

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

WEDNESDAY, MAY 5, 2004, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Jim Hale, Spirit of Life Christian Fellowship

PRESENTATION

Presentation by the Friendship Force of Colorado to Mayor Jim Spehar from the Mayor in Kapiti Coast, New Zealand

PROCLAMATIONS / RECOGNITIONS

Proclaiming May 8, 2004 as "Grand Junction Letter Carriers Stamp Out Hunger Day" in the City of Grand Junction

Proclaiming May as "Mental Health Month" in the City of Grand Junction

APPOINTMENTS

Election of Mayor and Mayor Pro Tem/Administer Oaths of Office

Council Assignments for 2003-2004

[Attach 22](#)

Resolution No. 46-04 – A Resolution Appointing and Assigning City Councilmembers to represent the City on Various Boards and Organizations

Reappointment of Judge McInnis Raaum as a Municipal Court Judge

[Attach 1](#)

Resolution No. 40-04 – A Resolution Regarding the Reappointment of Care' McInnis-Raaum as a Municipal Court Judge

CITIZEN COMMENTS

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings** [Attach 2](#)

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

2. **Setting a Hearing on Supplemental Budget Appropriations for 2004** [Attach 3](#)

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

Proposed Ordinance Making Supplemental Appropriations to the 2004 Budget of the City of Grand Junction

Action: Adopt Proposed Ordinance on First Reading a Set a Hearing for May 19, 2004

Staff presentation: Ron Lappi, Administrative Services and Finance Director

3. **Setting a Hearing on Amending Ordinance No. 3264 Annexing the G Road South Enclave Located Between 25 ½ Road and 26 ½ Road and North of Patterson and South of G Road** [Attach 4](#)

Amending Ordinance No. 3264 G Road South Enclave Annexation located between 25 ½ Road and 26 ½ Road and North of Patterson Road and South of G Road.

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Amending the G Road South Enclave Annexation Located in the NW ¼ NE ¼ of Section 3, Township 1 South, Range 1 West, Ute Meridian

Action: Introduction of Proposed Ordinance and Set a Hearing for May 19, 2004

Staff presentation: Dave Thornton, Principal Planner

4. **Setting a Hearing on the SGH 27 Road Annexation Located at 215 27 Road** [Attach 5](#)
[File #ANX-2004-036]

The 160.003-acre SGH 27 Road Annexation consists of three parcels and is located at 215 27 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. 41-04 - 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 SGH 27 Road Annexation Located at 215 27 Road

®Action: *Adopt Resolution No. 41-04*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, SGH 27 Road Annexation, Approximately 160.003 Acres Located at 215 27 Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for June 16, 2004*

Staff presentation: Lisa E. Cox, Senior Planner

5. Setting a Hearing on the Bretsel Annexation Located at 3145 E ½ Road

[File #ANX-2004-065]

[Attach 6](#)

The 23.3 acre Bretsel Annexation currently consists of three (3) parcels of vacant land and adjoining right-of-ways that will become two (2) parcels through a Simple Subdivision Plat process, located at 3145 E ½ Road. The petitioner's intent is to annex and then develop the properties in anticipation of future commercial development. A portion of the proposed annexation lies within the Persigo 201 sewer district.

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

Resolution No. 42-04 - 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, Bretsel Annexation Located at 3145 E ½ Road and Including a Portion of E ½ Road, a Portion of I-70 B and the 31 ¼ Road (Warrior Way) Rights-of-Ways

®Action: *Adopt Resolution No. 42-04*

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bretsel Annexation, Approximately 23.382 Acres Located at 3145 E ½ Road and Including a Portion of E ½ Road, a Portion of I-70 B and 31 ¼ Road (Warrior Way) Rights-of-Ways

Action: Introduction of Proposed Ordinance and Set a Hearing for June 16, 2004

Staff presentation: Scott D. Peterson, Associate Planner

6. **Setting a Hearing on Zoning the Chipeta Glenn Annexation Located at 2975 and 2977 B ½ Road** [File #ANX-2004-032] [Attach 7](#)

Introduction of a proposed zoning ordinance to zone the Chipeta Glenn Annexation to RSF-4 (Residential Single Family 4 du/ac), located at 2975 and 2977 B ½ Road.

Proposed Ordinance – An Ordinance Zoning the Chipeta Glenn Annexation to RSF-4 Located at 2975 and 2977 B ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for May 19, 2004

Staff presentation: Senta L. Costello, Associate Planner

7. **Setting a Hearing on Zoning the Grand Valley Audubon Annexation Located at 605 and 608 Dike Road** [File #ANX-2004-052] [Attach 8](#)

Introduction of a proposed zoning ordinance to zone the Grand Valley Audubon Annexation to the CSR (Community Services and Recreation) zone district, located at 605 and 608 Dike Road.

Proposed Ordinance – An Ordinance Zoning the Grand Valley Audubon Annexation to CSR Located at 605 and 608 Dike Road

Action: Introduction of Proposed Ordinance and Set a Hearing for May 19, 2004

Staff presentation: Senta L. Costello, Associate Planner

8. **Purchase of Paint Striper Truck** [Attach 10](#)

This purchase is for the replacement of a truck mounted paint striper. The paint striper is currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee. There has been an inordinate increase of 43% in purchase price since the last purchase of the existing unit

during 1993. The current life of the old paint striper has been extended and now needs to be replaced.

***Action:** Authorize the City Purchasing Manager to Purchase One (1) Paint Striper from M-B Company in the Amount of \$174,020*

Staff presentation: Ronald Watkins, Purchasing Manager
Mark Relph, Public Works and Utilities Director

9. **Purchase of 7 Utility Carts** [Attach 11](#)

This purchase is for the replacement of six (6) 4x2 utility carts and one (1) 4x4 utility cart. Five of these units are currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee. One (1) 4x2, Parks Operations and one (1) 4x4, Parks Cemetery are CIP additions to the Fleet approved during the 2004-2005 budget process.

***Action:** Authorize the City Purchasing Manager to Purchase Seven (7) Utility Carts from Delta Implement of Grand Junction for the Amount of \$58,605*

Staff presentation: Ronald Watkins, Purchasing Manager
Mark Relph, Public Works and Utilities Director

10. **Accepting Improvements Connected with Sanitary Sewer Improvement District No. SS-45-03 (26 ½ Road) and Setting a Hearing on the Assessments** [Attach 12](#)

The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners located east and west of 26 ½ Road, south of Dahlia Drive and north of F ½ Road. The proposed resolution is the required first step in the formal process of levying assessments against properties located in the improvement district. The first reading of a proposed assessing ordinance will be scheduled for the June 2, 2004 Council meeting. A public hearing and second reading of the proposed assessing ordinance will be scheduled for the June 16, 2004 Council meeting.

Resolution No. 43-04 – A Resolution Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-45-03 and Giving Notice of a Public Hearing

***®Action:** Adopt Resolution No. 43-04 and Set a Hearing for June 16, 2004*

Staff presentation: Mark Relph, Public Works and Utilities Director

*** END OF CONSENT CALENDAR ***

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

11. **Contracts**

a. **Lincoln Park Master Plan**

[Attach 13](#)

Contract with the professional planning firm, Winston and Associates, to conduct a study of Lincoln Park and prepare a short term and long term master plan. This item was tabled at the April 21, 2004 Council meeting and will be formally considered at the May 5 Council meeting pending further discussion at the noon Council workshop on May 3, 2004.

Action: Authorize the City Manager to Sign a Contract with Winston and Associates to Study and Complete the Lincoln Park Master Plan

Staff presentation: Joe Stevens, Parks and Recreation Director

b. **Jarvis Property Master Plan**

[Attach 14](#)

Contract with the Professional Planning Firm, Winter & Company to complete a Master Plan for the Jarvis Property

Action: Authorize the City Manager to Sign a Contract with Winter & Company to Complete a Master Plan for the Jarvis Property in an Amount not to Exceed \$31,172. Also Council direction on Resource Panel option.

Staff presentation: Kathy Portner, Planning Manager

c. **29 Road Improvements, Phase III Streets**

[Attach 15](#)

Award a construction contract for the 29 Road Improvements, Phase III Streets, between Pinyon Street and Patterson Road, to Elam Construction in the amount of \$698,837.05

Action: Authorize the City Manager to Sign a Construction Contract for the 29 Road Improvements, Phase III Streets with Elam Construction in the Amount of \$698,837.05

Staff presentation: Mark Relph, Public Works and Utilities Director

12. **Property Purchase for Riverside Parkway - 1005 South 5th Street**

[Attach 16](#)

The City has entered a contract to purchase the property at 1005 South 5th Street from Mary Resendiz for the Riverside Parkway Project. The City’s obligation to purchase this property is contingent upon Council’s ratification of the purchase contract.

Resolution 44-04 – A Resolution Authorizing the Purchase of Real Property at 1005 South 5th Street from Mary Resendiz

®Action: Adopt Resolution No. 44-04

Staff presentation: Mark Relph, Public Works and Utilities Director

13. **2004 Mesa County Animal Control Agreement**

[Attach 9](#)

The City of Grand Junction has an ongoing, annually renewable agreement with Mesa County for the control of dogs within the city limits. The City pays the county a percentage of the Animal Control budget based upon the City’s percentage of total calls for service. The City’s share of the budget for 2004 is 41.4% or \$249,687. Payments are made to the County on a quarterly basis.

Action: Authorize the Mayor to Sign the 2004 Agreement for Animal Control Services in the Amount of \$249,687

Staff presentation: Greg Morrison, Chief of Police

14. **Public Hearing – Reduction of Distance Restriction for Hotel and Restaurant Liquor Licenses to College Campuses**
CONTINUED FROM APRIL 21, 2004

[Attach 17](#)

State law requires five hundred feet, using direct pedestrian access, from the property line of a school to the liquor-licensed premise; however, the law also allows local jurisdictions to reduce that distance for a certain class of license for one or more types of schools. In 1987, the Grand Junction City Council reduced the distance for full service restaurant licenses from college campuses to 300 feet. A property owner near Mesa State College has requested that City Council consider further reducing or eliminating the distance restriction for hotel/ restaurant liquor licenses for principal college campuses.

Ordinance No. 3620 – An Ordinance Amending Section 4-52 of the Grand Junction Code of Ordinances Reducing the Distance a Hotel and Restaurant

Liquor Licensed Premise Must be from the Principal Campus of a College or University in the City of Grand Junction

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3620*

Staff presentation: Stephanie Tuin, City Clerk
John Shaver, City Attorney

15. **Public Hearing – Rezoning the Old Orchard Estates Property Located at 774 Old Orchard Road** [File #RZ-2004-023] [Attach 18](#)

Holding a public hearing and consideration of a proposed ordinance to rezone the Old Orchard Estates property, located at 774 Old Orchard Road, from the RSF-R, Residential Single Family Rural to RSF-2, Residential Single Family-2.

Ordinance No. 3624 – An Ordinance Rezoning the Old Orchard Estates Property Located at 774 Old Orchard Road, from Residential Single Family Rural (RSF-R) to Residential Single Family-2 (RSF-2)

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3624*

Staff presentation: Lisa E. Cox, Senior Planner

16. **Public Hearing – Amendments to Section 6.5 of the Zoning and Development Code, Landscaping, Buffering and Screening Standards** [File #TAC-2004-040] [Attach 19](#)

Hold a Public Hearing and Consider Final Passage of an ordinance amending Section 6.5 of the Zoning and Development Code, including landscape standards in Industrial zone districts, modifying the required perimeter enclosure landscape requirement, clarifying requirements and credits, and allowing the use of hardscape, xeriscape and public art as a part of the landscape requirement.

Ordinance No. 3625 – An Ordinance Amending Section 6.5 of the Zoning and Development Code, Landscaping, Buffering and Screening Standards to be Published in Pamphlet Form

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3625*

Staff presentation: Kathy Portner, Planning Manager

17. **Public Hearing – Amending the Grand Junction City Code Regarding Sales and Use Tax and Adopting a Policy on Enforcement** [Attach 20](#)

The Ordinance amends the City’s Code of Ordinances relative to Sales and Use Tax to provide for the Levy or Garnishment of accounts and money, as part of the enforcement procedures on delinquent taxes in a similar manner as the State of Colorado.

Ordinance No. 3626 – An Ordinance Amending Section 154 of Chapter 34 of the City of Grand Junction Code of Ordinances Concerning Sales and Use Tax

Resolution No. 45-04 – A Resolution Adopting a Sales Tax Enforcement, Collection and Delinquency Policy for the City of Grand Junction

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3626 and Adopt Resolution No. 45-04

Staff presentation: Ron Lappi, Administrative Services and Finance Director

18. **Intergovernmental Agreement with Mesa County for Mosquito Control** [Attach 21](#)

Council will consider an Intergovernmental Agreement (IGA) with Mesa County that outlines efforts each agency will undertake to implement a mosquito control program to reduce the risk of West Nile Virus (WNV).

Action: Authorize the Mayor to Sign an Intergovernmental Agreement with Mesa County Regarding Mosquito Control

Staff presentation: Tim Moore, Public Works Manager

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

20. **OTHER BUSINESS**

21. **ADJOURNMENT**

Attach 1

Reappointment of Judge McInnis Raaum as a Municipal Court Judge

RESOLUTION NO. 40-04

A RESOLUTION REGARDING THE REAPPOINTMENT OF
CARE' McINNIS-RAAUM AS A MUNICIPAL COURT JUDGE

Recitals:

The City of Grand Junction by Charter and Ordinance has provided for and established a Municipal Court.

The Charter and the Code of Ordinances further provide that the City Council shall appoint Judges of the Municipal Court as may be needed to transact the business of the Court.

Municipal Court Judge Care' McInnis-Raaum has served the City since 1995. Judge McInnis-Raaum's initial appointment was for a set term. That term has expired. Judge McInnis-Raaum desires to be reappointed.

Senior Municipal Court Judge David Palmer has recommended that Judge McInnis-Raaum be reappointed.

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

That the City Council, sitting in public session this ___ th day of May, 2004 hereby appoints Care' McInnis-Raaum as Municipal Court Judge.

READ and ADOPTED this ___ day of May 2004.

President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 2

Minutes of Previous Meetings

GRAND JUNCTION CITY COUNCIL ADDITIONAL WORKSHOP SUMMARY

APRIL 19, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, April 19, 2004 at 11:37 a.m. in the Administration Conference Room on the 2nd Floor in City Hall to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Jim Spehar.

Summaries and action on the following topics:

1. **CABLE TELEVISION FRANCHISE DISCUSSION:** Continuation of the discussion regarding a cable television franchise with Bresnan Communications.

City Attorney John Shaver explained that there are two reasons the City Council might choose to go forward with a franchise process: if they want changes to the current arrangement with the cable company or if they want a more formal arrangement with the current company. The franchise process has specific time lines and requirements.

The existing revocable permit, initially issued in the 1960's, can be considered a franchise; Bresnan has treated it as though it is a franchise agreement, but it is not a modern agreement. The City could formulate a new contract for the relationship with the cable company but by Charter can only enter into such a contract for a maximum of two years. Bresnan, in order to formalize the existing revocable permit, has filed federal paperwork to transfer the permit to them (394 process) but the City must agree to the transfer. If the City were to proceed through the formal process of developing a new franchise agreement, then the question can be put to the voters in April, 2005 and the term of the franchise agreement can be ten to fifteen years.

Paul Kugler, representing Bresnan Communications, stated that his company would not be amenable to a two-year contract because that would mean the contract would be in a constant state of review; by federal law there is a two year checkpoint for franchises. It would be Bresnan's preference for the City to either accept the transfer of the current

agreement or to go through the formal franchise process with a vote so the term would be a longer time period. Bresnan will also recognize that the City can begin the franchise process without a formal termination of the previous agreement.

Action summary: The City Council directed Staff to go forward with starting the formal franchise process, giving the required notice, and developing the framework and timelines.

2. **STORMWATER AUTHORITY COMMITTEE IGA UPDATE:** An update on the Stormwater Authority Intergovernmental Agreement drafted by the Authority Charter Committee.

Councilmember Kirtland reviewed the work accomplished so far in the development of a Stormwater Authority. The development began two years ago. All the entities involved have been working collaboratively; with the governing board having representation from each entity. The Authority is not planning to buy equipment but will be entering into contracts. They plan to do a rate study which may result in a monthly fee (a utility fee), the revenues from which to be used for projects dealing with stormwater issues.

City Manager Kelly Arnold applauded the work of the group and advised that the proposed intergovernmental agreement has been reviewed and fine-tuned on a monthly basis. The current version is to be reviewed by each governing body for any changes prior to the planned adoption in June. Each governing body will appoint a member to the five-member Stormwater Authority Board.

Councilmember Hill inquired as to why BLM is not a partner in this collaboration. City Manager Arnold responded that BLM, the Forest Service and the National Park Service declined participation as did Orchard Mesa Drainage District. However, other partners can come into the Authority at a later time. City Attorney John Shaver added that part of the reason the federal authorities have declined participation is because the stormwater regulations are specific to local governments such as cities and counties.

Councilmember Kirtland noted that the Grand Junction Drainage District is a member and will be the administrator for the Authority. By-laws for the entity are being drafted. The Authority is an enterprise which makes it exempt from TABOR issues.

The opt-out provision was discussed with concerns. Utilities Manager Greg Trainor advised that the reason the provision is set up to require any opt-out to be approved by the other entities is to avoid an outstanding obligation owed by an entity where the board has entered into a contract that anticipates the revenues from that entity. Councilmember Kirtland said he would relay the concerns to the other members.

Councilmember Hill expressed concern that the board member terms will be for four years and that would not necessarily coincide with the remaining term of a councilmember.

Action summary: The concerns expressed were noted and Council was asked to get any additional comments or concerns on the agreement back to Councilmember Kirtland prior to the next meeting scheduled for April 28th.

ADJOURN

The meeting adjourned at 1:15 p.m.

**GRAND JUNCTION
CITY COUNCIL WORKSHOP SUMMARY**

APRIL 19, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, April 19, 2004 at 7:00 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer and President of the Council Jim Spehar.

Summaries and action on the following topics:

1. **UPCOMING APPOINTMENTS TO BOARDS & COMMISSIONS:** In anticipation of upcoming appointments to the Planning Commission Board of Appeals, Downtown Development Authority, Urban Trails Committee and Parks & Recreation Advisory Board, City Council will discuss specific issues relating to each board.

City Clerk Stephanie Tuin reviewed each one of the volunteer boards with upcoming vacancies, the qualifications, the issues, and the number of applicants and encouraged anyone in the audience to apply.

Interviews for the Planning Commission Board of Appeals, Downtown Development Authority and the Parks and Recreation Advisory Board for May 11th and May 18th.

Council President Spehar called a recess at 7:52 p.m. The meeting reconvened at 8:05 p.m.

2. **CITY LOGO DISCUSSION:** Council President Spehar suggested a sequence for the discussion as follows: Should there be a single identifier for the City? If Council decides yes, then determine the cost for implementation. Then, what should that identifier be?

On the topic of whether the City should have a single identifier – Councilmember Hill noted that the city seal is an identifier, which will not be replaced with the new logo, and there will be other logos that will not be replaced such as ones for the VCB, Two Rivers, and Avalon plus the Fire Department insignia will stay the same. He is not opposed to having the new logo for promotional purposes and to continue to use the seal as the corporate seal. He noted that many of the other currently used logos have incorporated some piece of the seal. So the City will not have a single identifier. The new logo looks good on printed material and he does not

object to its continued use, with the “g” and the “j” being capitalized. He supports implementation with zero to minimal dollars.

Councilmember Enos-Martinez agreed, adding that Council should limit what the new logo goes on to; specifically it should not go on police cruisers, fire engines, or badges.

Councilmember Butler agreed with using the new logo on letterhead and business cards but not on signs or vehicles. He agreed with the capitalization requirement. He thought any of the logos identify Grand Junction.

Councilmember McCurry agreed with capital letters and using the new logo on business cards.

Councilmember Palmer noted the communication study focused on the need for one identifier. He said the logo is not for the employees, it means a lot to the people of this community and the development of a new logo was to move forward in order to present the City professionally and it made sense. He likes the new version on paper. The new logo was an attempt to fix having too many identifiers and keeping all the logos just puts the City back to square one. Most cities don't have two dozen logos, they have one consistent theme, however, no one likes the new logo, at least the majority doesn't and even though he likes it, the majority of citizens will never accept the new logo. Councilmember Palmer felt the City should have a single logo and noted that no matter what is decided, it is going to cost some money. He felt it is possible to phase in one, and stressed that the cost should be clear to the people.

Councilmember Kirtland noted how the communication study started the City in this direction, and perhaps the City should have made clear at the beginning that more work was needed to determine how the logo would fit on every medium. Phasing in of the logo was going to take time. The new logo has taken a lot of potshots, and a lot of people don't like it but he is not in favor of spending more money to redo it, he would rather either go back to the previous situation or go with the new logo. He wondered if there was a way the public at-large would accept the new logo with the capitalization changed.

Council President Spehar felt there is a value to having a single identifier and having multiple logos will cost the City too (art work, set-up costs for printing, etc.). He noted the Council did not ok a change just for the sake of a change; the change was the result of a study. He liked the City's identity being the two rivers. Any action is not going to save the \$27,000

that has been spent. The process designed a logo that is simple to use and print, the issue arose due to the costs expressed of over \$100,000 for implementation that Council never intended to spend. The Council thought implementation would be over time, as items are replaced over time. He is not opposed to changing the capitalization if that is a big concern. There will still be a cost to do nothing.

Councilmember Enos-Martinez noted that public perception was that everything was to be changed immediately.

Councilmember Hill agreed there is a cost no matter what course is taken. Council can take an extremely conservative approach on spending funds and only implement the logo on items as they need to be replaced.

In summary, Council President Spehar thought one identifier was needed, Councilmember McCurry agreed, Councilmember Butler did not see the need for one, Councilmember Kirtland thought there should be a dominant one, Councilmember Hill agreed with a single identifier to work towards with minimal costs but not do away with the seal, Councilmember Enos-Martinez thought from an employees' perspective it is easier to have a single identifier.

Councilmember Enos-Martinez said she would like to hear public comments before discussion continues.

Bill Pitts, 2626 H Road, stated the seal has been the logo for a good number of years and there is no reason or cause to make a change. He didn't realize the blue lines on the new logo were the rivers and he feels the lower case disrupts English language. He would like the City to retain the seal for the logo.

Carl Mitchell, 378 ½ Soapweed Court, said it doesn't appear the Councilmembers realize how many logos actually are being used and that there are even different forms for the seal. He questioned if in communication study, the number of logos were identified. He suggested the City start with the seal and create something that represents the community. He noted that the police and fire will not change their insignias. He agreed that the City needs a single logo.

Councilmember Kirtland said he was on the committee and they did identify all logos and the history of each.

There were no other public comments.

Action summary: Although the Council was not in total agreement, it appeared that the use of a dominant or single identifier was favored. Staff was directed to get a cost assessment on capitalization of the “g” and the “j” in the new logo and a report on how to implement it at minimal cost over time.

ADJOURN

The meeting adjourned at 9:24 p.m.

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

April 21, 2004

The City Council of the City of Grand Junction convened into regular session on the 21st day of April 2004, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Gregg Palmer, Bill McCurry and President of the Council Pro Tem Harry Butler. President of the Council Jim Spehar was absent. Also present were City Manager Kelly Arnold, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pro Tem Harry Butler called the meeting to order. Councilmember McCurry led the pledge of allegiance. The audience remained standing for the invocation by Pastor Steve Fenske, Sunrise Church of God.

