Phone #/Dept.</b>	<b>Available Equip.</b>	<b>Availability</b>	<b>Capacity</b>
Break Room	Stephanie Tuin Juanita Peterson	244-1509	Full kitchen TV (a video, slide show or power point presentation can be played from the auditorium if not in use)	I & L	40
Training Room	Carol Rice	256-4024	Sound system, projection system, Softboard, 21 computers, Satellite downlink	A	21
Executive Conference Room	Sandi Nimon	244-1554	Projection system, Softboard, Satellite downlink, speaker phone	A	12

Admin- istration Conference Room	Sue Mueller Belinda Doss	244-1501	TV/VCR, full kitchen facilities, White board (grid/metal backed)	B & I	16
Community Dev. Conf. Room	Bobbie Paulson	244-1430	White board (grid/metal backed)	B & I	22
Designated Outdoor Assembly Area	Stephanie Tuin Juanita Peterson	244-1509	Amplification	A & A2	200

<b>Room</b>	<b>Contact person &amp; back-up</b>	<b>Phone #/Dept.</b>	<b>Available Equip.</b>	<b>Availability</b>	<b>Capacity</b>
Community Dev. Mini Conf. Room	Bobbie Paulson	244-1430	White board (grid/metal backed)	B & I	6
CC/CS Conf. Room	Stephanie Tuin Juanita Peterson	244-1509	White board (grid/metal backed)	B & I	6
Adm. Serv. Conf. Room	Lisa Hart	244-1516	White board (grid/metal backed)	B	12
HR Library	Carol Rice	256-4024	TV/VCR, speaker phone	B & I	6
PW Mini Conf. Room	Sandi Nimon	244-1554	White board (grid/metal backed)	B & I	4
Common Areas (front, elevator and auditorium lobbies)	Jodi Romero Grace Hendricks	244-1521	Kitchen facilities in break room (schedule separately)	A	150 standing

## **AV Operator List**

Steve Smith - 256-4037  
Clara Marshall-Cole - 244-1579  
Debi Overholt - 244-1580  
Joanna Adams - 256-4005  
Tammy Bensley - 244-1579  
Senta Costello - 244-1430  
Ronnie Edwards - 256-4008  
Nishi Aragon - 256-4009  
Juanita Peterson – 244-1509  
Debbie Kemp – 244-1510

## Fees and Charges

<b>Service</b>	<b>Fee</b>	<b>When applied</b>	<b>Exemptions/Comments</b>
Building Access via custodians	\$20 per hour for entire length of time building is accessed	Week-ends only	City use and other bona fide government agencies
AV Operator	\$20 per hour	Always	City use and other bona fide government agencies
Broadcasting	\$300 per 2 hours	Always	Outside contractors - no exemptions
For profit - Room charge	\$150 per event for conference rooms \$250 per event for other rooms	Always	In addition to all other applicable fees



**MEETING ROOM AND ASSEMBLY AREA  
RESERVATION FORM**

NAME OF ORGANIZATION: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

TELEPHONE NO. (INCLUDE AREA CODE): \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

DAYTIME TELEPHONE NO. FOR CONTACT PERSON: \_\_\_\_\_

TYPE OF ORGANIZATION: NON-PROFIT \_\_\_ GOVERNMENT \_\_\_ OTHER \_\_\_

IF NON-PROFIT, FEDERAL ID NUMBER: \_\_\_\_\_

PURPOSE OF USE: \_\_\_\_\_

OPEN TO PUBLIC? YES \_\_\_\_\_ NO \_\_\_\_\_

WILL ADMISSION BE CHARGED? YES \_\_\_\_\_ NO \_\_\_\_\_

DATES REQUESTED: \_\_\_\_\_

TIME REQUESTED:  
BEGINNING/DOORS TO BE OPENED AT: \_\_\_\_\_

ENDING/DOORS TO BE LOCKED AT: \_\_\_\_\_

**EQUIPMENT AND ACCESS:**

Please indicate your desire to use any of the City equipment (if trained personnel is needed you will be required to pay an hourly fee to offset the cost.) The only equipment available for use in the Designated Outdoor Assembly Area is amplification.

SOUND SYSTEM \_\_\_\_\_

ASSISTED LISTENING DEVICES \_\_\_\_\_

(CONTINUED ON OTHER SIDE)

PROJECTION SYSTEM (slides, video, computer, overhead camera & screens)  
(Please specify) \_\_\_\_\_

BROADCAST SYSTEM (You must contact Todd Braley, Mesa County, 257-2214  
two weeks in advance to reserve airtime. Then contract with KRMJ at 255-2909.  
Fee is user's responsibility) \_\_\_\_\_

SATELLITE/TELECONFERENCING SYSTEM \_\_\_\_\_

BREAK OUT ROOMS \_\_\_\_\_

OTHER SPECIAL NEEDS \_\_\_\_\_

PLEASE NOTE: Food & drink are **NOT** allowed in the auditorium

I agree to abide by the rules for the use of the City Auditorium, understand my obligation to pay the determined fees, and will be responsible for the facilities and equipment that the above named organization uses.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Name of signer (type or print)

-----  
*For office use only.*

Once received, schedule the reservation in the City Clerk auditorium schedule book the electronic calendar (Groupwise) and notify the following:

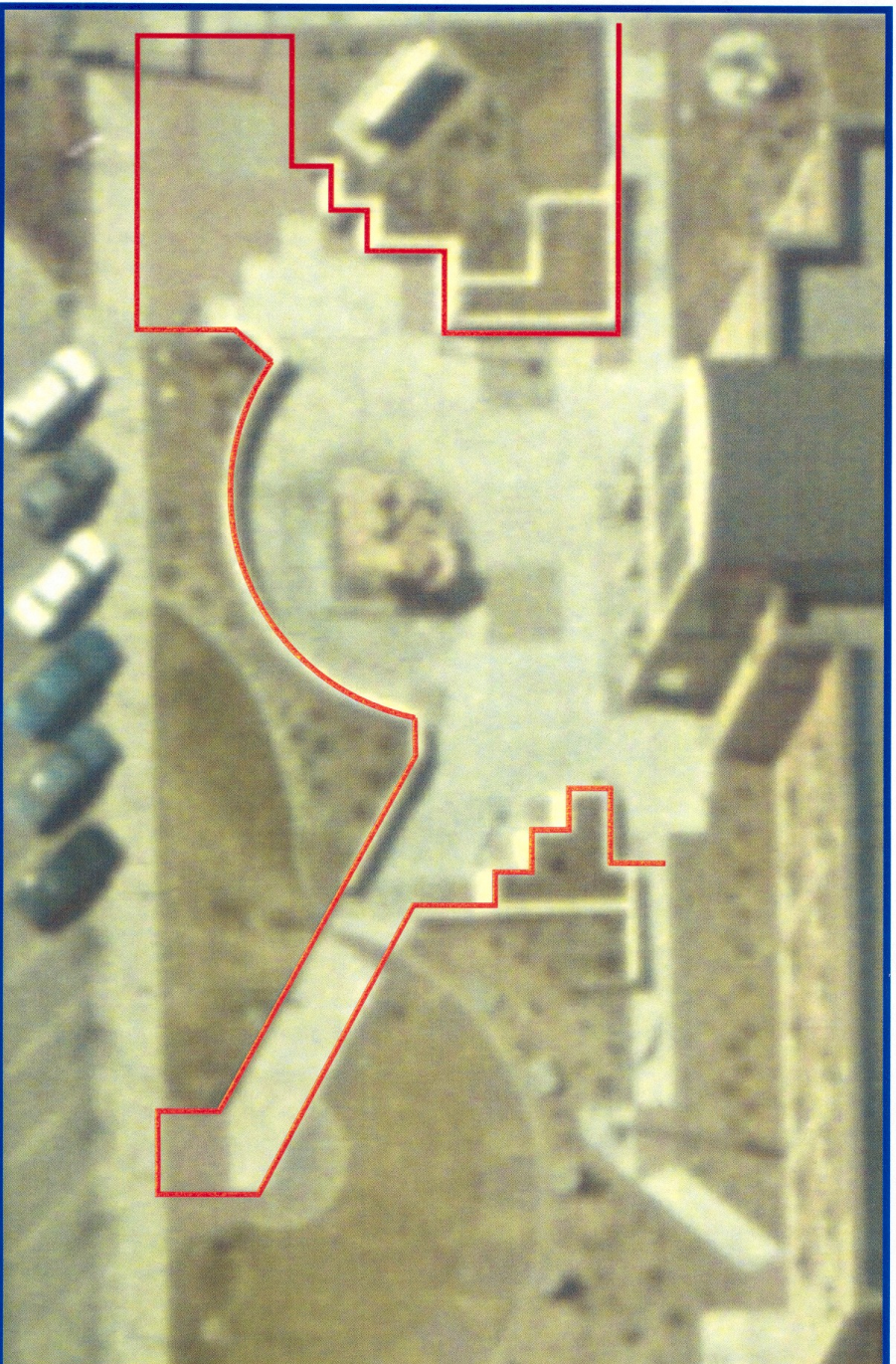
For Broadcasts only:

KRMJ

Todd Braley, Mesa County

(Public Access Channel)

# Designated Public Assembly Area



Grand Junction City Hall



## RESOLUTION NO. \_\_-04

### A RESOLUTION REPEALING RESOLUTION 75-02 AND ADOPTING A POLICY FOR THE USE OF CITY HALL FACILITIES AND THE DESIGNATED OUTDOOR ASSEMBLY AREA

#### Recitals.

In July of 2002 the City Council adopted Resolution 75-02 for the purpose of setting a policy for the use of City Hall grounds for other than governmental functions, purposes or speech.

The United States Supreme Court has established rules to guide local, state and federal governments regarding the use of government lands and facilities with respect to the exercise of free speech. The City Council has carefully considered those rules and the City's interpretation and application of those rules by and through Resolution 75-02.

Because the Council may not have fully appreciated that all public speech would be precluded by and under 75-02, the Council has reconsidered the affect of Resolution 75-02 and by this resolution does repeal the same.

By this resolution the Council designates the hardscape area directly in front of City Hall as a public forum. That area and the certain rooms, areas and facilities inside City Hall shall be subject to reasonable time, place and manner restrictions developed by the City Manager.

#### **NOW THEREFORE BE IT RESOLVED:**

Certain designated areas on the grounds and inside City Hall are deemed to be appropriate for speech as defined by the federal and state courts and the City's use policy.

With regard to the use of City Hall grounds at City Hall located at 250 N. 5<sup>th</sup> St. in Grand Junction, the City Council finds that a limited public forum should exist on the area known as the "designated public assembly area."

The City Council adopts this resolution in the interest of promoting among the populace the right to freely assemble and reasonably exercise the privileges conferred by the 1<sup>st</sup> Amendment.

ADOPTED this 18<sup>th</sup> day of February, 2004.

---

President of the Council

Attest:

---

City Clerk