PRESENTATION OF CERTIFICATE OF APPOINTMENT

To the Parks and Recreation Advisory Board

Lenna Watson was present and received her certificate of appointment.

APPOINTMENTS

Resolution No. 29-04 – A Resolution Appointing John P. Shaver as City Attorney for the City of Grand Junction, Colorado

Councilmember Palmer moved to adopt Resolution No. 29-04. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Stephanie Tuin, City Clerk, administered the Oath of Office to John P. Shaver as City Attorney.

CITIZEN COMMENTS

There were none.

Update on the Rural Fire Protection District

City Attorney John Shaver provided new information regarding the Rural Fire Protection District explaining that Judge Bailey entered a motion on the open records request and the District now has an opportunity to respond. He said he has spoken with the District's attorney and has been told they are working on it and that the District has retained an investigator to research the investment of the funds. City Attorney Shaver

said he also spoke with Mr. Westfall who is the District's new attorney. He said Mr. Bruno of e.NVIZION, the firm chosen by the District to invest the funds, has provided the City with an accounting statement. City Attorney Shaver showed the report and noted the lack of detailed information. He said the report does not specify where the funds are but states the balance, the deposits, and the withdrawals.

Lastly, he referred to an e-mail sent from Mr. Bruno to the Daily Sentinel, of which a copy has been provided to Council. He anticipates the Sentinel will publish the contents of the email.

Councilmember Enos-Martinez asked if Mr. Westfall is with Mr. Cole's firm. City Attorney Shaver said Mr. Westfall is with a different firm and is hired to investigate the funds only. He informed Council of the District's meeting on Friday, April 23rd, at the Church on the Rock. Councilmember Enos-Martinez asked how they could hold a meeting without a quorum. City Attorney Shaver said that it is their attorney's contention under Special District law, that they can do business with the two members.

Councilmember Kirtland referred to the letter from the Assessor and asked if the Assessor has withdrawn that opinion. City Attorney Shaver said he is not aware of that fact. The District evidently did not have a problem when they certified the levy to the assessor in December 2002. Councilmember Kirtland asked about the opinion of the County Attorney. City Attorney Shaver said the County Attorney does not find a problem with the collection. His opinion is that this is what the voters intended and that the ballot language was clear.

Councilmember Kirtland expressed that the District's opposition of the collection of the mill levy is just a ruse since the money is not there to be paid to the City. He noted that an upcoming payment would be due in July for approximately one million dollars. He questioned if the County Treasurer would deposit the additional taxes into the District's account. City Attorney Shaver said it is possible for Council to request those accounts be frozen.

Councilmember Hill asked if there would be enough time to do so if they wait until the next meeting. City Attorney Shaver explained the County could file an interpleader action against the Treasurer, which would require the funds be placed in the hands of the court.

Councilmember Palmer assured the citizens that the City has no intention of stopping the construction of the Redlands Fire Station or discontinuing fire protection for the residents.

CONSENT CALENDAR

Councilmember Hill referred to Item #3, amendment to the Landscape Code, explaining he is not asking to pull this item but wanted to make sure all knew that the public hearing would be on May 5, 2004. He said regarding the public hearing listed as Item #14 (Reduction of Distance Restriction for Hotel and Liquor Licenses to College Campuses) under section Items Needing Individual Consideration he intends to make a motion to table that item to May 5, 2004.

It was moved by Councilmember Enos-Martinez, seconded by Councilmember Palmer, and carried by a roll call vote, to approve Consent Calendar Items #1 through #9.

1. Minutes of Previous Meetings

Action: Approve the Summary of the April 5, 2004 Noon Workshop, the April 5, 2004 Workshop, the Minutes of the April 7, 2004 Regular Meeting, the Special Meeting of April 7, 2004, and the Special Meeting of April 12, 2004

2. Setting a Hearing on Rezoning the Old Orchard Estates Property Located at 774 Old Orchard Road [File #RZ-2004-023]

Introduction of a proposed ordinance to rezone the Old Orchard Estates property, located at 774 Old Orchard Road, from the RSF-R, Residential Single Family Rural to RSF-2, Residential Single Family-2, for future residential development.

Proposed Ordinance Rezoning the Old Orchard Estates Property Located at 774 Old Orchard Road, from Residential Single Family Rural (RSF-R) to Residential Single Family-2 (RSF-2)

Action: Introduction of Proposed Ordinance and Set a Hearing for May 5, 2004

3. Setting a Hearing on Amendments to Section 6.5 of the Zoning and Development Code, Landscaping, Buffering and Screening Standards [File #TAC-2004-040]

Introduction of a proposed ordinance amending Section 6.5 of the Zoning and Development Code, including landscape standards in Industrial zone districts, modifying the required perimeter enclosure landscape requirement, clarifying requirements and credits, and allowing the use of hardscape, xeriscape and public art as a part of the landscape requirement.

Proposed Ordinance Amending Section 6.5 of the Zoning and Development Code, Landscaping, Buffering and Screening Standards to be published in Pamphlet Form

Action: Introduction of Proposed Ordinance and Set a Hearing for May 5, 2004

4. **Setting a Hearing for the Cameck Annexation Located at 3048 D ½ Road**
[File #ANX-2004-049]

Resolution referring a petition for annexation and introduction of proposed ordinances. The 2.5005 acre Cameck Annexation consists of 1 parcel and approximately 160' of the north ½ of D ½ Road Located at 3048 D ½ Road and is a 2 Part Serial Annexation.

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

Resolution No. 30-04 – 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, Cameck Annexation, Located at 3048 D ½ Road

Action: Adopt Resolution No. 30-04

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cameck Annexation #1, Approximately 0.6036 Acres, Located at 3048 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cameck Annexation #2, Approximately 1.8969 Acres, Located at 3048 D ½ Road

Action: Introduction of Proposed Ordinances and Set a Hearing for June 2, 2004

5. **Setting a Hearing for the Holley Annexation Located at 2936 D ½ Road** [File #ANX-2004-059]

Resolution referring a petition for annexation and introduction of proposed ordinances. The 0.8402-acre Holley Annexation consists of one parcel located at 2936 D ½ Road and is a 2 part serial annexation.

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

Resolution No. 31-04 – 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, Holley Annexation, Located at 2936 D ½ Road

Action: *Adopt Resolution No. 31-04*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Holley Annexation #1, Approximately 0.1663 Acres, Located at 2936 D ½ Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Holley Annexation #2, Approximately 0.6739 Acres, Located at 2936 D ½ Road

Action: *Introduction of Proposed Ordinances and Set a Hearing for June 2, 2004*

6. Vacation of a Portion of a Utility Easement Located at 722 ½ Spanish Trail Drive [File #VE-2004-015]

The applicants wish to vacate a 10' x 36.3' area of a 15' Drainage & Utility Easement located within Lot 20, Block 10, Spanish Trail Subdivision, Phase 3. Due to a site plan error at the time the Planning Clearance was issued, the recently constructed single-family home was constructed into this existing easement. There are no utilities currently located or proposed within the area to be vacated. The Planning Commission recommended approval at its April 20, 2004 meeting.

Resolution No. 32-04 - A Resolution Vacating a 10' X 36.3' Portion of a 15' Drainage & Utility Easement Lying Within Lot 20, Block 10, Spanish Trail Subdivision, Phase 3, Known As: 722 ½ Spanish Trail Drive

Action: *Adopt Resolution No. 32-04*

7. Purchase of 1.5-Ton Dump Trucks

This purchase is for the replacement of two (2) dump trucks. 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 Two (2) Dump Trucks from Western Slope Ford for the Amount of \$58,892.00*

8. **Setting a Hearing - Amending the Grand Junction City Code Regarding Sales and Use Tax**

The attached Ordinance amends the City's Code of Ordinances relative to Sales and Use Tax to provide for the Levy or Garnishment of accounts and money, as part of the enforcement procedures on delinquent taxes in a similar manner as the State of Colorado.

Proposed Ordinance Amending Section 154 of Chapter 34 of the City of Grand Junction Code of Ordinances Concerning Sales and Use Tax

Action: Introduction of Proposed Ordinance and Set a Hearing for May 5, 2004

9. **Release First Right of Refusal to Purchase Property Located at 402 Grand Avenue**

The City's parking lease with the First Assembly of God Church provides the City with a first right of refusal to purchase all of the Church's property at 402 Grand Avenue. Since the City and Mesa County have developed a parking structure, the parking lease and first right of refusal are no longer necessary.

Resolution No. 33-04 – A Resolution Relinquishing a First Right of Refusal to Purchase Real Property at 402 Grand Avenue from the First Assembly of God Church

Action: Adopt Resolution No. 33-04

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

Lincoln Park Master Plan Design Contract

Contract with the professional planning firm, Winston and Associates, to conduct a study of Lincoln Park and prepare a short and long term master plan.

Joe Stevens, Parks and Recreation Director, reviewed this item. He said this contract would allow the City to continue in its effort to develop a Master Plan for Lincoln Park. He stated Winston & Associates has put together a great team. He said the review started with six firms and the interview committee pared the numbers down.

Councilmember Palmer asked about the general cost estimates. Mr. Stevens said the costs would be for 9 to 12 million dollars for the preferred alternative, on the low end it

would be \$3.5 million. Councilmember Palmer said he is concerned because the City would not realistically have the funds in time for the Master Plan to be useful.

City Manager Arnold said it would depend on the approach taken, and it could be done incrementally. He pointed out it is a similar approach as was done with the west downtown plan and it is a long range approach.

Mr. Stevens said Councilmember Palmer's question is an excellent question and some of it may need to be evaluated. The study may make suggestions that are cost effective or will help to develop a revenue stream and be a good decision-making tool.

Councilmember Hill said Winston & Associates did the study on the Parks Master Plan and some of those items have been prioritized. He said that study suggested a separate plan for Lincoln Park. Mr. Stevens replied that the study identified that Lincoln Park needed to be looked at as a whole and this requested study would be much more specific to Lincoln Park.

Councilmember Hill asked about improvements to satellite maintenance buildings or the relocation of those buildings. Mr. Stevens said the City is planning on improving current facilities. That decision was made prior to the overall City facilities study. Monies now will be set aside annually for that purpose. He said a satellite facility could be located in some other areas, like at Canyon View Park and on Orchard Mesa, but no conclusions were drawn.

Councilmember Palmer questioned if the timing is right to do this study, or if it would be better to do it closer to when the money might be available. Mr. Stevens thought there are other entities involved and they would like to see some facilities updated. He said it is possible that funding from those entities might be used to leverage GOCO and lottery funds, besides Matchett Park funding and the improvement costs for Canyon View Park will mature and then will free up some money.

Councilmember Enos-Martinez asked if those funds would be just for the stadium. Mr. Stevens said it could still be used for leverage.

Councilmember Kirtland questioned if the study would be looking at any adjoining neighborhood issues. Mr. Stevens said certainly it would look at how the area is changing, how changes would impact them, and make projections for the future. Councilmember Kirtland inquired about the City's relationship with Mesa State College. Mr. Stevens replied the intent is all users would be included when looking at different opportunities.

City Manager Arnold suggested a May 3rd discussion of this study at a workshop.

Councilmember Kirtland felt it should not be done piecemeal. Mr. Stevens agreed and pointed out this was another good reason for the Master Plan and to determine a long term plan, have discussions about Pear Park and with Mesa State College about its property, which could be available for sports facilities.

Councilmember Hill referred to the 2001 study proposal of a tax increase to fund park development and asked if that proposal has been considered. Mr. Stevens said yes, but only in the context of a recreation center, and the proposal was not for more parks which would require another levy.

Councilmember Kirtland supported postponing the matter until further discussion can take place. Mr. Stevens said the proposal can be restructured if that is Council's preference.

Councilmember Kirtland moved to table this matter to May 5, 2004. Councilmember Palmer seconded the motion and to first have a discussion on May 3rd.

City Manager Arnold asked Council if they were comfortable giving him authorization to award the contract based on the May 3rd discussion.

Councilmember Hill stated the Stocker Stadium study was done for \$35,000, the money has not been identified, and he has a tough time having this study done when there will be difficulty funding any proposed projects. He felt the request should be taken back to the Parks & Recreation Advisory Committee.

Mr. Stevens explained the study is to try to get a handle on the entire property and look at trends in golf. He said the projections on golf revenues are not positive.

Councilmember Enos-Martinez said it would be difficult to do anything different with the Lincoln Park Golf Course.

Mr. Stevens listed areas that could be addressed, like rerouting the course and/or changing it to an Executive Course.

The question was called. The motion carried with Mayor Pro Tem Butler voting **NO**.

Property Exchange Agreement with Ice Skating Inc.

City staff proposes to enter into an agreement with Ice Skating Inc. (ISI), to trade property for Riverside Parkway right-of-way. The trade will include the City reimbursing ISI for the cost to redesign their building and site improvements.

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the property in question. He said the City needs this property, which belongs to Ice Skating

Inc. (ISI) for the Riverside Parkway. He said ISI is interested in the remnant piece of the property and the outright purchase price would be \$417,000. He explained to facilitate this trade the City would pay around \$62,000 in order to pay for the redesign less the Transportation Capacity Payment. He said ISI's current property consists of two acres, the piece of property they will receive in the exchange would be four acres but the new configuration of the parcel makes it much more difficult to develop.

Councilmember Palmer asked if the property values are relatively equal. Mr. Relph said yes but the geometry is awkward. He said the exchange is a good value for the public to make this trade.

Resolution No. 34-04 - A Resolution Authorizing the Exchange of Real estate with Ice Skating Inc.

Councilmember Palmer moved to adopt Resolution No. 34-04. Councilmember Enos-Martinez seconded the motion. Motion carried.

Kurt Maki, Ice Skating Inc., thanked City Manager Arnold and City Attorney Shaver for their help, Jim Shanks on how proficient and helpful he was, Carter Burgess, and the Riverside Parkway staff.

Purchase of Properties for Riverside Parkway

The City has entered into two contracts to purchase four vacant parcels for the Riverside Parkway Project. The C&K properties consist of three parcels located at 2505 River Road, 2509 River Road, and 2521 River Road. The Nesbitt property is an un-addressed parcel on the south side of River Road at the extension of 25 Road. The City's obligation to purchase the properties is contingent upon Council's ratification of the purchase contract.

a. C&K of Mesa County LLC and b. Ken W. Nesbitt

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the properties in question. He explained these properties are needed for the Riverside Parkway and the combined acreage is 7.2 acres. He said the City is paying a fair and reasonable price for the properties.

Councilmember Hill asked about any remnants. Mr. Relph said there are none in this collection, just the wetlands.

Resolution No. 35-04 – A Resolution Authorizing the Purchase of Real Property from C&K of Mesa County, LLC

Resolution No. 36-04 – A Resolution Authorizing the Purchase of Real Property from Ken W. Nesbitt

Councilmember Enos-Martinez moved to adopt Resolutions No. 35-04 and 36-04. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

c. Kristal K. Slough

The City has leased the property at 635 West White Avenue since 2002. The lease agreement gives the City the right to purchase the property at anytime prior to February 28, 2005. This property is necessary to accommodate the Riverside Parkway improvements.

Mark Relph, Public Works and Utilities Director, reviewed this item. He identified the location of the property and noted the City has been leasing the property for the last two years. He said the site is used for storage of fire equipment and that the Riverside Parkway will go through this location and the building. He asked Council to exercise the right of the purchase option in the lease agreement.

Councilmember Enos-Martinez asked if the building could be moved. Mr. Relph said Staff is looking at some options and to reduce costs of demolition by including the building in payment thereof.

Resolution No. 37-04 — A Resolution Authorizing the Purchase of Real Property at 635 West White Avenue from Kristal K. Slough

Councilmember Kirtland moved to adopt Resolution No. 37-04. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

Public Hearing – Amend Action Plan for 2003 Program Year Community Development Block Grant (CDBG) Program [File #CDBG-2003-01 and 2003-08]

Amending the City's 2003 Action Plan for the Community Development Block Grant (CDBG) Program Year 2003 to utilize a portion of the funds earmarked for neighborhood program (\$64,400) administration for construction of the Linden Pointe Apartments affordable housing project and authorizing the City Manager to sign the amendment to the Subrecipient Contract approved September 17, 2003 between the City and the Grand Junction Housing Authority (GJHA) for the Linden Pointe affordable housing project at 276 Linden Avenue by increasing the CDBG grant to GJHA by \$64,400.

The public hearing was opened at 8:40 p.m.

Councilmember Kirtland recused himself as his company is constructing this project.

Dave Thornton, CDBG Program Manager, reviewed this item. He briefed Council on their previous actions to fund this development and of the need to amend the action plan so the project can go forward. He said the new amount of the 2003 CDBG funds granted to the GJHA for the housing project is \$335,450.

Councilmember Palmer asked if the requested amount is for this programs fund or for administration costs.

Mr. Thornton explained the original 2003 Action Plan included a project that was to earmark \$83,400 to be used toward initial activities for a neighborhood-based CDBG program. Since then, the City has identified a project within the Riverside neighborhood for which it proposes to expend a portion of these CDBG funds. He said the Historic Structure Assessment and the roof repair projects for the Riverside Community Center would expend a total of \$19,000, leaving a \$64,000 balance remaining in the neighborhood-based CDBG program fund for the 2003 Program Year.

The public hearing was closed at 8:44 p.m.

Councilmember Hill moved to approve:

- 1) The amendment to the City's CDBG Consolidated 2003 Action Plan to reflect the revisions to a portion of the grant dollars earmarked for the neighborhood program administration for construction of the Linden Pointe Apartments Affordable Housing Project; and
- 2) Authorize the City Manager to sign the amendment to the Subrecipient Contract between the City and the Grand Junction Housing Authority.

Councilmember Enos-Martinez seconded the motion. Motion carried.

Councilmember Kirtland returned to the dais.

Public Hearing – Reduction of Distance Restriction for Hotel and Restaurant Liquor Licenses to College Campuses

State law requires five hundred feet, using direct pedestrian access, from the property line of a school to the liquor-licensed premise; however, the law also allows local jurisdictions to reduce that distance for a certain class of license for one or more types of schools. In 1987, the Grand Junction City Council reduced the distance for full

service restaurant licenses from college campuses to 300 feet. A property owner near Mesa State College has requested that City Council consider further reducing or eliminating the distance restriction for hotel/restaurant liquor licenses for principal college campuses.

The public hearing was opened at 8:45 p.m.

Councilmember Hill moved to continue the Public Hearing to May 5, 2004.
Councilmember Enos-Martinez seconded the motion. Motion carried.

Public Hearing – Creating the Horizon Drive Association Business Improvement District and Set Mill Levy

The Horizon Drive Association group has turned in petitions, which appear to represent more than 50% of the property owners in the proposed Business Improvement District. At the hearing, the City Council will determine if the petitions were signed in conformity with the law and if the district should be formed. The City Council may also exclude property from the district as allowed by Statute or if it deems it to be in the best interest of the district. Once created the mill levy will need to be set. The request is for a 5-mill levy upon each \$1.00 of total assessment of taxable property in the District.

The public hearing was opened at 8:46 p.m.

Stephanie Tuin, City Clerk, reviewed this item. Using a PowerPoint presentation, Ms. Tuin explained the procedure and requirements to form an improvement district and set a mill levy. She showed a map of the proposed district and identified various parcels. She then showed a map that identified the parcels for which she had signed petitions.

Ms. Tuin stated that the petitions submitted to the City represented more than 50 percent of both the property and of the valuation.

Ms. Tuin told the City Council the proposed ordinance would form the District and approve the proposed operating plan and budget provided to the City earlier by the Horizon Drive Association. She said the ordinance also sets forth the structure for the initial board of directors. Also included with the proposal is a resolution setting the mill levy for the District.

Ms. Tuin advised Council that she, the City Clerk, published a notice and notified all affected property owners with a notice of the hearing by certified mail. She noted if Council approved the request, she, the City Clerk, would file the paperwork with the County Assessor prior to May 1, 2004.

Ms. Tuin advised that the statute does not require the District be contiguous, so if the Council chooses to exclude any properties, the District could still be formed. Ms. Tuin has the information available to calculate the new valuation. The statute requires certain findings be made prior to the formation of the District and Ms. Tuin listed those findings.

In conclusion, Ms. Tuin advised that there are property owners in attendance and they may want to make comments. She also has a letter from a property owner she will need to read into the record.

Councilmember Hill inquired about term limits for the Board. Ms. Tuin responded that would be up to Council, there are no by-laws at this time. The representatives have indicated that they would be amenable to Council's recommendations.

John Shaver, City Attorney, clarified that the District, if formed, is a separate political subdivision that will have the power to levy taxes. The use of those revenues is not really known at this time, it could be for any number of things on their list of services and improvements. The proposed ordinance allows for a levy up to five mills but does not specify. The HDA has asked for a five mill levy and if Council wants to set the mill levy it will need to be by resolution.

Councilmember Palmer asked who the District will be accountable to. Mr. Shaver said to their board unless Council specifies otherwise.

Council President Pro Tem Butler likened the proposed District to the DDA to which City Attorney Shaver agreed it would be similar.

Richard Talley, President of the Horizon Drive Association, addressed Council and said he had nothing more to add unless there are objections to inclusion.

Councilmember Enos-Martinez asked if property owners have requested to be excluded from the District. Mr. Talley replied that none did but some declined to sign the petition. Councilmember Enos-Martinez asked how many did not sign the petition. Mr. Talley said he did not know and referred this question to Ms. Tuin.

Stephanie Tuin, City Clerk, said it appears that the petitions represented 55.2 percent of the property and 60.8 percent of the valuation.

Steve Castor, a property owner on Horizon Court, said he strongly favors the formation of the Horizon Association Business Improvement District and he is also a new member of the Association. He felt the area needs improvements like to the exit and entrance to the City, to parks, besides property values are going up and these items need to be addressed. He said the area is becoming professionalized and creating a district is critical. He wants to draw more professionals to the area.

Dan Sharp, General Manager of the Grand Vista Hotel, said he is in favor of the Improvement District and hopes Council would be willing to work with the Horizon Drive Association to get the District going. He clarified that parcels not represented by petition, the owners did not necessarily decline, they perhaps were not contacted. He said he has no problem with the Board of Directors reporting to the City Council and would like its direction, but felt board members should only be selected from within the Horizon Drive Improvement District.

Robert Armantrout, 751 Horizon Court, felt the tax amounts needed to be curtailed since he is already paying \$65,000 without the assessment raised. He felt the proposal meant the Association could do anything they wanted to do, that the government should maintain the interchange, and he is against the proposal.

Stephanie Tuin, City Clerk, next read the following fax, dated April 21, 2004 which she had received from Reutzell & Associates, LLC on behalf of their client regarding Parcels 2705-312-01-117 and 2075-312-01-120 (the "Properties") into record (*See Exhibit "A" attached*):

"Dear Mayor Spehar and Members of City Council. My client, A/R Investments, has asked me to respond to the April 8, 2004 letter the City sent regarding the public hearing for the Horizon Drive Business Improvement District scheduled for this evening. A/R Investments cannot attend this evening but would like this letter read into and made part of the record for tonight's public hearing.

My client respectfully requests exclusion from participating in the Horizon Drive BID pursuant to §31-25-1207(4), CRS. As grounds for the request, we submit that the buildings on the Properties have historically been, and are currently being used to office departments of the federal government. The offices of the US Fish and Wildlife Service, USGS, US Soil Conservation Services, and the Army/Navy Recruiting Facility all office out of the two buildings located on the above described parcel number.

The existing lease with the federal government runs for a number of years and the traditional lease provision regarding property tax increases being passed on to the lessee does not exist in leases with the federal government. As such my client would be burdened from the establishment of the mill levy on property tax without any way of passing that increase on to the tenant, especially for improvements to the area that are undefined in the proposed operating budget. Therefore, I request that the City Council exclude the properties from the Horizon Drive BID.

On behalf of my client, I appreciate the Council's consideration. Very truly yours,
REUTZEL & ASSOCIATES, LLC., by Jack E. Reutzell."

Dale Reece, property owner, supported the formation of the District. He felt the area needed to be improved to give a better impression. He said he helped get the petitions signed and everyone he talked to was really in favor of forming an improvement district.

Councilmember Kirtland asked if the money would only be used in that area. Mr. Reece replied the monies would mainly be used to improve the ambiance of the area and one of the main entrances into the City.

Councilmember Enos-Martinez pointed out that it would also improve property values.

Mr. Reece agreed but felt the biggest benefit of the improvements would be to the City of Grand Junction.

Robert Armantrout re-addressed the Council and asked to exclude his property on Horizon Court, and exclude those property owners that do not want to be in the district.

Doug Briggs, attorney for the Horizon Drive Association, wanted to comment on these exclusions, and he said they can't be gerrymandered, since all in the District will benefit. Excluding some will provide them with the benefit at no cost. He said even though the statute allows exclusions, the reasons given are not significant.

Councilmember Enos-Martinez asked if improvements would stop in front of the excluded property when doing improvements. City Attorney Shaver said no the improvements would also be done including the properties of owners who requested to be excluded from the District.

Councilmember Hill asked if a property owner could be excluded later.

City Attorney Shaver said the statute only contains inclusion provisions, not an exclusion proviso.

Councilmember Kirtland noted the same rules would apply for this District like in other special improvement districts.

The public hearing was closed at 9:25 p.m.

Councilmember Hill asked about any possible TABOR implications. City Attorney Shaver said there are none.

Councilmember Hill said he attended an Orchard Mesa Chamber coffee meeting and was pleased of all the interest of the Orchard Mesa Chamber Members in helping themselves. He said he is applauding the efforts of the Horizon Drive Association and the property owners that have done a significant piece to help create the district. He said it is

refreshing to help groups like these, and he fully supports everything proposed 100 percent.

Councilmember Palmer agreed with Councilmember Hill and said more can be accomplished when banding together. He knows some people will always try to opt out, but an improvement district will benefit all. Horizon Drive is a gateway to the City and he wishes the Association the best of luck.

Councilmember Kirtland acknowledged that all business owners pay a bigger portion of property taxes and therefore understands Mr. Armantrout's concern and noted five mills is a significant amount of money. He pointed out the seriousness and the responsibility the new District will be taking on. Councilmember Kirtland said he would not support exclusions, but suggests the Association band together to deliver on promises made and get those property owners who are against the District involved so they can see the benefits.

Ordinance No. 3621 – An Ordinance Creating and Establishing the Horizon Drive Association Business Improvement District and Approving an Operating Plan and Budget Therefore

Resolution No. 38-04 – A Resolution Levying Taxes for the Year 2004 in the Horizon Drive Association Business Improvement District a part of the City of Grand Junction, Colorado

Councilmember Hill made the following findings:

1. That the total valuation for assessment of the taxable real and personal property is \$76,983,410;
2. That the classification of all the taxable property within said District is commercial, that none is residential or agricultural;
3. That the organization petition appears to have been duly signed and presented in conformity with Title 31, Article 25, Part 12 of C.R.S.;
4. That the allegations of the organization petition are true and the types of services or improvements to be provided by the proposed district are those services or improvements which best satisfy the purpose set forth in Title 31, Article 25, Part 12 of C.R.S., and he

moved to adopt Ordinance No. 3621 on Second Reading and ordered it published and adopt Resolution No. 38-04 , Setting the Mill Levy at 5 Mills. Councilmember Kirtland seconded the motion. Motion carried by a roll call vote.

Regarding appointment of the board members, Councilmember Kirtland asked if Council would continue to appoint members. Doug Briggs, attorney for the Horizon Drive

Association replied that this is what the Association has discussed and felt that either a property owner or their agent could serve on the board.

Councilmember Hill asked Mr. Briggs if he is proposing that Council should be interviewing the first board members.

Council President Pro Tem Butler suggested appointing the people recommended by the Association on the list provided by them and to proceed with interviewing prospects at term end.

Councilmember Hill moved to adopt the board as submitted by the Horizon Drive Association to allow them to go forward.

City Attorney Shaver advised Council to request the Horizon Drive Association decide the terms and report to Council after discussing term limits.

Councilmember Kirtland seconded the motion allowing two terms and requiring the Board report to Council after terms are established. Motion carried.

Council President Pro Tem Butler called a recess at 9:45 p.m.

The meeting was back in session at 9:52 p.m.

Public Hearing – Blue Heron Rezone Located on the South Side of Blue Heron Road, East of the Blue Heron River Trail [File #RZ-2004-038]

Request to rezone property located on the south side of Blue Heron Road, east of the Blue Heron River Trail, consisting of one parcel, from the CSR (Community Services and Recreation) zone district to I-2 (General Industrial) zone district. Planning Commission recommended approval at its March 23, 2004 meeting.

The public hearing was opened at 9:53 p.m.

Ronnie Edwards, Associate Planner, reviewed this item. She described the site location and the purpose of the request to allow a second access for Innovative Textiles. She said the community would benefit because the new owners would now maintain the property and would also get pedestrian access. The City would also maintain the necessary land for the future dike construction.

There were no public comments.

The public hearing closed at 9:55 p.m.

Ordinance No. 3622 – An Ordinance Rezoning a Parcel of Land from CSR (Community Services and Recreation) to I-2 (General Industrial) Located on the South Side of Blue Heron Road, East of the Blue Heron River Trail

Councilmember Kirtland moved to adopt Ordinance No. 3622 on Second Reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

Public Hearing – Text Amendments to the SSID Manual (Submittal Standards for Improvements and Development) [File #TAC-2003-01.04]

Staff recently completed needed changes to the SSID Manual that reflect changes in the Zoning and Development Code adopted in 2002. The manual pertains to all development activity as defined by the City of Grand Junction's Zoning and Development Code.

The public hearing was opened at 9:55 p.m.

Lori V. Bowers, Senior Planner, reviewed this item. She explained that the purpose of adopting the revised manual is to be able to use the Zoning and Development Code and the TEDS manual. She explained the changes are massive but are non-substantive. She said the SSID manual is used daily by the Community Development Department.

There were no public comments.

The public hearing was closed at 9:59 p.m.

Councilmember Hill noted the original preface included the development community in the acknowledgments. The revised preface does not include the development community. City Attorney Shaver noted that outreach to the development community was only done when creating the first SSID manual.

Councilmember Hill questioned if the manual has the effect of law but could be varied. City Attorney Shaver said the manual is application of the law, and he gave examples of times when it may be varied, it does not change the substance of the regulations, but rather it makes determinations.

Councilmember Hill referred to the new Section 4 and felt it conflicts with the development community and leans toward the City. City Attorney Shaver replied that the manual informs people up front what the City's expectations are.

Councilmember Hill questioned the definitions, wanting to point out that City Staff does not represent the applicant, but felt it should be said differently, with an affirmative statement and right up front.

Ms. Bowers gave some examples of the regulations and how the SSID manual brings all of the manuals together so they can be understood.

Ordinance No. 3623 – An Ordinance Amending the City of Grand Junction’s “Submittal Standards for Improvements and Development”, SSID Manual, and Authorizing Publication of the Amendments by Pamphlet

Councilmember McCurry moved to adopt Ordinance No. 3623 on Second Reading and ordered it published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

Transportation Engineering Design Standards Update

Council will consider amendments to the adopted City Transportation Engineering Design Standards (TEDS) Manual to add performance based Alternate Residential Street Standards and revisions to dead-end street limitations.

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

Tim Moore, Public Works Manager, reviewed this item. He said two changes are suggested to the alternative residential street standards and the standards for cul-de-sac and dead end streets. He said a single access street would only be allowed for a maximum of a 100 dwelling units. He referred to the proposed text amendment to the TEDS Manual in Section 5.1.3 *Cul-de-Sacs and Dead End Streets*, which would be amended to the following:

No cul-de-sac shall be more than 750 feet long, measured from the center of the intersection to the center of the turnaround.

No more than 30 lots shall be located on a cul-de-sac street. All cul-de-sacs shall have a turnaround at the terminus point.

Surface drainage of a cul-de-sac shall be conveyed toward the intersecting street, if possible, and if not possible, a drainage easement shall be provided leading out of the cul-de-sac.

Fire Department access standards contain additional details to assist developers and designers in meeting the requirements of the fire department.

Single access street systems shall be allowed for a maximum of 100 dwelling units. The layout of the subdivision shall meet sections D 104.3 and D 107 of the International Fire Code. A future secondary access is required to be platted as public right-of-way and constructed to public street standards to the property line of the subdivision. A temporary turnaround shall be constructed if the stub street access is longer than 15 feet.

There were no public comments.

The public hearing was closed at 10:29 p.m.

Resolution No. 39-04 – A Resolution Adopting the Revised Transportation Engineering Design Standards (TEDS) Manual

Councilmember Kirtland moved to adopt Resolution No. 39-04. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 10:30 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 3

Setting a Hearing on Supplemental Budget Appropriations for 2004

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	1st Supplemental Appropriation Ordinance for 2004					
Meeting Date	May 5, 2004					
Date Prepared	04/19/04				File #	
Author	Lanny Paulson			Budget & Accounting Manager		
Presenter Name	Ron Lappi			Admin. Svcs. and Finance Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X		Formal Agenda	X	Consent
						Individual Consideration

Summary: The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

Budget: Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance. The total appropriation adjustment for all funds combined is \$20,680,123, of which approximately \$12.62 million represents new requests. The new requests consist of the following:

	<u>Millions</u>	
Riverside Parkway Project Fund #204:	\$11.37	R.O.W., Engineering and Design
Sales Tax CIP Fund # 201:	\$ 1.34	Transfer to Debt Service
Sales Tax CIP Fund # 201:	(\$ 2.00)	Riverside Parkway project
Sales Tax CIP Fund # 201:	\$ 0.20	Fire Station #5
Sales Tax CIP Fund # 201:	\$ 0.30	29 Rd./ reimbursed by CGVSD
General Debt Service Fund #610	\$ 1.34	Parkway bond issue debt payment
General Fund #100	\$ 0.02	Mosquito/West Nile Control
All Other	\$ 0.05	
Total New Requests	\$12.62	
Carry-forward from Prior Year	\$ 8.06	
Total Budget Request	\$20.68	

The following provides a summary of the requests by fund.

General Fund #100, \$698,878:

- Council Contributions account: \$108K carryover of unexpended budget for the purchase of development rights in the buffer-zone.

- Community Development: \$129K carryover to complete various development plans.

Page 2

- Police: \$52K carryover for various operating equipment items including \$30K for SWAT Team weapons.
- Fire: \$190K carryover for specialty equipment including diesel exhaust extraction systems and equipment for Station #5.
- Public Works: \$192K requested for the infrastructure management computer system, clear cutting service contracts for Indian Wash and Leach Creek, mosquito control, and the impact of the reassignment of the Public Communications Coordinator position.
- Parks & Rec.: \$32K requested as follows; \$21K for Gateway and Canyon View Park artwork, \$7K for pump replacement at Canyon View Park and \$4K for light replacements at Suplizio Field.
- Transfers-Out to Other Funds: \$1.3 million is being budgeted to transfer funds to the General Debt Service Fund for the first of the annual debt service payments for the Riverside Parkway bond issue.

E-911 Special Revenue Fund #101, \$503,643: Transfer to the Communications Center Fund for equipment purchases.

Sales TAX CIP Fund #201, \$2,664,260:

- \$239K carryover plus \$200K additional request to complete Fire Station #5.
- \$73K for various street improvement projects net of the \$2M reduction resulting from moving the Riverside Parkway Project to its own separate accounting fund.
- \$814K for various park improvement projects including Canyon View Park, West Lake Park, the seal coating of existing trails, and resurfacing the tennis court in the Ridges.

Storm Drainage Improvements Fund #202, \$1,505,014: Appropriation carryover for the “Big Pipe”, Leach Creek, Bunting Avenue, and the 28 Road storm drain projects.

Riverside Parkway Capital Improvement Fund #204, \$11,367,475: To appropriate planned expenditures for the first year of the Riverside Bypass project.

Water Fund #301, \$370,920: Various water system improvement projects and the fund’s share of the infrastructure management computer system and the reallocation of the Public Communications Coordinator position.

Solid Waste Fund #302, \$1,145: Reallocation of the Public Communications Coordinator position.

Parking Fund #308, \$7,683: Parking lot improvements.

Page 3

Data Processing #401, \$40,473: To complete the fiber optic project to connect city facilities and to upgrade the telephone system.

Equipment Fund #402, \$234,624: Scheduled replacement of vehicles and equipment that were not completed by the end of the prior year.

Communications Center Fund #405, \$503,643: Carryover for equipment purchases.

General Debt Service Fund #610, \$1,338,194 Debt service payment for the Riverside Parkway bond Issue.

Joint Sewer System Fund #900, \$1,444,171: Sewer system improvements including SSEP, CSEP, trunk line extensions, and interceptor repair and replacements.

Action Requested/Recommendation: First Reading of the appropriation ordinance on May 5th and adoption of the ordinance following the public hearing on May 19th, 2004.

Attachments: General Fund Overview, Sales Tax CIP Fund Overview

Background Information: The first supplemental appropriation ordinance is adopted every year at this time to carry-forward unexpended appropriations for capital project and equipment purchases not completed in the prior year.

	<u>2003 BUDGET</u>	<u>2003 ACTUAL</u>	<u>VARIANCE FROM BUDGET</u>	<u>BUDGET ADJUSTMENTS</u>
BEGINNING FUNDS AVAILABLE	\$7,547,055	\$7,547,055	\$-	
REVENUE				
Taxes	\$34,608,438	\$35,285,592	\$677,154	-
Licenses & Permits	111,657	111,657	6,959	-
Intergovernmental	244,696	361,696	(107,000)	156,066
Charges for Services	3,308,901	3,308,901	76,584	-
Interfund Charges	892,500	892,500	(6,483)	-
Interest & Investments	241,400	241,400	10,318	-
Other Operating Revenue	646,478	567,535	(78,943)	-
Capital Proceeds	-	-	-	-
Transfers-In from Other Funds	99,682	96,685	(2,998)	10,532
TOTAL REVENUE	\$40,153,752	\$40,729,253	\$575,501	\$166,598
EXPENSE				
City Administration	\$1,761,701	\$1,580,672	\$181,029	\$101,800
Administrative Services	3,315,708	3,212,110	103,598	2,700
Community Development	2,046,516	1,819,557	226,959	129,107
Police	11,619,419	11,217,478	401,941	51,588
Fire	8,235,555	7,730,516	505,039	189,659
Public Works	7,974,124	7,561,635	412,489	191,959
Parks & Recreation	4,804,664	4,731,828	72,836	32,065
Subtotal: Departmental	\$39,757,687	\$37,853,796	\$1,903,891	\$698,878
Non-Departmental				
Contingency	398,900	-	398,900	-
Budget Savings	(500,000)	-	(500,000)	-
Transfers-Out to Other Funds	1,698,813	1,811,353	(112,540)	-
Subtotal: Non-Departmental	\$1,597,713	\$1,811,353	\$(213,640)	\$-
TOTAL EXPENDITURES	\$41,355,400	\$39,665,149	\$1,690,251	\$698,878
NET SOURCE (USE) OF FUNDS	\$(1,201,648)	\$1,064,104	\$2,265,752	
ENDING FUNDS AVAILABLE	\$6,345,407	\$8,611,160	\$2,265,752	
Plus: Revenue Adjustments			\$166,598	
Minus: Expense Adjustments			\$(698,878)	
NET IMPACT ON 2003 ENDING BALANCE			\$1,733,472	

Banner	\$40,801,910.66
+ Accrual to 02	\$3,162,905.54
- Accrual fr 04	\$(3,373,138.59)
MV Adj.	\$40,891.07

Xfers-In	\$96,684.55
Total Sources	\$40,729,253.23
	\$40,729,253.23
	0.00

	<u>2003 BUDGET</u>	<u>2003 ACTUAL</u>	<u>VARIANCE FROM BUDGET</u>	<u>BUDGET ADJUSTMENTS</u>
BEGINNING FUNDS AVAILABLE	\$3,399,949	\$3,399,949	\$-	
REVENUE				
Sales & Use Taxes	\$8,324,548	\$8,541,074	\$216,526	-
Other Income	2,955,805	1,477,633	(1,478,172)	1,429,519
Transfers-In from Other Funds	2,212,000	2,212,000	-	-
TOTAL REVENUE	\$13,492,353	\$12,230,706	\$(1,261,647)	\$1,429,519
EXPENSE				
City Administration	\$-	\$-	\$-	\$-
Administrative Services	-	-	(900)	-
Community Development	-	-	-	-
Police	74,105	75,826	(1,741)	-
Fire	1,032,400	1,261,286	238,861	438,861
Public Works	9,019,222	8,760,133	2,56,079	73,342
Parks & Recreation	2,768,171	2,942,940	815,231	813,863
Subtotal: Projects	\$12,893,898	\$9,586,368	\$3,307,530	\$1,326,066
Transfers-Out to Other Funds				
Economic Development	\$300,000	\$300,000	-	
DDA TIF Revenue	37,000	35,446	1,554	
Storm Drainage	700,000	700,000	-	
Two Rivers	42,000	24,983	17,017	
Debt Service	42,000	42,000	-	1,338,194
Swimming Pools	38,000	20,000	18,000	
Subtotal: Transfers-Out	\$1,159,000	\$1,122,429.35	\$36,571	\$1,338,194
TOTAL EXPENDITURES	\$14,052,898	\$10,708,797	\$3,307,530	\$2,664,260
NET SOURCE (USE) OF FUNDS	\$(560,545)	\$1,521,909	\$2,082,454	
ENDING FUNDS AVAILABLE	\$2,839,404	\$4,921,858	\$2,082,454	
Plus: Revenue Adjustments			\$1,429,519	
Minus: Expense Adjustments			\$(2,664,260)	
NET IMPACT ON 2003 ENDING BALANCE			\$847,713	

System Rev	
Accr Adj	

System Exp
Escrow

Ordinance No. _____

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2004
BUDGET OF THE CITY OF GRAND JUNCTION**

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2004, to be expended from such funds as follows:

FUND NAME	FUND #	APPROPRIATION
General	100	\$ 698,878
Enhanced 911 Special Revenue	101	\$ 503,643
Sales Tax Capital Improvements	201	\$ 2,664,260
Storm Drainage Improvement	202	\$ 1,505,014
Riverside Parkway Capital Project	204	\$ 11,367,475
Water	301	\$ 370,920
Solid Waste	302	\$ 1,145
Parking	308	\$ 7,683
Data Processing	401	\$ 40,473
Equipment	402	\$ 234,624
Communications Center	405	\$ 503,643
General Debt Service	610	\$ 1,338,194
Joint Sewer	900	\$ 1,444,171
TOTAL ALL FUNDS		\$ 20,680,123

INTRODUCED AND ORDERED PUBLISHED this _____ day of May, 2004.

PASSED AND ADOPTED this _____ day of May, 2004.

Attest:

President of the Council

City Clerk

Attach 4

Setting a Hearing – Amending G Road S Enclave Annexation

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Amending G Road South Enclave Annexation Legal Description					
Meeting Date		May 5, 2004					
Date Prepared		April 28, 2004			File #		
Author		David Thornton		Principal Planner			
Presenter Name		David Thornton		Principal Planner			
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name	
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary:

Amending Ordinance No. 3264 G Road South Enclave Annexation located between 25 ½ Road and 26 ½ Road and North of Patterson Road and South of G Road.

Budget: N/A

Action Requested/Recommendation: Introduction of a proposed Ordinance amending the G Road South Enclave Annexation and setting a hearing for May 19, 2004. Staff recommends approval.

Background Information:

On May 17, 2000 the City Council of the City of Grand Junction provided Notice of Intent to Annex territory to the City of Grand Junction known as the G Road South Enclave Annexation. A hearing on the annexation was held after proper notice on July 5, 2000. The City Council determined at that hearing that the territory was eligible for annexation as an enclave. The annexation was adopted with Ordinance No. 3264 and became effective August 6, 2000.

It was recently determined that the legal description in Ordinance No. 3264 was incorrect by the omission of a small area of land. The omitted land was included within the perimeter of the enclave as described at the hearing. It was also included as part of the G Road South Enclave territory to be annexed as presented in all official City notice sent and/or presented to affected property owners within the enclave boundary. As part of the public involvement and notification process, a letter announcing the City's intent to annex the G Road South Enclave area was sent to each property owner on March 10, 2000, a neighborhood meeting was held and attended by many people on April 27, 2000. City Council passed a resolution of intent to annex the G Road South Enclave on May 17, 2000 which was followed by a legal ad (30 days notice) in the Daily Sentinel, all prior to the July 5, 2000 public hearing approving the enclave annexation.

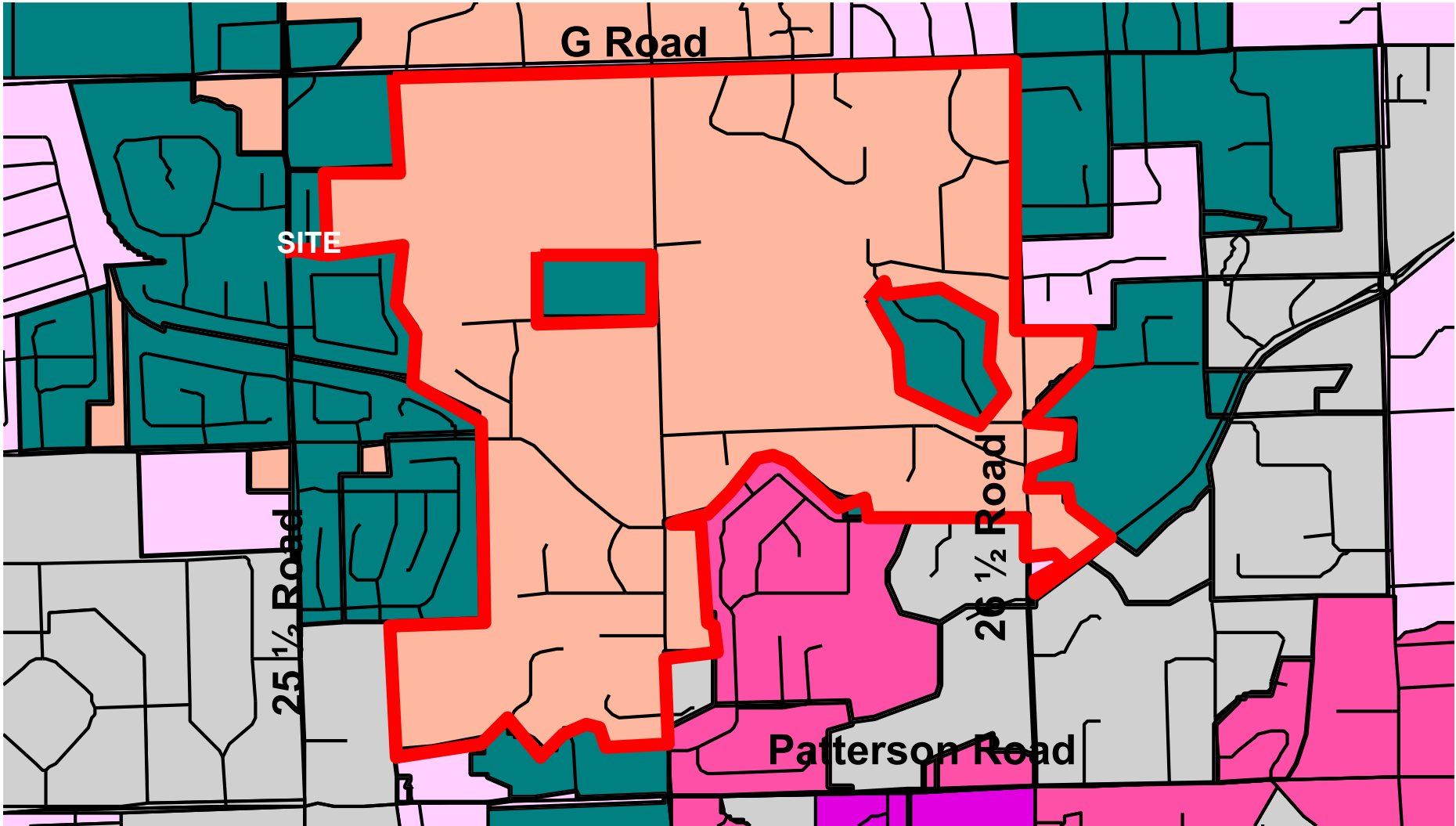
Notice for correction of the legal description was provided to the parcel owner and was published in the Daily Sentinel.

Attachments:

1. General Location Map (Figures 1 & 2)
2. Aerial Photo (Figure 3)
3. Ordinance

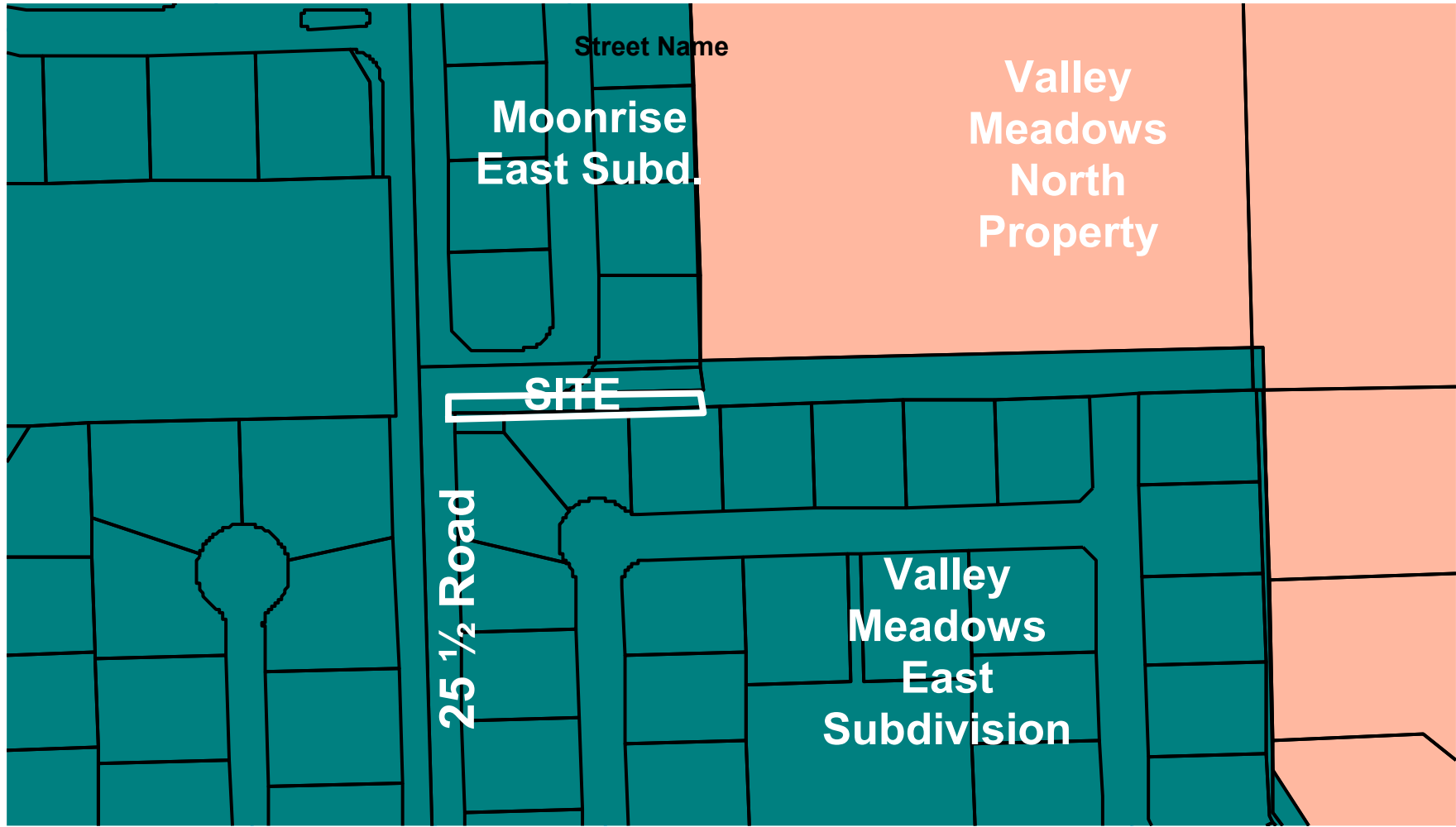
Site Location Map – G Road South Enclave Annexation

Figure 1



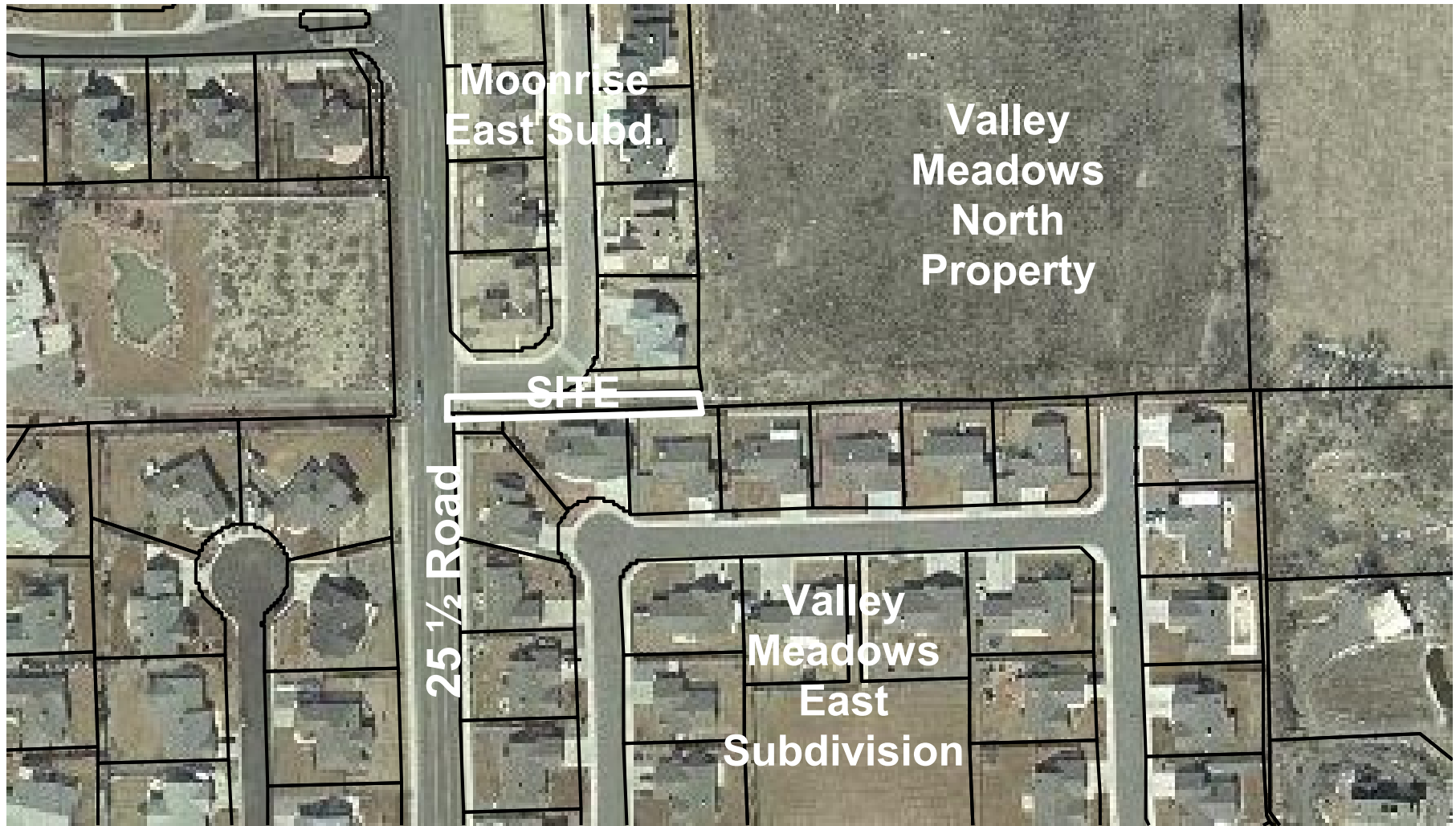
Site Location Map – G Road South Enclave Annexation Amendment Area

Figure 2



Aerial Photo Map – G Road South Enclave Annexation Amendment Area

Figure 3



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

AN ORDINANCE ANNEXING TERRITORY TO THE

CITY OF GRAND JUNCTION, COLORADO

AMENDING THE G ROAD SOUTH ENCLAVE ANNEXATION

LOCATED IN THE NW 1/4NE1/4SEC. 3, TWP1S, RGE 1 W, UTE MERIDIAN

Recitals:

On May 17, 2000 the City Council of the City of Grand Junction provided Notice of Intent to Annex territory to the City of Grand Junction known as the G Road South Enclave annexation.

A hearing on the annexation was duly held after proper notice on the 5TH day of July 2000. The City Council determined at that hearing that the territory was eligible for annexation as an enclave.

The annexation was adopted with Ordinance No. 3264.

It was recently determined that the legal description in Ordinance No. 3264 was incorrect by the omission of a small area of land. The land was included within the perimeter of the enclave as described.

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:

G ROAD SOUTH AMENDED

A certain parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 3, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, being more particularly described as follows:

All the portion of said NW ¼ NE1/4 of said Section 3 bounded as follows: on the North by the South line of Moonrise East Subdivision as same is recorded in Plat Book 16, Page 324, Public Records of Mesa County, Colorado; On the East by the Southerly

prolongation of the East line of said Moonrise East Subdivision; On the South by the South line of the NW1/4 NE1/4 of said Section 3 and On the West line of NW ¼ NE1/4 of said Section 3.

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

INTRODUCED on first reading on the ___ day of May 2004 and ordered published.

ADOPTED on second reading this _____ day of May 2004.

Attest:

President of the Council

Stephanie Tuin
City Clerk

Attach 5

SGH 27 Road Annexation Located at 215 27 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Setting a Hearing for the SGH 27 Road Annexation located at 215 27 Road					
Meeting Date		May 5, 2004					
Date Prepared		April 29, 2004			File # VE-2004-036		
Author		Lisa E. Cox, AICP		Senior Planner			
Presenter Name		As above		As above			
Report results back to Council		X	No		Yes	When	
Citizen Presentation			Yes	X	No	Name	
	Workshop	X		Formal Agenda	X	Consent	Individual Consideration

Summary: The 160.003-acre SGH 27 Road Annexation consists of three parcels and is located at 215 27 Road. A petition for annexation has been signed by the property owner.

Budget: N/A

Action Requested/Recommendation: Approve the Resolution of Referral, first reading of the annexation ordinance, exercise land use jurisdiction immediately and set a hearing for June 16, 2004.

Background Information: See attached staff report

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		215 27 Road		
Applicant:		SGH Company, LLC (David Behrhorst, Managing Partner)		
Existing Land Use:		Vacant		
Proposed Land Use:		Residential		
Surrounding Land Use:	North	Residential		
	South	Mining-Gravel Pit		
	East	Residential		
	West	Water Treatment Plant		
Existing Zoning:		RSF-4 and PUD (Mesa County)		
Proposed Zoning:		RSF-2 (Residential Single-Family, not to exceed 2 units/acre)		
Surrounding Zoning:	North	RSF-2 (City); RSF-4 (Mesa County)		
	South	RSF-4 (Mesa County)		
	East	RSF-4 (Mesa County)		
	West	CSR (City)		
Growth Plan Designation:		Residential Medium-Low, 2-4 units/acre		
Zoning within density range?		X	Yes	No

STAFF ANALYSIS

Annexation

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

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants

- of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
 - e) The area is capable of being integrated with the City;
 - f) No land held in identical ownership is being divided by the proposed annexation;
 - g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

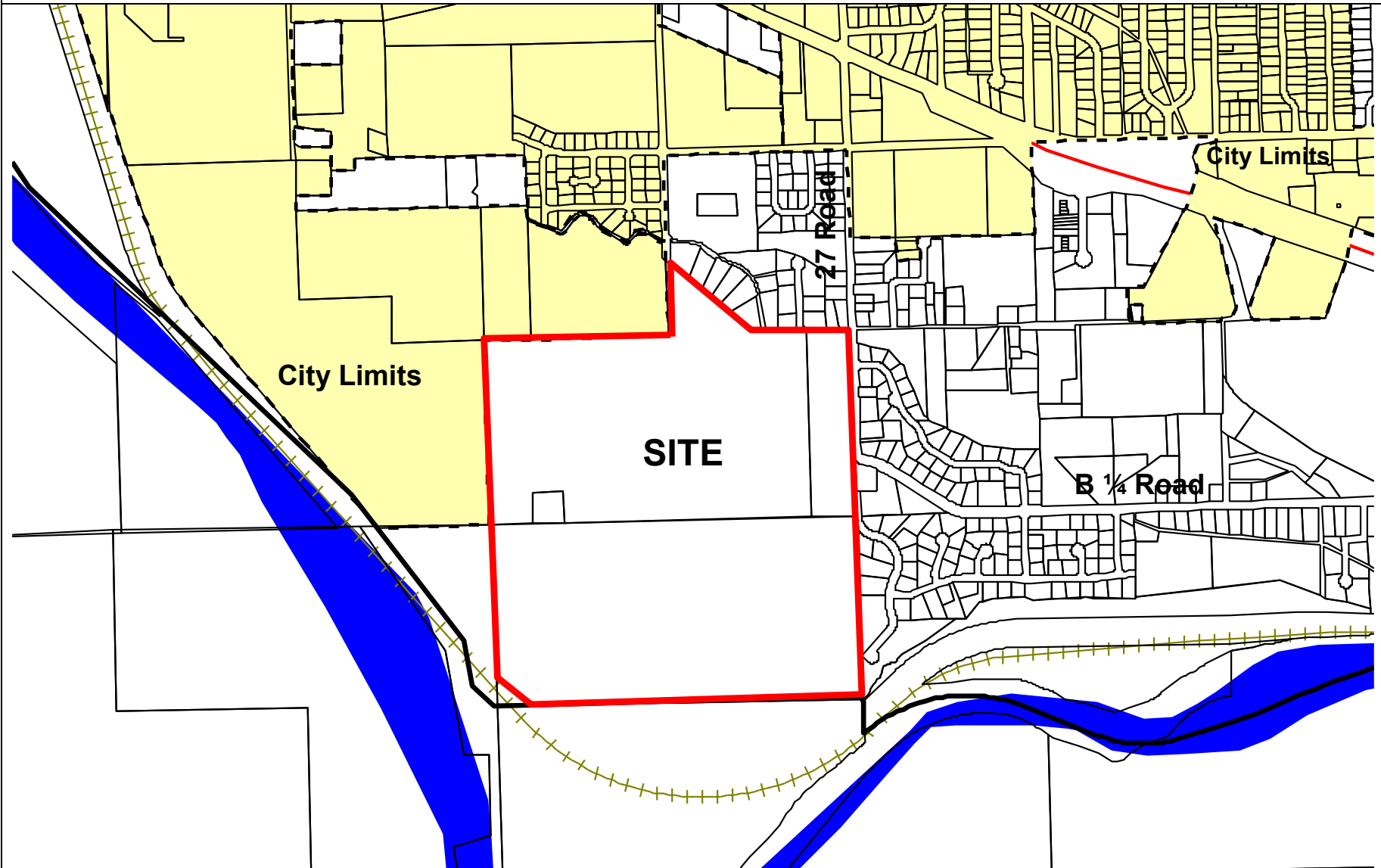
The following annexation and zoning schedule is being proposed.

ANNEXATION SCHEDULE	
5-05-04	Referral of Petition (30 Day Notice), First Reading, Exercising Land Use
5-25-04	Planning Commission recommendation for City zone district
6-02-04	First Reading of Zoning Ordinance by City Council
6-16-04	Acceptance of Petition and Public hearing on Annexation and Second Reading of Zoning Ordinance by City Council
7-18-04	Effective date of Annexation and City Zoning

SUMMARY		
File Number:		VE-2004-036
Location:		215 27 Road
Tax ID Number:		2945-264-00-038; 2943-264-00-046; and portion of 2945-351-00-049
Parcels:		3
Estimated Population:		0
# of Parcels (owner occupied):		0
# of Dwelling Units:		1
Acres land annexed:		160.003 acres for annexation area
Developable Acres Remaining:		0 acres
Right-of-way in Annexation:		0 acres
Previous County Zoning:		RSF-4 and PUD
Proposed City Zoning:		RSF-2, Residential Single-Family not to exceed 2 units/acre
Current Land Use:		Vacant
Future Land Use:		Residential
Values:	Assessed:	\$ 29,200
	Actual:	\$ 264,810
Census Tract:		N/A
Address Ranges:		West to East: 2650 - 2699 North to South: 175 - 235
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation
	Fire:	GJ Rural Fire Dept.
	Drainage:	Orchard Mesa Irrigation and Drainage
	School:	District 51
	Pest:	N/A

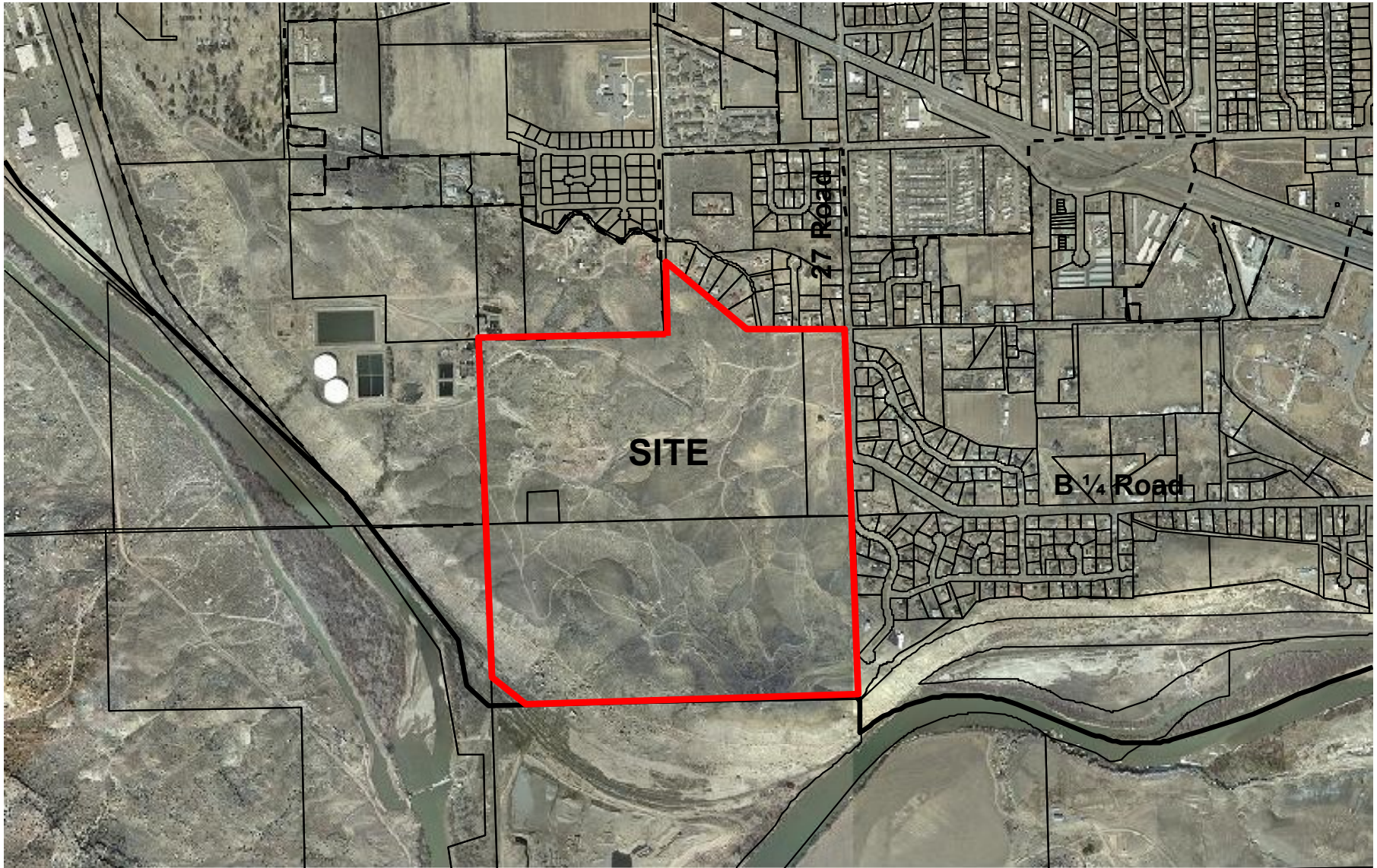
Site Location Map

Figure 1



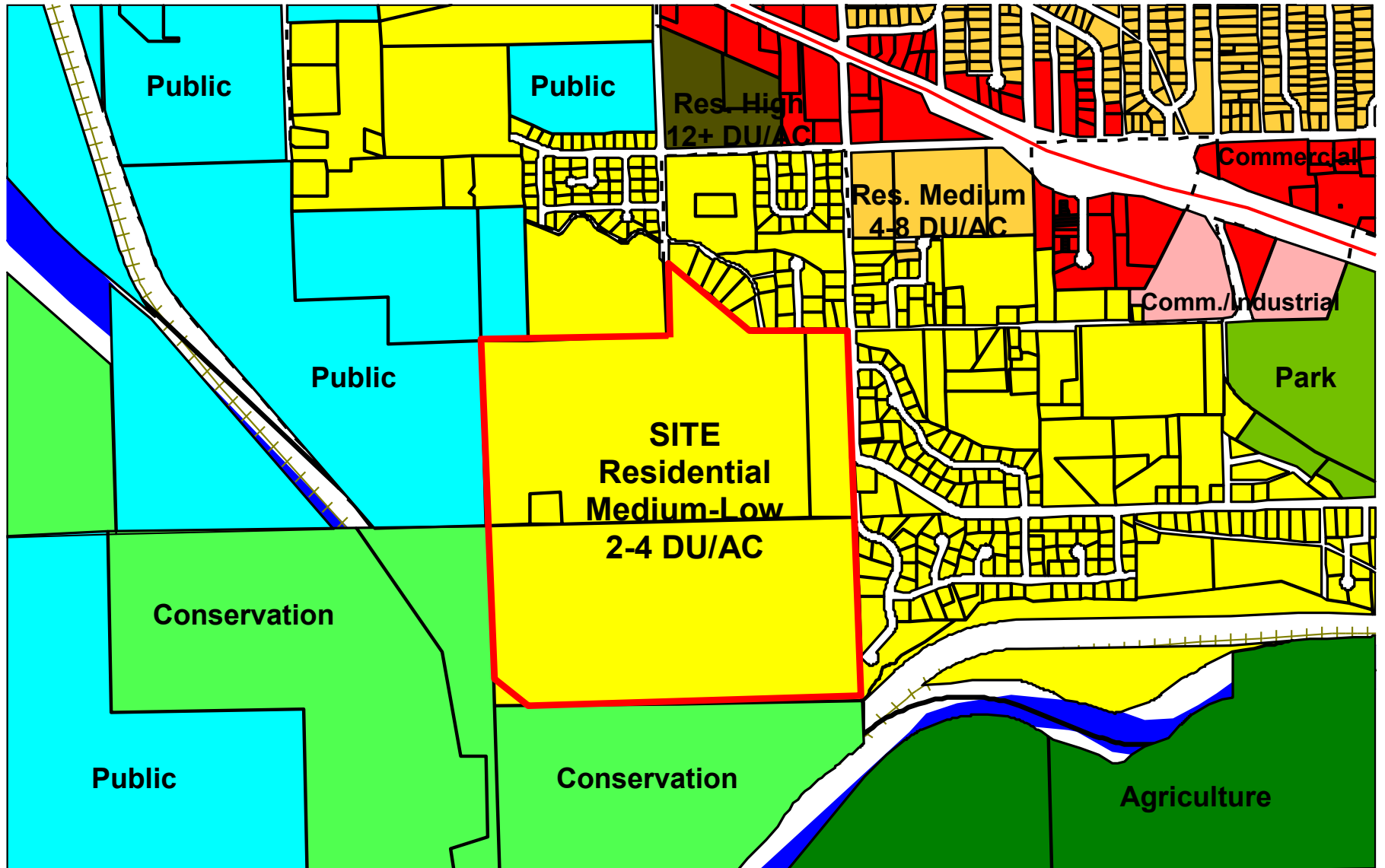
Aerial Photo Map

Figure 2



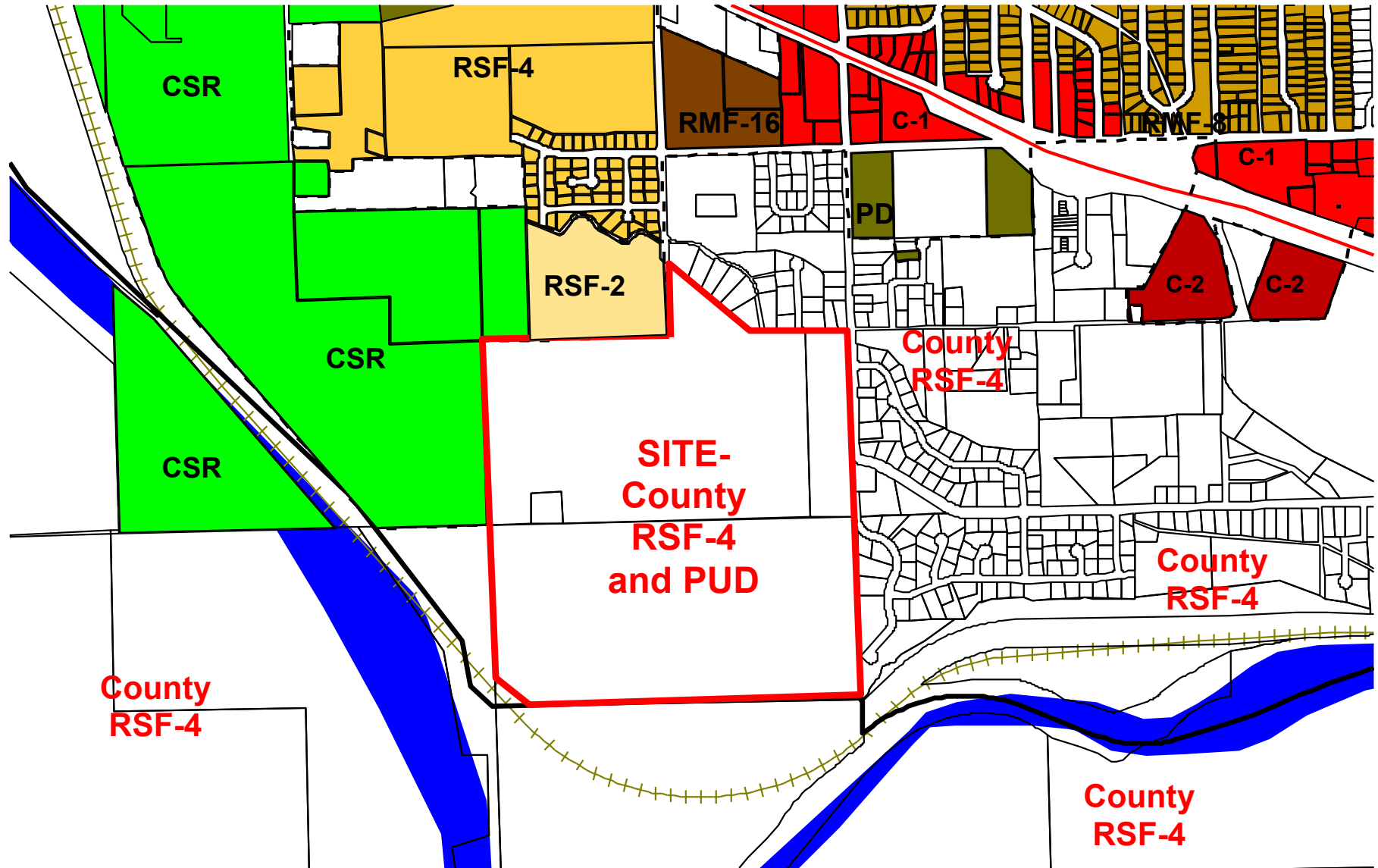
Future Land Use Map

Figure 3



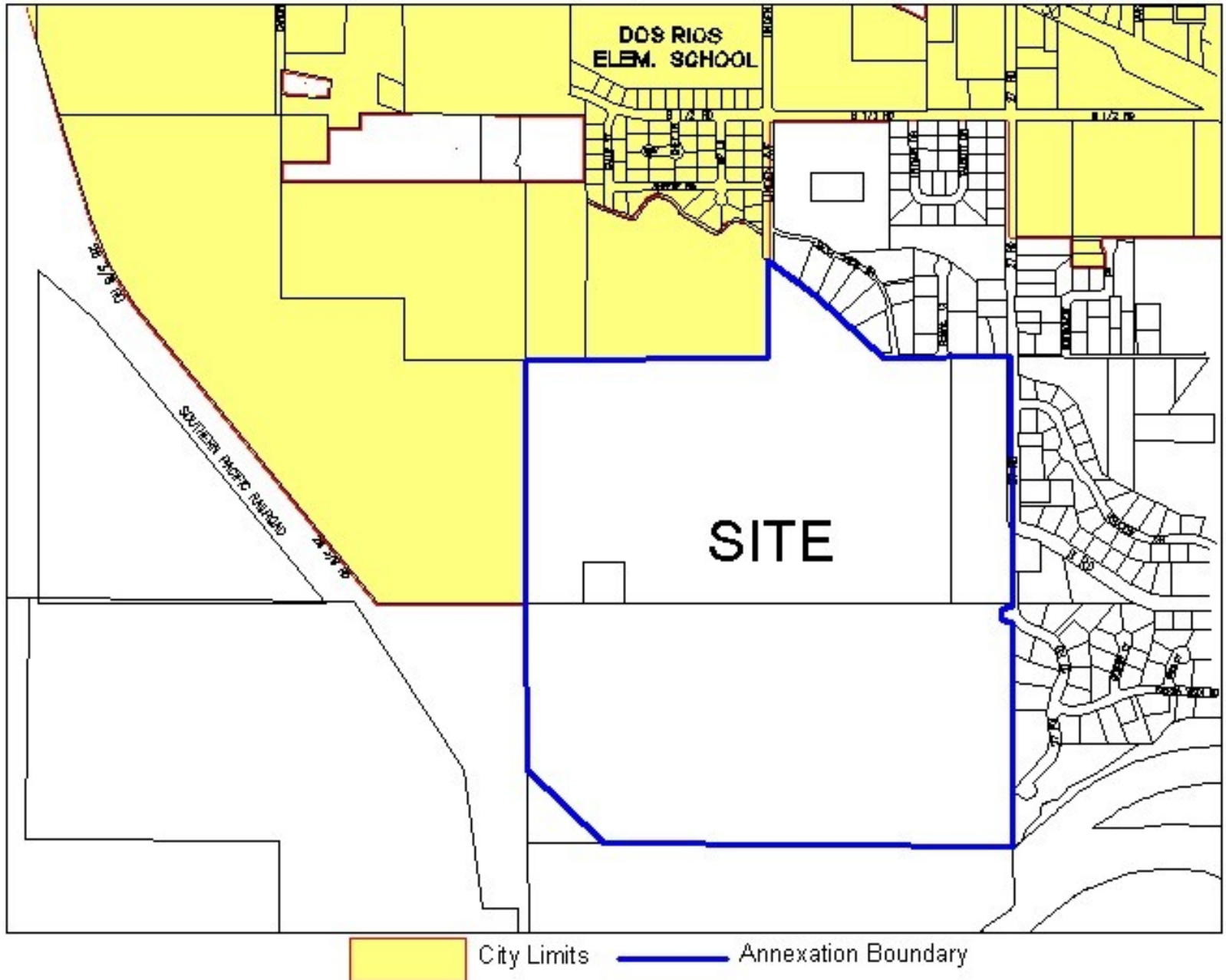
Existing City and County Zoning

Figure 4



SGH 27 Road Annexation

Figure 5



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 5th day of May, 2004, the following Resolution was adopted:

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

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

SGH 27 ROAD ANNEXATION

LOCATED AT 215 27 Road

WHEREAS, on the 5th day of May, 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:

SGH 27 ROAD ANNEXATION

A certain 160.003 acre parcel of land lying in the Southeast Quarter (SE 1/4) of Section 26 and the Northeast Quarter (NE 1/4) of Section 35, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 26 and assuming the North line of the SE 1/4 SE 1/4 of said Section 26 bears N 89°36'01" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°36'01" W along the North line of the SE 1/4 SE 1/4 of said Section 26 a distance of 699.54 feet; thence N 47°05'04" W along the Southerly line of Mesa View Subdivision, as same is recorded in Plat Book 6, Page 13, Public Records of Mesa County, Colorado, a distance of 485.21 feet; thence N 52°45'48" W along said Southerly line, a distance of 322.42 feet, more or less, to a point on the East line of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 26; thence S 00°06'59" E along said East line, a distance of 521.23 feet to a point being the Northwest corner of the SE 1/4 SE 1/4 of said Section 26; thence N 89°36'24" W along the North line of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of said Section 26, a distance of 1310.72 feet to a point being the Northwest corner of the SW 1/4 SE 1/4 of said Section 26; thence S 00°06'16" E along the West line of the SW 1/4 SE 1/4 of said Section 26, a distance of 1316.42 feet to a point being the Southwest corner of the Southeast Quarter (SE 1/4) of

said Section 26; thence S 00°04'15" W along the West line of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 35, a distance of 924.34 feet; thence S 46°51'19" E a distance of 576.87 feet, more or less, to a point on the South line of the North-half of the Northeast Quarter (N 1/2 NE 1/4) of said Section 35; thence S 89°30'18" E along said South line, a distance of 2191.05 feet to a point being the Southeast corner of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 35; thence N 00°09'20" E along the East line of the NE 1/4 NE 1/4 of said Section 35, a distance of 1185.13 feet to a point being the beginning of a 50.00 foot radius curve, concave East, whose long chord bears N 00°09'20" E with a long chord length of 100.00 feet; thence 157.08 feet Northerly along the arc of said curve, through a central angle of 90°00'00"; thence continuing along the East line of the NE 1/4 NE 1/4 of said Section 35, N 00°09'20" E a distance of 30.20 to a point being the Southeast corner of said Section 26; thence N 00°11'42" E along the East line of the SE 1/4 SE 1/4 of said Section 26, a distance of 1320.72 feet, more or less, to the Point of Beginning.

CONTAINING 160.003 Acres (6,969,731.0 Sq. Ft.), more or less, as described.

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

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

1. That a hearing will be held on the 16th day of June, 2004, in the City Hall auditorium, located at 250 N 5th Street, City of Grand Junction, Colorado, at 7:30 p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation without the consent of the landowner; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

2. Pursuant to the State's Annexation Act, the City Council determines that the City may now, and hereby does, exercise jurisdiction over land use issues in the said territory. Requests for building permits, subdivision approvals and zoning approvals shall, as of this date, be submitted to the Community Development Department of the City.

ADOPTED this day of _____, 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

Published:

May 07, 2004

May 14, 2004

May 21, 2004

May 28, 2004

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

**SGH 27 ROAD ANNEXATION
APPROXIMATELY 160.003 ACRES
LOCATED AT 215 27 Road**

WHEREAS, on the 5th day of May, 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 16th day of June, 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:

SGH 27 ROAD ANNEXATION

A certain 160.003 acre parcel of land lying in the Southeast Quarter (SE 1/4) of Section 26 and the Northeast Quarter (NE 1/4) of Section 35, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 26 and assuming the North line of the SE 1/4 SE 1/4 of said Section 26 bears N 89°36'01" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°36'01" W along the North line of the SE 1/4 SE 1/4 of said Section 26 a distance of 699.54 feet; thence N 47°05'04" W along the Southerly line of Mesa View Subdivision, as same is recorded in Plat Book 6, Page 13, Public Records of Mesa County, Colorado, a distance of 485.21 feet; thence N 52°45'48" W along said Southerly line, a distance of 322.42 feet, more or

less, to a point on the East line of the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of said Section 26; thence S 00°06'59" E along said East line, a distance of 521.23 feet to a point being the Northwest corner of the SE 1/4 SE 1/4 of said Section 26; thence N 89°36'24" W along the North line of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of said Section 26, a distance of 1310.72 feet to a point being the Northwest corner of the SW 1/4 SE 1/4 of said Section 26; thence S 00°06'16" E along the West line of the SW 1/4 SE 1/4 of said Section 26, a distance of 1316.42 feet to a point being the Southwest corner of the Southeast Quarter (SE 1/4) of said Section 26; thence S 00°04'15" W along the West line of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of said Section 35, a distance of 924.34 feet; thence S 46°51'19" E a distance of 576.87 feet, more or less, to a point on the South line of the North-half of the Northeast Quarter (N 1/2 NE 1/4) of said Section 35; thence S 89°30'18" E along said South line, a distance of 2191.05 feet to a point being the Southeast corner of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 35; thence N 00°09'20" E along the East line of the NE 1/4 NE 1/4 of said Section 35, a distance of 1185.13 feet to a point being the beginning of a 50.00 foot radius curve, concave East, whose long chord bears N 00°09'20" E with a long chord length of 100.00 feet; thence 157.08 feet Northerly along the arc of said curve, through a central angle of 90°00'00"; thence continuing along the East line of the NE 1/4 NE 1/4 of said Section 35, N 00°09'20" E a distance of 30.20 to a point being the Southeast corner of said Section 26; thence N 00°11'42" E along the East line of the SE 1/4 SE 1/4 of said Section 26, a distance of 1320.72 feet, more or less, to the Point of Beginning.

CONTAINING 160.003 Acres (6,969,731.0 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 5th day of May, 2004.

ADOPTED and ordered published this ____ day of _____, 2004.

Attest:

President of the Council

City Clerk

Attach 6

Setting a Hearing on Bretsel Annexation Located at 3145 E ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a hearing for the Bretsel Annexation located at 3145 E ½ Road						
Meeting Date	May 5, 2004						
Date Prepared	April 26, 2004				File #ANX-2004-065		
Author	Scott D. Peterson		Associate Planner				
Presenter Name	Scott D. Peterson		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda	X	Consent		Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 23.3 acre Bretsel Annexation currently consists of three (3) parcels of vacant land and adjoining right-of-ways that will become two (2) parcels through a Simple Subdivision Plat process, located at 3145 E ½ Road. The petitioner’s intent is to annex and then develop the properties in anticipation of future commercial development. A portion of the proposed annexation lies within the Persigo 201 sewer district.

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Bretsel Annexation petition and introduce the proposed Bretsel Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for June 16th, 2004.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. General Location Map
3. Aerial Photo
4. Growth Plan Map
5. Zoning Map

6. Annexation map
7. Resolution Referring Petition
8. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		3145 E ½ Road	
Applicant:		Stanley L. Seligman, Owner	
Existing Land Use:		Vacant land	
Proposed Land Use:		New automobile dealership & Commercial development	
Surrounding Land Use:	North	Central High School & Residential	
	South	I-70B, Railroad right-of-way & Vacant land	
	East	Vacant land, I-70B, Railroad right-of-way	
	West	Jimmy’s Roadhouse & Residential	
Existing Zoning:		RSF-4, Residential Single Family – 4 units/acre (County)	
Proposed Zoning:		The petitioner is proposing C-2, General Commercial. Staff will be recommending C-1, Light Commercial	
Surrounding Zoning:	North	RSF-4, Residential Single Family – 4 units/acre (County) & PUD, Planned Unit Development (County – Residential)	
	South	PC, Planned Commercial (County)	
	East	PC, Planned Commercial (County)	
	West	RSF-4, Residential Single Family – 4 units/acre (County)	
Growth Plan Designation:		Commercial	
Zoning within density range?	N/A	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 23.3 acres of land and associated right-of-ways and is comprised of three (3) Unplatted parcels. The property owner has requested annexation into the City in anticipation of developing the properties for future commercial development. Under the 1998 Persigo Agreement all new development activities and rezones require annexation and processing in the City.

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 Bretsel Annexation is eligible to be annexed because of compliance with the following:

- a) A proper petition has been signed by more than 50% of the owners and more than 50% of the property described;
- b) Not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits;
- c) A community of interest exists between the area to be annexed and the City. This is so in part because the Central Grand Valley is essentially a single demographic and economic unit and occupants of the area can be expected to, and regularly do, use City streets, parks and other urban facilities;
- d) The area is or will be urbanized in the near future;
- e) The area is capable of being integrated with the City;
- f) No land held in identical ownership is being divided by the proposed annexation;
- g) No land held in identical ownership comprising 20 contiguous acres or more with an assessed valuation of \$200,000 or more for tax purposes is included without the owners consent.

The following annexation and zoning schedule is being proposed.

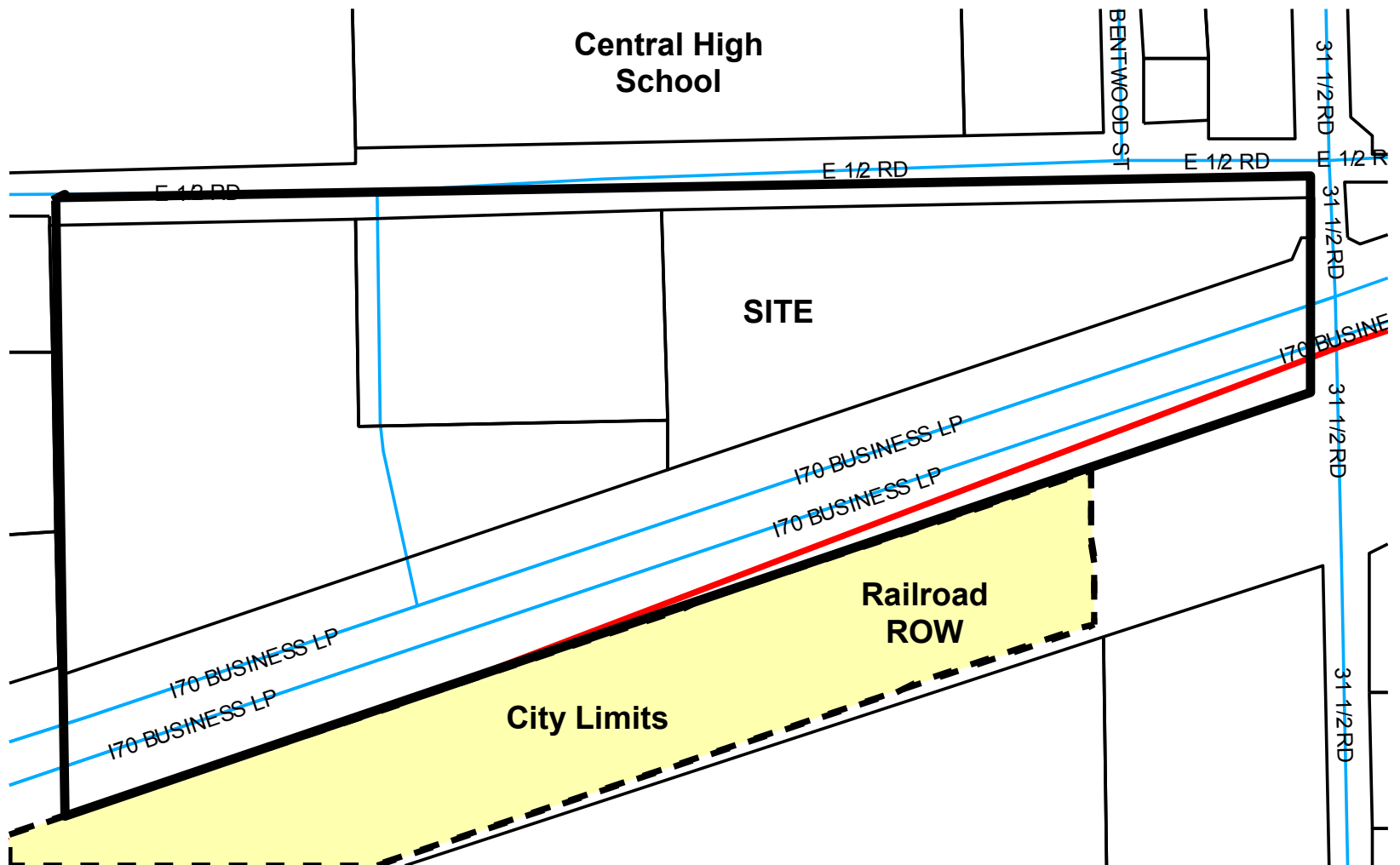
<i>ANNEXATION SCHEDULE</i>	
May 5, 2004	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
May 11, 2004	Planning Commission considers Zone of Annexation
June 2, 2004	Introduction Of A Proposed Ordinance on Zoning by City Council
June 16, 2004	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
July 18, 2004	Effective date of Annexation and Zoning

BRETSEL ANNEXATION SUMMARY

File Number:		ANX-2004-065
Location:		3145 E ½ Road
Tax ID Numbers:		2943-103-00-036, 2943-103-00-083, 2943-103-00-084
Parcels:		Presently 3 but will become 2
Estimated Population:		0
# of Parcels (owner occupied):		N/A
# of Dwelling Units:		N/A
Acres land annexed:		23.382
Developable Acres Remaining:		11.86
Right-of-way in Annexation:		11.52
Previous County Zoning:		RSF-4, Residential Single Family – 4 units/acre
Proposed City Zoning:		C-2, General Commercial or C-1, Light Commercial
Current Land Use:		Vacant
Future Land Use:		Commercial development & Automobile sales & service
Values:	Assessed:	\$41,790
	Actual:	\$144,100
Census Tract:		1701
Address Ranges:		3119 thru 3145 E ½ Road (Odd only)
Special Districts:	Water:	Clifton Water
	Sewer:	Central Grand Valley Sanitation & Clifton Sanitation #1
	Fire:	Clifton Fire
	Irrigation/ Drainage:	Grand Junction Drainage
	School:	School District #51
	Pest:	Upper Grand Valley Pest

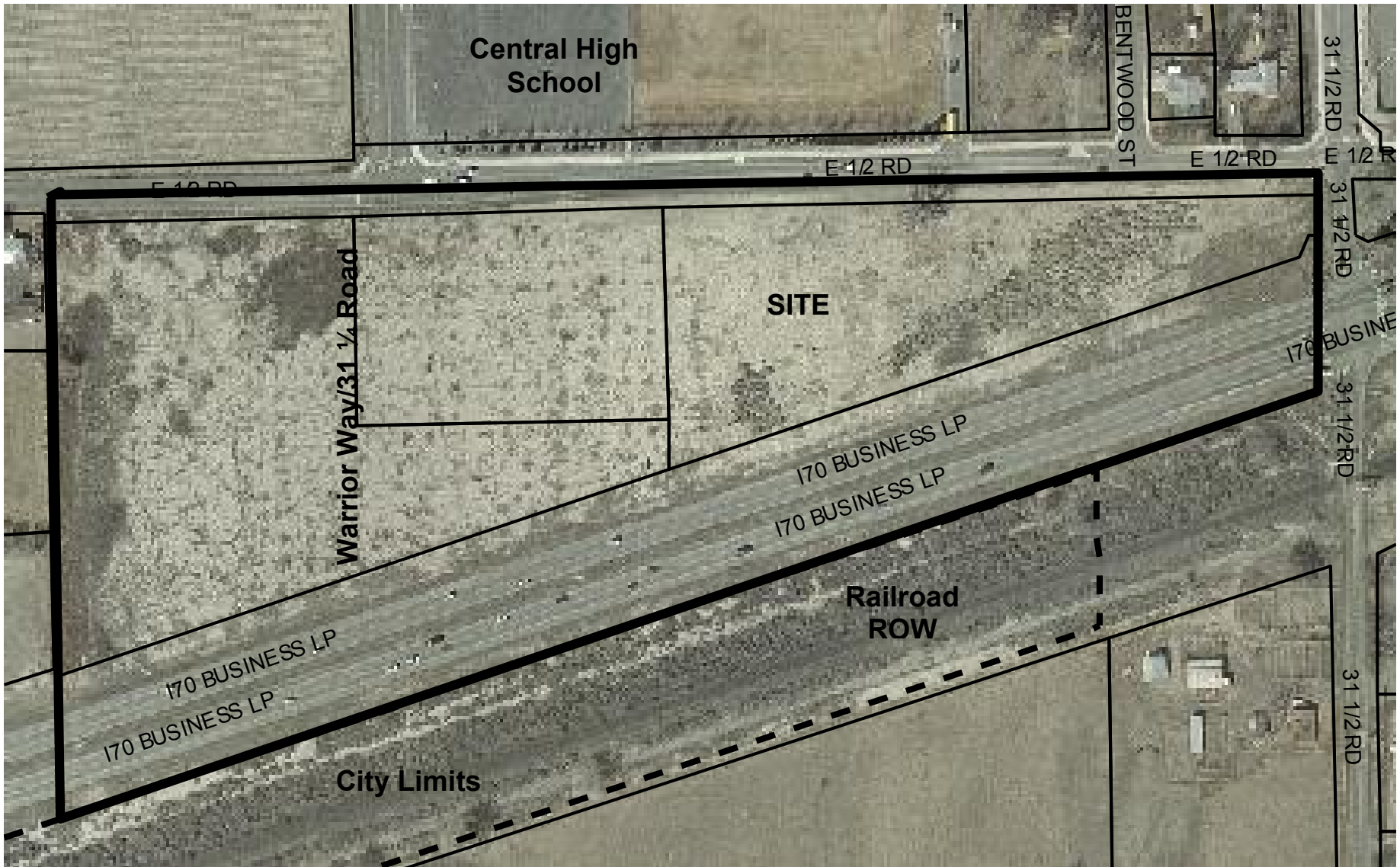
Site Location Map – Bretsel Annexation

Figure 1



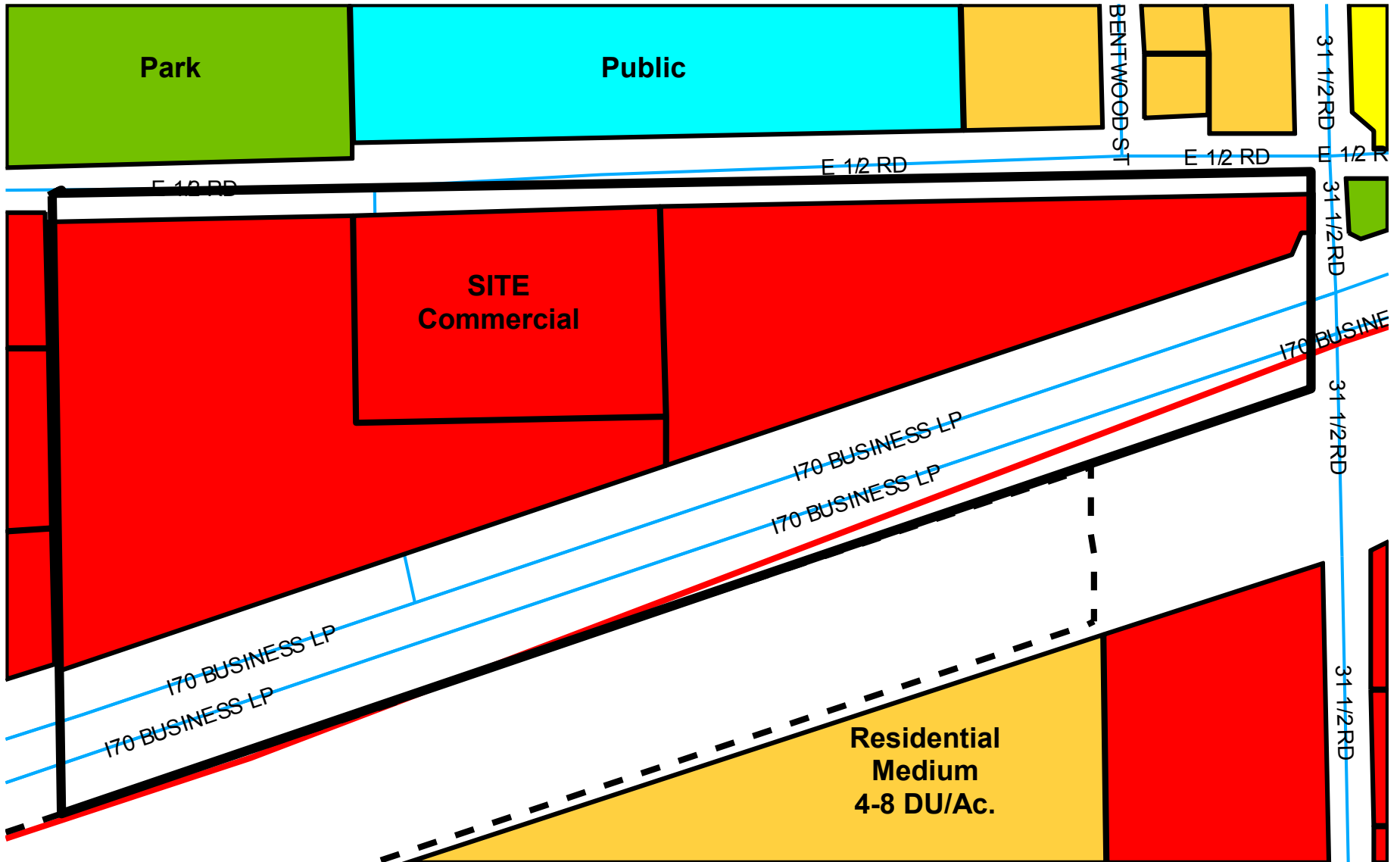
Aerial Photo Map – Bretsel Annexation

Figure 2



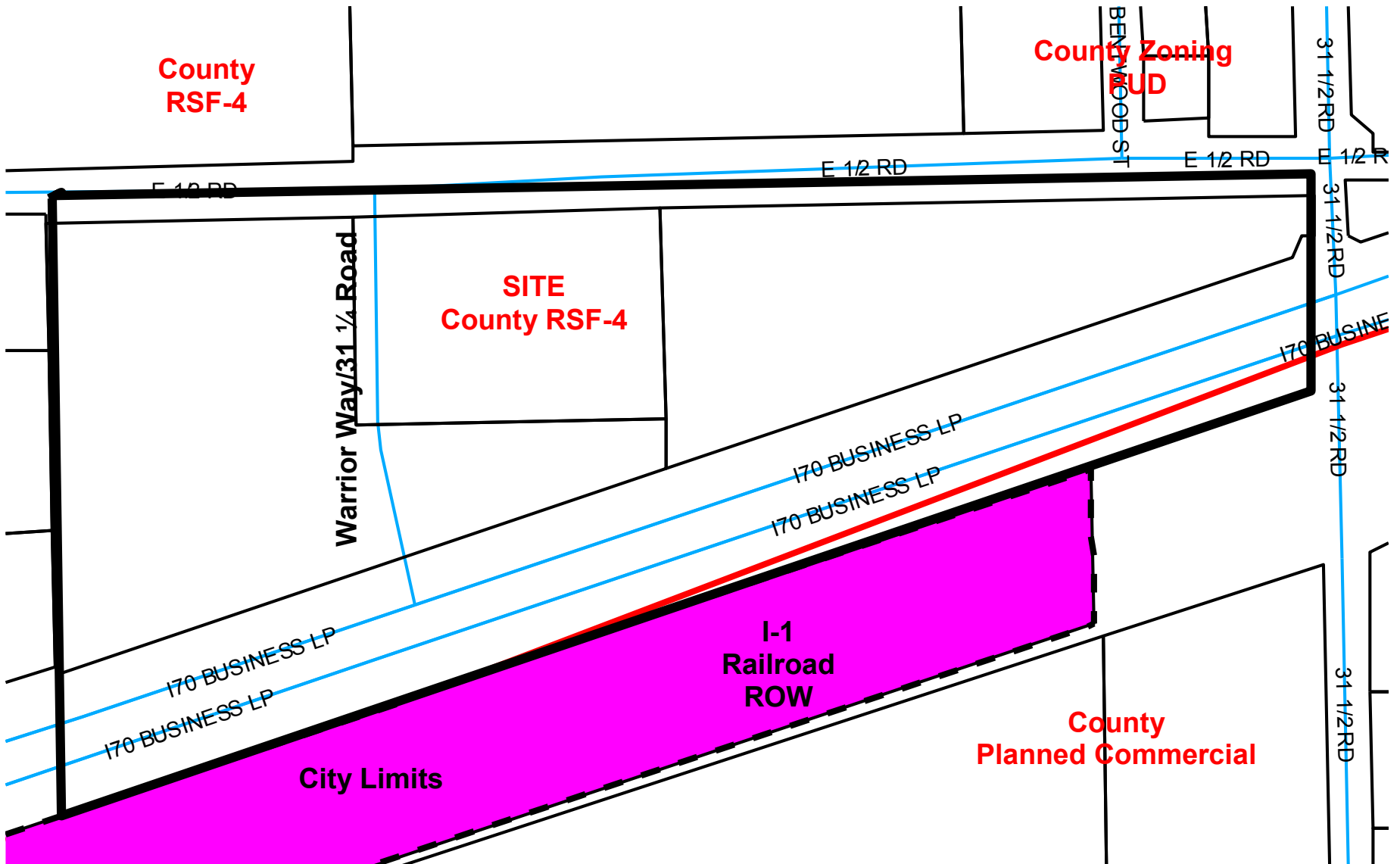
Future Land Use Map – Bretsel Annexation

Figure 3



Existing City and County Zoning – Bretsel Annexation

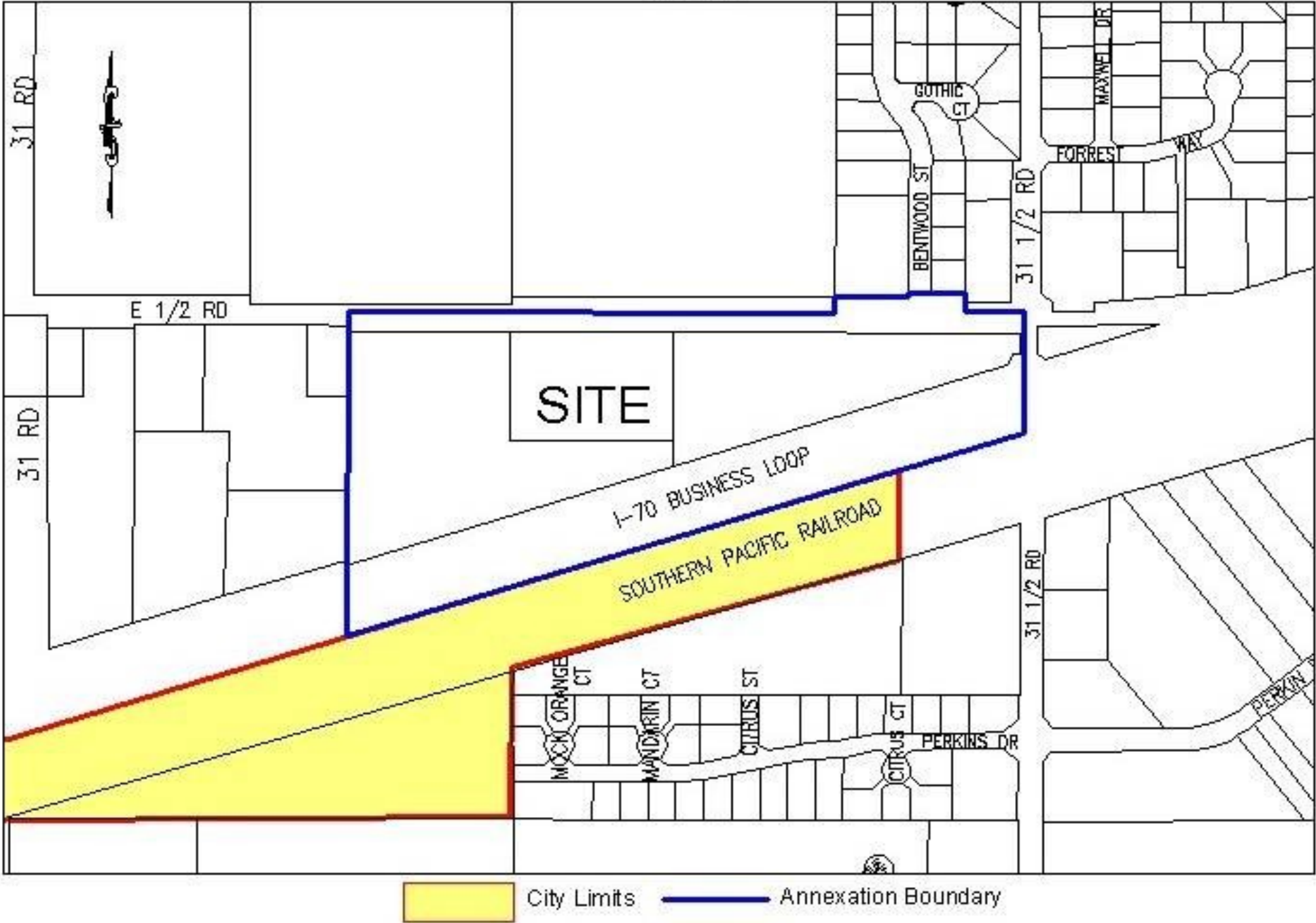
Figure 4



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."

Bretsel Annexation

Figure 5



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 5th day of May, 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**

BRETSEL ANNEXATION

LOCATED at 3145 E ½ Road and including a portion of E ½ Road, a portion of I-70 B and the 31 ¼ Road (Warrior Way) Right-of-Ways

WHEREAS, on the 5th day of May, 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:

PERIMETER BOUNDARY LEGAL DESCRIPTION

BRETSEL ANNEXATION

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Northwest Quarter (NW 1/4) of Section 10, 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 SW 1/4 of said Section 10 and assuming the North line of the SW 1/4 of said Section 10 bears N 89°59'33" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°59'33" W along the North line of the SW 1/4 of said Section 10 a distance of 20.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°59'33" W along the North line of the SW 1/4 of said Section 10, a distance of 145.00 feet to its intersection with the Southerly extension of the East line of Heritage-East Subdivision, as same is recorded in Plat Book 12, Page 160, Public Records of Mesa County, Colorado; thence N 00°05'24" W along said projected East line, a distance of 50.00 feet to a point on the North right of way for E-1/2 Road; thence S 89°59'33" W along said North right of way, a distance of 140.01 feet to a point on the East line of Deb's Place Minor Subdivision, as same is recorded in Plat Book 19, Page 204, Public Records of Mesa County, Colorado; thence S 00°05'47" E along said East line, a distance of 10.00 feet to a point on the North right of way for said E-1/2 Road; thence S 89°59'33" W along said North right of way, a distance of 186.75 feet to a point being the Southwest corner of said Deb's Place Minor Subdivision; thence S

00°05'47" E along the Southerly extension of the West line of said Deb's Place Minor Subdivision, a distance of 40.00 feet to a point on the North line of the SW 1/4 of said Section 10; thence S 89°59'33" W along the North line of the SW 1/4 of said Section 10, a distance of 1240.24 feet; thence S 00°01'04" E a distance of 847.72 feet to a point on the North right of way for the South Pacific Transportation Company; thence N 73°01'17" E along said North right of way, being the North line of the Southern Pacific Railroad Annexation No. 2, Ordinance No. 3159, City of Grand Junction, a distance of 1789.69 feet; thence N 00°00'03" E along a line 20.00 feet West of and parallel with, the East line of the SW 1/4 of said Section 10, a distance of 325.33 feet, more or less, to the Point of Beginning.

CONTAINING 23.382 Acres (1,018,535.2 Sq. Ft.) more or less, as described.

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

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

1. That a hearing will be held on the 16th day of June, 2004, in the City Hall auditorium, located at 250 North 5th 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 5th day of May, 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>
May 7, 2004
May 14, 2004
May 21, 2004
May 28, 2004

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

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

BRETSEL ANNEXATION

APPROXIMATELY 23.382 ACRES

**LOCATED at 3145 E ½ Road and including a portion of E ½ Road, a portion of
I-70 B and the 31 ¼ Road (Warrior Way) Right-of-Ways**

WHEREAS, on the 5th day of May, 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 16th day of June, 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:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
BRETSEL ANNEXATION**

A certain parcel of land lying in the Southwest Quarter (SW 1/4) and the Northwest Quarter (NW 1/4) of Section 10, 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 SW 1/4 of said Section 10 and assuming the North line of the SW 1/4 of said Section 10 bears N 89°59'33" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°59'33" W along the North line of the SW 1/4 of said Section 10 a distance of 20.00 feet to the POINT OF BEGINNING; thence from said Point of

Beginning, continue S 89°59'33" W along the North line of the SW 1/4 of said Section 10, a distance of 145.00 feet to its intersection with the Southerly extension of the East line of Heritage-East Subdivision, as same is recorded in Plat Book 12, Page 160, Public Records of Mesa County, Colorado; thence N 00°05'24" W along said projected East line, a distance of 50.00 feet to a point on the North right of way for E-1/2 Road; thence S 89°59'33" W along said North right of way, a distance of 140.01 feet to a point on the East line of Deb's Place Minor Subdivision, as same is recorded in Plat Book 19, Page 204, Public Records of Mesa County, Colorado; thence S 00°05'47" E along said East line, a distance of 10.00 feet to a point on the North right of way for said E-1/2 Road; thence S 89°59'33" W along said North right of way, a distance of 186.75 feet to a point being the Southwest corner of said Deb's Place Minor Subdivision; thence S 00°05'47" E along the Southerly extension of the West line of said Deb's Place Minor Subdivision, a distance of 40.00 feet to a point on the North line of the SW 1/4 of said Section 10; thence S 89°59'33" W along the North line of the SW 1/4 of said Section 10, a distance of 1240.24 feet; thence S 00°01'04" E a distance of 847.72 feet to a point on the North right of way for the South Pacific Transportation Company; thence N 73°01'17" E along said North right of way, being the North line of the Southern Pacific Railroad Annexation No. 2, Ordinance No. 3159, City of Grand Junction, a distance of 1789.69 feet; thence N 00°00'03" E along a line 20.00 feet West of and parallel with, the East line of the SW 1/4 of said Section 10, a distance of 325.33 feet, more or less, to the Point of Beginning.

CONTAINING 23.382 Acres (1,018,535.2 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 5th day of May, 2004 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 7

Setting a Hearing on Zoning Chipeta Glenn Annexation

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Chipeta Glenn Annexation, located at 2975 and 2977 B ½ Road.						
Meeting Date	May 5, 2004						
Date Prepared	April 14, 2004				File #ANX-2004-032		
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed zoning ordinance to zone the Chipeta Glenn Annexation to RSF-4 (Residential Single Family 4 du/ac), located at 2975 and 2977 B ½ Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for May 19, 2004.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:		2975 and 2977 B ½ Road		
Applicants:		Owner: Chipeta Glenn LLC – Fred Fodrea, Scott Schultz Representative: Thompson-Langford – Jim Langford		
Existing Land Use:		Single Family Residential / Agricultural		
Proposed Land Use:		Single Family Residential		
Surrounding Land Use:	North	Single Family Residential / Agricultural		
	South	Single Family Residential		
	East	Single Family Residential / Agricultural		
	West	Single Family Residential / Golf Course		
Existing Zoning:		County RSF-R		
Proposed Zoning:		City RSF-4		
Surrounding Zoning:	North	County RSF-R (AFT)		
	South	City PD 3.9 du/ac		
	East	County RSF-R (AFT)		
	West	County PUD – Chipeta Pines Golf Course		
Growth Plan Designation:		Residential Medium Low 2-4 du/ac		
Zoning within density range?		X	Yes	No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the RSF-4 district is consistent with the Growth Plan density of Residential Medium Low 2-4 du/ac. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STAFF RECOMMENDATION

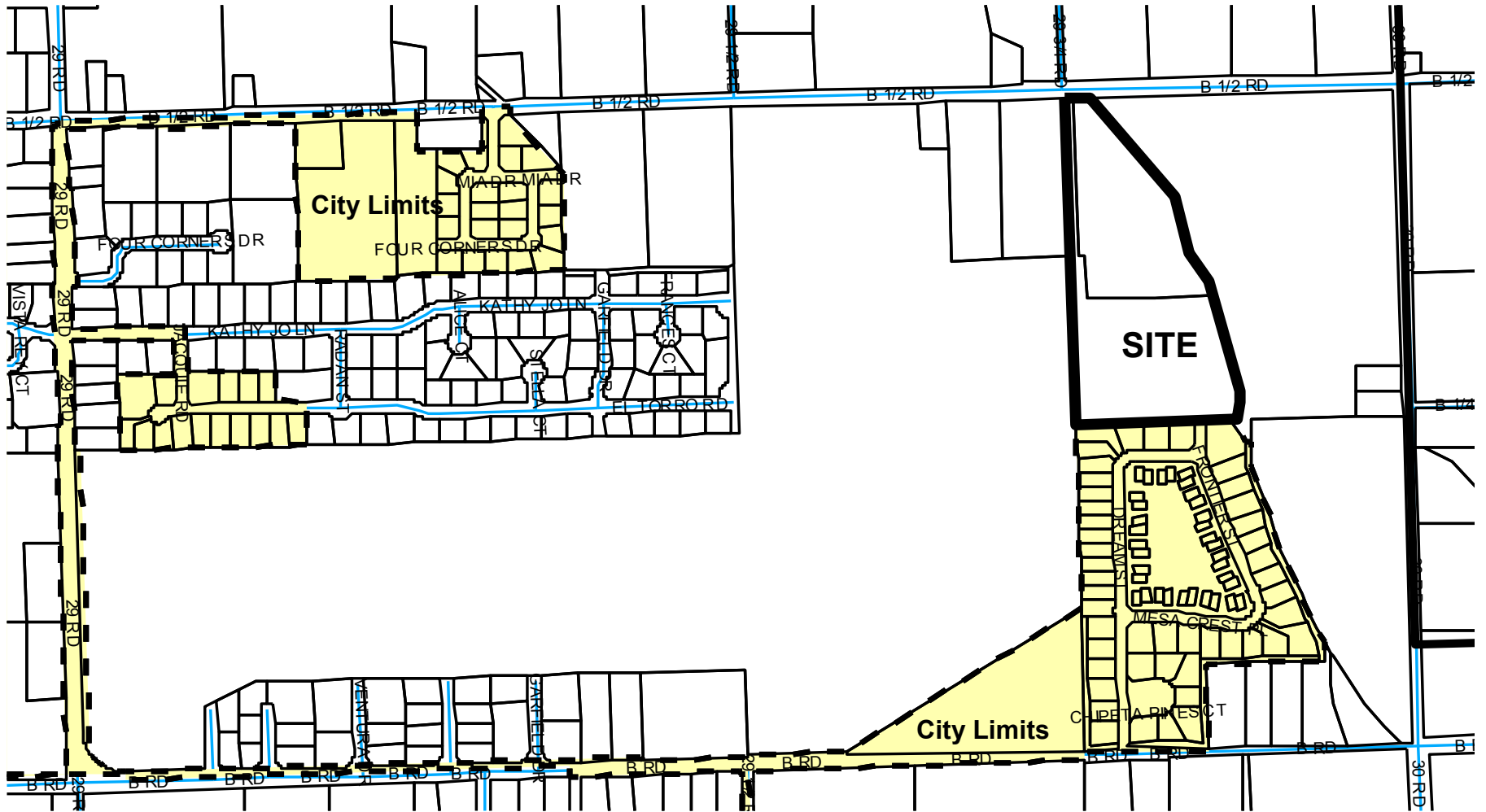
Staff recommends approval of the RSF-4 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding

the zoning to the RSF-4 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

Site Location Map

Figure 1



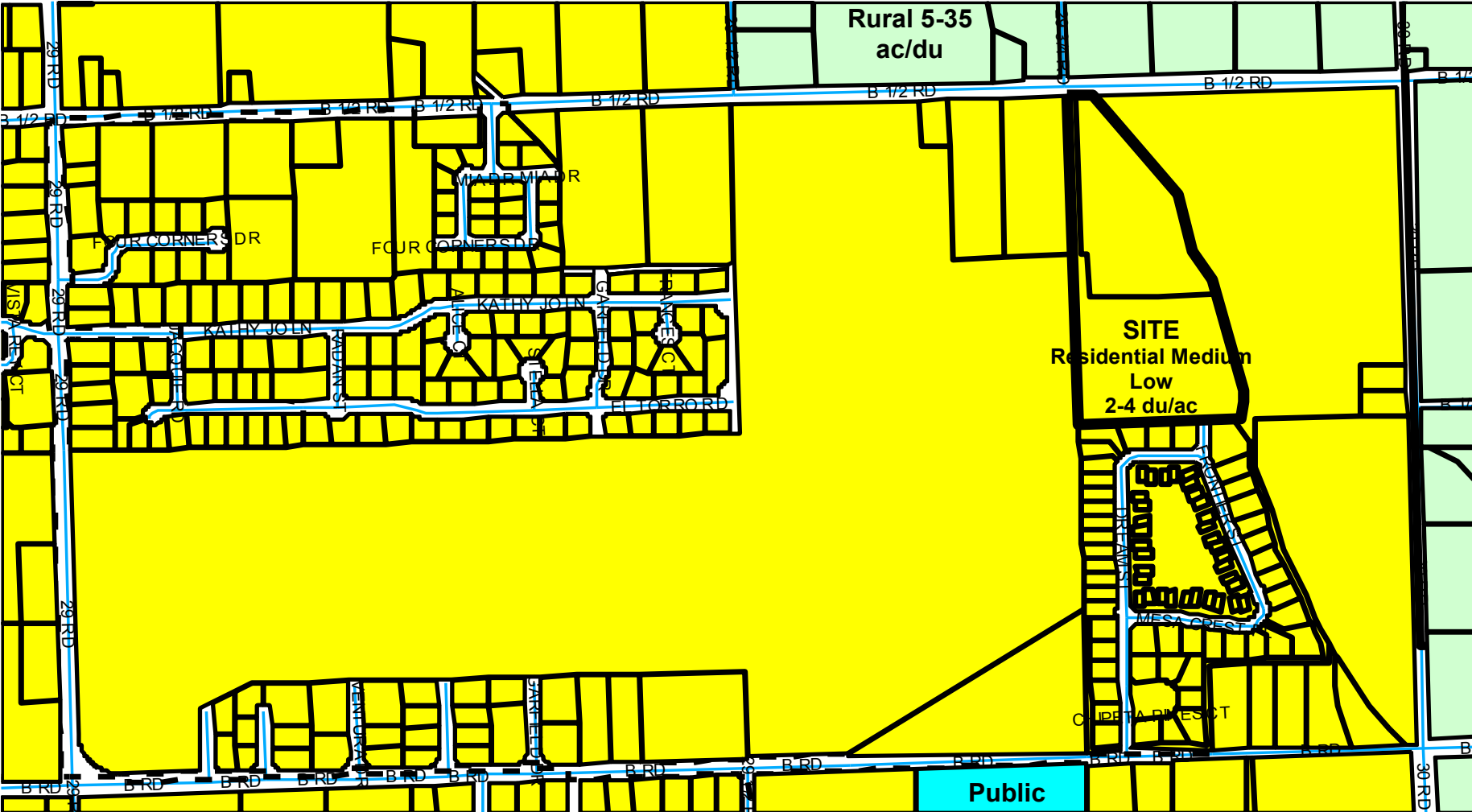
Aerial Photo Map

Figure 2



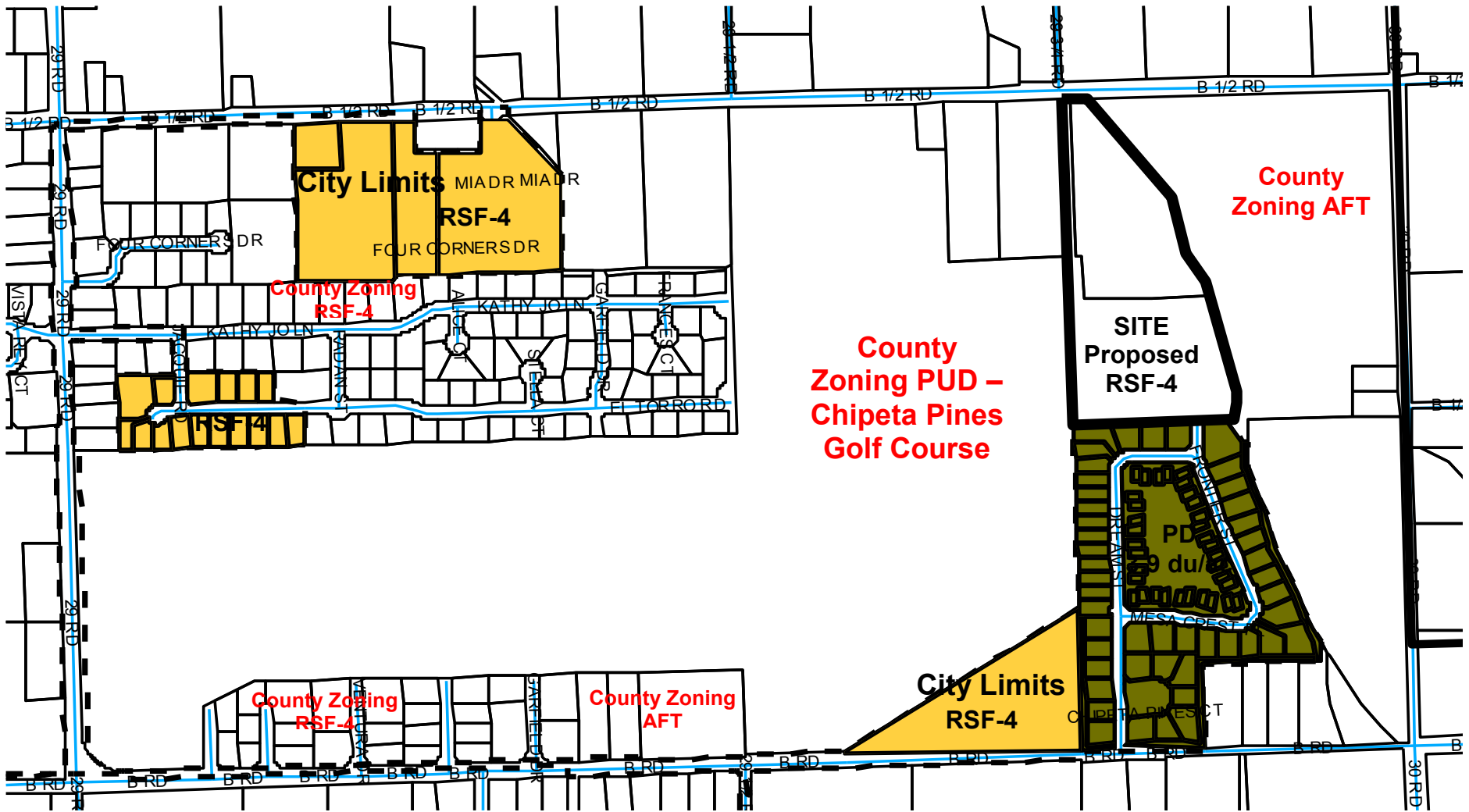
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE CHIPETA GLENN ANNEXATION TO
RSF-4**

LOCATED AT 2975 and 2977 B ½ Road

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Chipeta Glenn Annexation to the RSF-4 zone district for the following reasons:

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

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

The Planning Commission and City Council find that the RSF-4 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned RSF-4 with a density not to exceed 4 units per acre.

CHIPETA GLENN ANNEXATION NO. 1

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 29, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

BEGINNING at the Southwest corner of the NW 1/4 SE 1/4 of said Section 29 and assuming the West line of the NW 1/4 SE 1/4 of said Section 29 bears N 00°06'50" W with all other bearings contained herein being relative thereto; thence from said Point of

Beginning, N 00°06'50" W along the West line of the NW 1/4 SE 1/4 of said Section 29, a distance of 658.45 feet; thence N 89°51'44" E a distance of 52.00 feet; thence S 00°06'50" E a distance of 172.86 feet; thence N 89°51'44" E a distance of 504.51 feet; thence S 15°29'16" E a distance of 365.75 feet; thence S 38°17'44" W a distance of 23.00 feet; thence S 12°37'16" E a distance of 19.00 feet; thence S 05°28'44" W a distance of 96.46 feet, more or less, to a point on the South line of the NW 1/4 SE 1/4 of said Section 29; thence S 89°50'00" W along the South line of the NW 1/4 SE 1/4 of said Section 29, a distance of 633.90 feet, more or less, to the Point of Beginning.

CONTAINING 7.055 Acres (307,317.9 Sq. Ft.) more or less, as described.

CHIPETA GLENN ANNEXATION NO. 2

A certain parcel of land lying in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) and the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section 29, 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 Southwest corner of the NW 1/4 SE 1/4 of said Section 29 and assuming the West line of the NW 1/4 SE 1/4 of said Section 29 bears N 00°06'50" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°06'50" W along the West line of the NW 1/4 SE 1/4 of said Section 29, a distance of 658.45 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°06'50" W along the West line of the NW 1/4 SE 1/4 of said Section 29, a distance of 658.43 feet, more or less, to a point being the Northwest corner of the NW 1/4 SE 1/4 of said Section 29; thence N 00°06'06" W along the West line of the SW 1/4 NE 1/4 of said Section 29, a distance of 40.00 feet to a point on the North right of way for B-1/2 Road, as same is recorded in Book 1425, Page 290, Public Records of Mesa County, Colorado; thence N 89°51'45" E along said North right of way, a distance of 91.99 feet; thence S 00°08'15" E a distance 70.00 feet; thence S 38°03'16"E a distance of 522.01 feet; thence S 13°38'16" E a distance of 214.00 feet; thence S36°00'16" E a distance of 120.00 feet; thence S 15°29'16" E a distance of 87.25 feet; thence S 89°51'44" W a distance of 504.51 feet; thence N 00°06'50" W a distance of 172.86 feet; thence S 89°51'44" W a distance of 52.00 feet, more or less, to the Point of Beginning.

CONTAINING 6.586 Acres (286,882.6 Sq. Ft.) more or less, as described.

Introduced on first reading this 5th day of May, 2004 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 8

Setting a Hearing on Zoning Grand Valley Audubon Annexation

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Zoning the Grand Valley Audubon Annexation, located at 605 and 608 Dike Road.						
Meeting Date	May 5, 2004						
Date Prepared	April 14, 2004				File #ANX-2004-052		
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed zoning ordinance to zone the Grand Valley Audubon Annexation to the CSR (Community Services and Recreation) zone district, located at 605 and 608 Dike Road.

Budget: N/A

Action Requested/Recommendation: Introduce a proposed zoning ordinance and set a public hearing for May 19, 2004.

Background Information: See attached Staff Report/Background Information

Attachments:

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

STAFF REPORT / BACKGROUND INFORMATION				
Location:	605 & 608 Dike Road			
Applicants:	Owner: Grand Valley Audubon Society – Steve Watson Representative: Bob Wilson			
Existing Land Use:	Vacant			
Proposed Land Use:	Audubon – Bird Watching			
Surrounding Land Use:	North	Colorado River		
	South	Single Family Residential / Whitewater Gravel Pit		
	East	Connected Lakes		
	West	Colorado River / Single Family Residential		
Existing Zoning:	County AFT			
Proposed Zoning:	City CSR			
Surrounding Zoning:	North	City CSR		
	South	County RSF-4		
	East	County AFT		
	West	County RSF-4		
Growth Plan Designation:	Conservation			
Zoning within density range?	X	Yes		No

Staff Analysis:

Zone of Annexation: The requested zone of annexation to the CSR district is consistent with the Growth Plan designation of Conservation. The existing County zoning is CSR. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

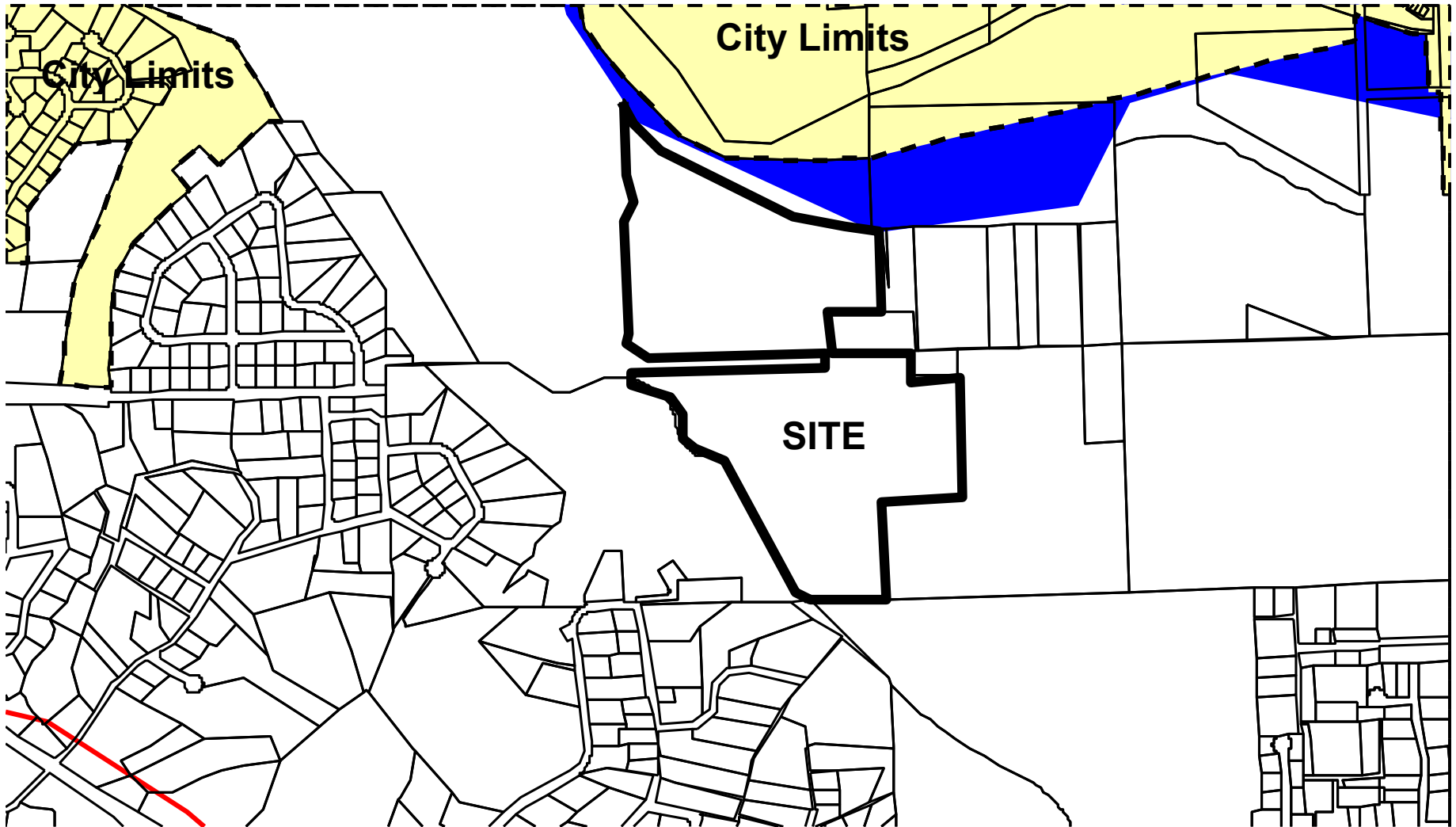
STAFF RECOMMENDATION

Staff recommends approval of the CSR zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the CSR district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

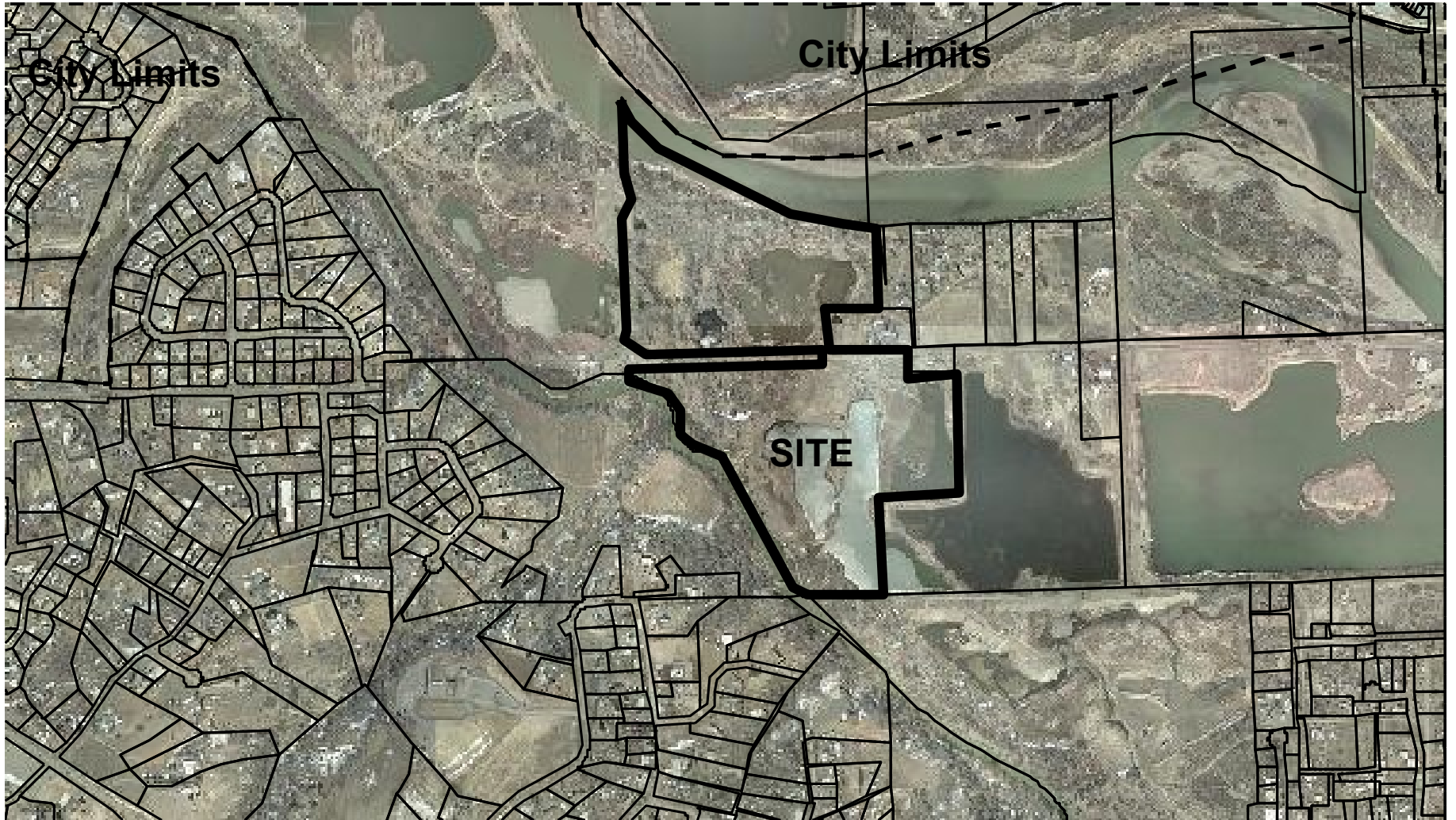
Site Location Map

Figure 1



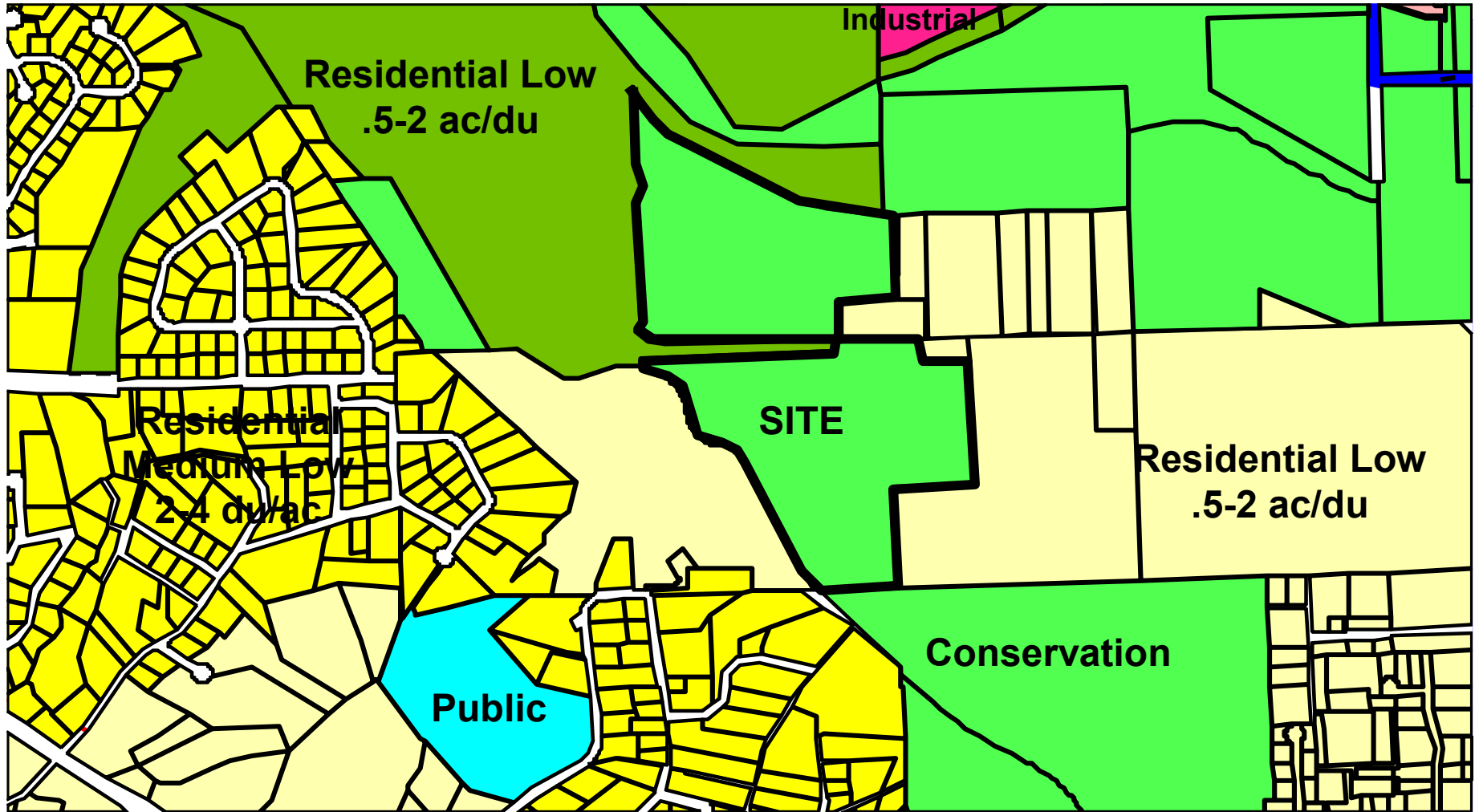
Aerial Photo Map

Figure 2



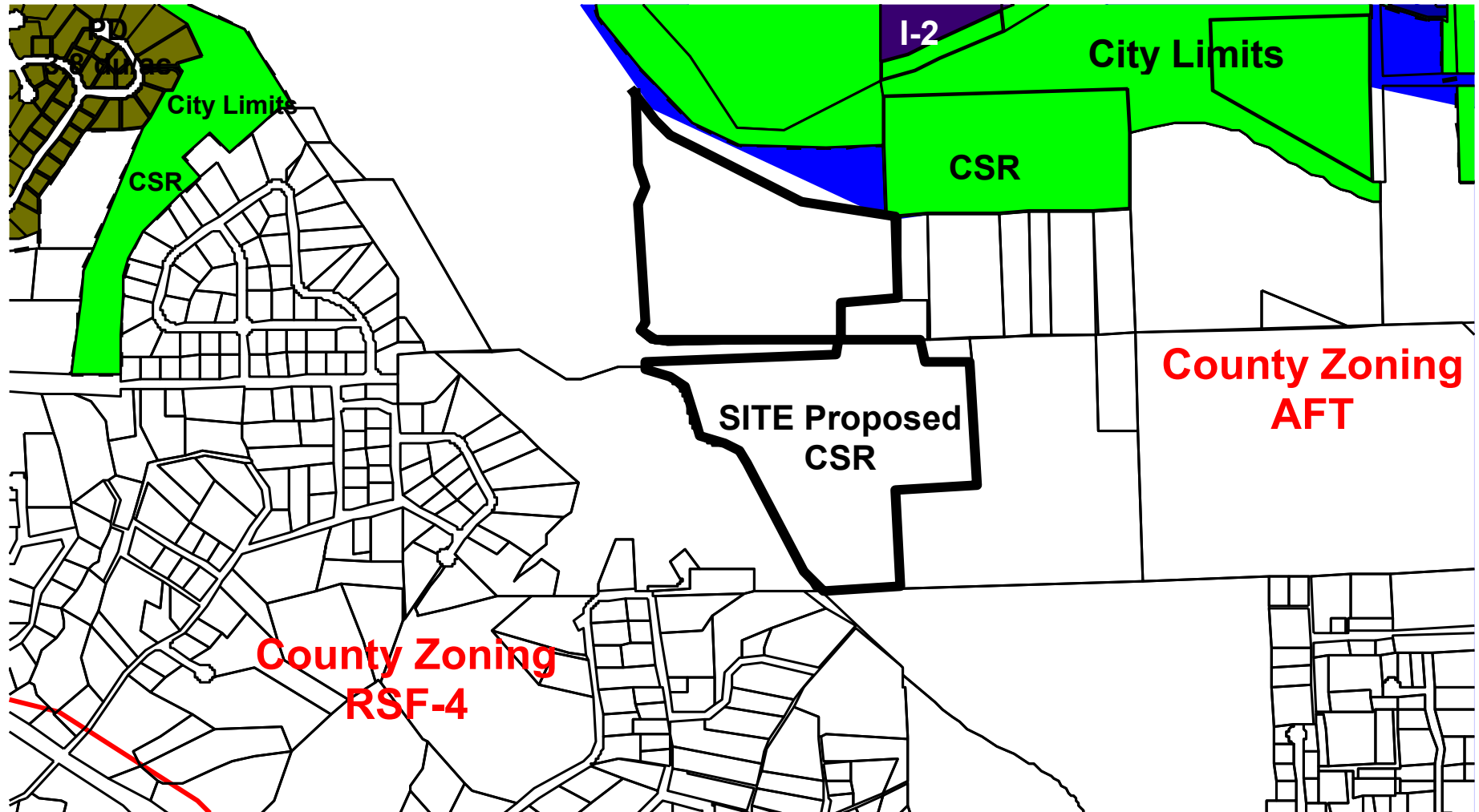
Future Land Use Map

Figure 3



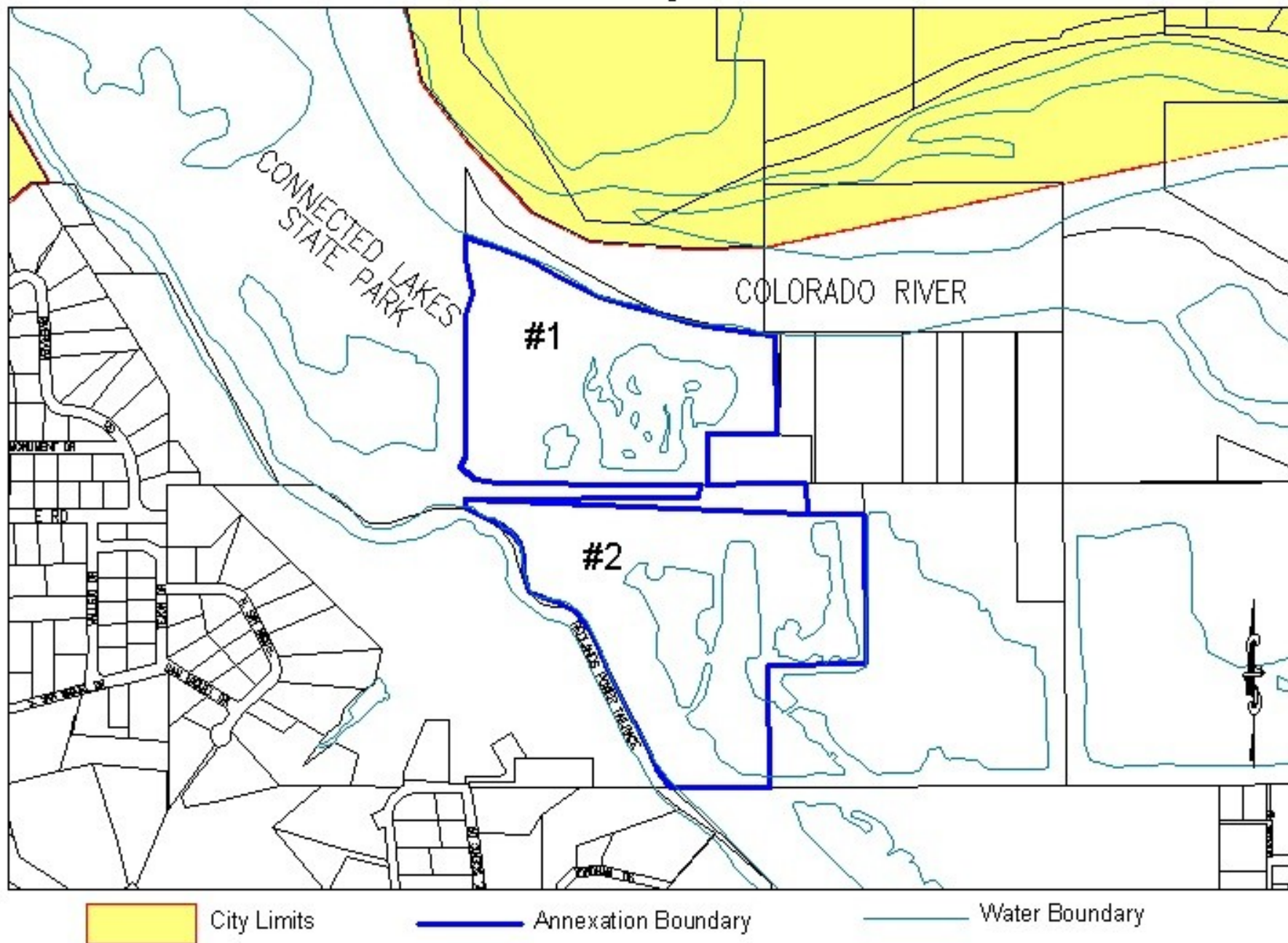
Existing City and County Zoning

Figure 4



Grand Valley Audubon Annexations #1 and #2

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE GRAND VALLEY AUDUBON ANNEXATION TO
CSR**

LOCATED AT 605 & 608 Dike Road

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Grand Valley Audubon Annexation to the CSR zone district for the following reasons:

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

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the CSR zone district be established.

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

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

The following property shall be zoned CSR (Community Services and Recreation).

GRAND VALLEY AUDUBON ANNEXATION NO. 1

A certain parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, the Northwest Quarter (NW 1/4) of Section 16, the Southeast Quarter (SE 1/4) of Section 8 and any portion thereof of any Government Lots within said Sections, all in Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado, lying Southerly of the South bank of the Colorado River and being more particularly described as follows: BEGINNING at the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 16, and assuming the South line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW1/4) of said Section 9 bears S 89°49'21" W with all other bearings contained herein being relative thereto;

thence from said Point of Beginning, N 89°50'12" E along the North line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 16, a distance of 181.11 feet; thence S 02°14'04" E a distance of 131.87 feet; thence N 87°25'29" W a distance of 1495.65 feet to a point on the West line of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of said Section 16, said point lying 60.00 feet South of, as measured along said line, the Northwest corner of said Section 16; thence N 89°49'21" E a distance of 1021.39 feet; thence N 03°32'39" E a distance of 60.13 feet to a point on the South line of the SW 1/4 SW 1/4 of said Section 9; thence S 89°49'21" W along the South line of the SW 1/4 SW 1/4 of said Section 9, a distance of 263.79 feet; thence N 89°11'58" W a distance of 630.69 feet; thence N 79°55'33" W a distance of 95.00 feet; thence N 49°11'37" W a distance of 81.01 feet; thence N 31°28'14" E a distance of 44.45 feet to a point on the West line of said Section 9; thence N 00°09'30" W along the West line of said Section 9, a distance of 508.66 feet; thence N 02°03'27" E a distance of 101.69 feet; thence N 11°19'09" W a distance of 113.47 feet; thence N 19°43'26" W a distance of 39.35 feet to a point on the West line of said Section 9; thence N 00°09'30" W a distance of 220.07 feet, more or less, to a point on the South bank of the Colorado River, as depicted on a Boundary Survey prepared by Mr. Steven L. Hagedorn of DH Surveys, Inc.; thence Southeasterly meandering the South bank of the Colorado River the following numbered courses:

- 1.) S 62°07'13" E a distance of 45.74 feet, thence...
- 2.) S 72°50'28" E a distance of 82.68 feet; thence...
- 3.) S 70°13'55" E a distance of 162.69 feet; thence...
- 4.) S 59°42'24" E a distance of 193.13 feet; thence...
- 5.) S 65°10'07" E a distance of 163.07 feet; thence...
- 6.) S 72°27'38" E a distance of 170.70 feet; thence...
- 7.) S 76°08'23" E a distance of 98.50 feet; thence...
- 8.) S 73°31'59" E a distance of 170.71 feet; thence...
- 9.) S 80°58'25" E a distance of 263.68 feet; thence ...
- 10.) S 87°58'03" E a distance of 108.96 feet; thence leaving said South bank; S 01°20'54" W a distance of 434.40 feet; thence N 89°45'26" W a distance of 306.71 feet; thence S 00°03'25" W a distance of 219.58 feet, more or less, to a point on the South line of the SW 1/4 SW 1/4 of said Section 9; thence N 89°49'21" E along the South line of the SW 1/4 SW 1/4 of said Section 9, a distance of 250.00 feet, more or less, to the Point of Beginning. CONTAINING 25.994 Acres (1,132,282 Sq. Ft.), more or less, as described.

GRAND VALLEY AUDUBON ANNEXATION NO. 2

A certain parcel of land lying in the Northwest Quarter (NW 1/4) of Section 16 and any portion thereof of any Government Lot within said NW 1/4, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado being more particularly described as follows: COMMENCING at the Northwest Corner of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 16, and assuming the North line of the Northwest Quarter of the Northwest Quarter (NW 1/4

NW 1/4) of said Section 16 bears S 89°49'21" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°50'12" W along the North line of the NE 1/4 NW 1/4 of said Section 16, a distance of 181.11 feet; thence S 02°14'04" E a distance of 131.87 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°51'50" E a distance of 247.63 feet; thence S 00°49'10" E a distance of 662.09 feet; thence S 89°50'12" W a distance of 431.95 feet, more or less, to a point on the East line of the NW 1/4 NW 1/4 of said Section 16; thence S 00°49'22" E along the East line of the NW 1/4 NW 1/4 of said Section 16, a distance of 530.85 feet, more or less, to the Southeast corner of the NW 1/4 NW 1/4 of said Section 16; thence S 89°50'04" W along the South line of the NW 1/4 NW 1/4 of said Section 16 a distance of 433.17 feet to its intersection with the Easterly and Northeasterly bank of the Redlands Power Plant Tailrace; thence Northwesterly and Westerly along the Easterly and Northeasterly bank of the Redlands Power Plant Tailrace the following numbered courses; thence...

- 1.) N 47°31'23" W a distance of 22.12 feet; thence...
- 2.) N 32°53'29" W a distance of 80.04 feet; thence...
- 3.) N 25°43'13" W a distance of 135.11 feet; thence...
- 4.) N 27°47'14" W a distance of 183.95 feet; thence...
- 5.) N 27°18'14" W a distance of 120.14 feet; thence...
- 6.) N 23°04'57" W a distance of 190.63 feet; thence...
- 7.) N 27°25'01" W a distance of 62.45 feet; thence...
- 8.) N 38°07'47" W a distance of 73.39 feet; thence...
- 9.) N 61°37'17" W a distance of 112.70 feet; thence...
- 10.) N 69°13'06" W a distance of 115.86 feet; thence...
- 11.) N 15°08'00" W a distance of 91.22 feet; thence...
- 12.) N 03°52'00" W a distance of 61.88 feet; thence...
- 13.) N 09°03'16" W a distance of 64.81 feet; thence...
- 14.) N 40°18'49" W a distance of 50.23 feet; thence...
- 15.) N 53°06'00" W a distance of 80.43 feet; thence...
- 16.) N 68°47'55" W a distance of 87.98 feet; thence...
- 17.) N 66°10'28" W a distance of 66.29 feet to its intersection with the West line of the NW 1/4 NW 1/4 of said Section 16; thence N 00°36'14" W along the West line of the NW 1/4 NW 1/4 of said Section 16, a distance of 46.34 feet to a point 60.00 feet South of as measured along said line; thence S 87°25'29" E a distance of 1495.65 feet, more or less, to the Point of Beginning. CONTAINING 29.278 Acres (1,275,352 Sq. Ft.), more or less, as described.

Introduced on first reading this 5th day of May, 2004 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 9

2004 Mesa County Animal Control Agreement

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Mesa County Animal Control Contract						
Meeting Date	05 May 2004						
Date Prepared	14 April 2004				File #		
Author	Michael A. Nordine		Administrative Lieutenant				
Presenter Name	Greg Morrison		Chief of Police				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop		Formal Agenda	X	Consent		Individual Consideration

Summary: The City of Grand Junction has an ongoing, annually renewable agreement with Mesa County for the control of dogs within the city limits. The City pays the county a percentage of the Animal Control budget based upon the City's percentage of total calls for service. The City's share of the budget for 2004 is 41.4% or \$249,687. Payments are made to the County on a quarterly basis.

Budget: The Police Department budgeted \$236,000 for this service during the 2004/2005 budget process. The actual amount will be \$249,687, an increase of \$13,687 over the original budget is the result of unanticipated increases in calls for service and capital improvement and repair projects to the County's facility on 28 Road.

Action Requested/Recommendation: It is recommended that the 2004 agreement for Animal Control Services be approved in the amount of \$249,687.

Attachments: Copy of the Animal Control Agreement.

Background Information: Prior to 1983 the City of Grand Junction provided Animal Control Services through the Police Department. In 1983 the City agreed to combine forces with Mesa County for Animal Control services. Since that time the City and

County have had agreements similar to the one presently before Council to maintain this service.

This agreement is normally presented to Council in March of each year. However, as a result of some proposed changes in the payment schedule of the agreement and some miscommunication between Animal Services, the Police Department and the City Attorney's Office it was delayed until early May.

AGREEMENT

BETWEEN MESA COUNTY AND THE CITY OF GRAND JUNCTION PERTAINING TO ANIMAL SERVICES.

The City of Grand Junction, ("City") and Mesa County ("County") or ("Animal Services") have determined to provide for animal services within the City of Grand Junction by Animal Services, pursuant to the City's home rule powers and under the provisions of 29-1-201, et. Seq., C.R.S. as amended. The Agreement entered into _____, is intended to provide the basis for animal services for the year April 1, 2004 through March 31, 2005.

AGREEMENT

1) The City has adopted Chapter 6, Article III & IV of the Grand Junction Code of Ordinances, ("Code" or "the Code") for the control of animals within the City. The City hereby agrees to provide the County with authority necessary to administer and enforce City regulations ("Code"), relating to animal control, within the City.

2) The County agrees to enforce the Code as codified and amended, in accordance with its provisions, consistent with proper enforcement practice and on a uniform basis throughout the City.

3) During the term hereof, the City will pay to the County, Two Hundred Forty-nine Thousand, Six Hundred Eighty-seven dollars and 00/100, (\$249,687.00). One-fourth of that amount, Sixty-two Thousand, Four Hundred Twenty-two dollars and 00/100, (\$ 62,422.00) shall be paid quarterly on a prorated basis based on the number of days remaining in the quarter in relation to the total days in said quarter. All fines and shelter/impoundment revenues derived from enforcement under this Agreement shall be paid to the County as additional consideration for the services rendered.

4) The consideration paid by the City for the operation of the Animal Services Division of the County is sufficient to support this Agreement and the same is determined as follows:

Animal Services' projected 2004 expenditures shall be reduced by the actual 2003 carry-overs and the projected 2004 revenues. The resulting amount represents the budgeted 2004 ("the Budget" or "Budget") taxpayer expense of the overall, combined city-county animal services program.

As part of this Agreement (and past Agreements), Animal Services' dispatch and patrol stops are logged within a database. The percentage of Animal Services' workload attributable to the City is calculated from this data after administrative stops have been deleted.

AGREEMENT

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Multiplying the Budget by the percentage of the workload attributable to enforcement activity within the City yields an amount representing the cost of providing service to the City. The resulting figure is the amount due Mesa County under this Agreement for providing animal control services in 2004.

Listed below is the calculation:

\$753,401.54	projected 2004 expenditures
\$ 16,344.66	actual 2003 carry-overs
\$166,638.28	projected 2004 revenues
\$603,107.92	overall cost of city-county program
X 41.4	City's percentage of Animal Control Responses (January 2003 through December 2003)
\$249,687.00	contract amount due Mesa County In 2004. Contract amount divided by four (4) quarterly payments.
\$ 62,422.00	QUARTERLY PAYMENTS DUE Mesa County

Note: Both Parties agree that at the time this agreement is executed the 41.4% is a fair and reasonable projection of the City's percentage of responses during the term of this agreement. This 41.4% factor shall be reviewed by both Parties in January 2005 and the actual responses for the period of January 1, 2004 through December 31, 2004 shall be calculated to determine a revised percentage. This revised percentage shall then be substituted in the calculation of the Contract amount due Mesa County. In the event the revised percentage amount results in a change to the Contract amount due Mesa County (either an increase or decrease in such dollar amount); such increase or decrease shall be prorated in entirety to the Quarterly Payment due Mesa County in the January to March, 2005 quarterly period.

5) In providing the animal services agreed to in this Agreement, the County shall

AGREEMENT

Page 3

provide said services during those hours best suited, as determined by the County, for enforcement; County shall provide a standby system for other hours. In situations that cannot be handled solely by the County, the Police Department may be called by the Animal Services Division to dispatch a uniformed Officer to assist.

6) The County will select and supervise personnel for its Animal Services Division. Mesa County shall provide to the City, all necessary or required reports on the activities of the Animal Services Division.

7) Enforcement actions arising out of or under the Code shall be prosecuted in the Grand Junction Municipal Court. The City agrees to reasonably cooperate with the County in enforcement and prosecution activities.

8) The County agrees that it will indemnify and hold harmless the City of Grand Junction and City officers and employees from and with respect to any and all claims, demands and causes of action, including the costs of defense and attorney's and expert's fees, arising out of or related to the duties, acts and omissions of the County's officers and employees under this Agreement. The City agrees to hold harmless and to indemnify the County, its officers and employees for any and all claims, demands and causes of action, including the costs of defense and attorney's and expert's fees arising out of or related to the duties, acts and omissions of the City and Municipal Court of the City under this Agreement.

In the event that the claim, demand or cause of action alleges tortuous or other wrongful acts on the part of both the City and the County arising out of or under this Agreement, the parties agree that each will abide by the determination of a court of competent jurisdiction with respect to the allocation of the expenses, costs, damages and payments of moneys based on the relative misconduct of each. The parties agree that claims, demands and causes of action arising out of allegedly tortuous acts or tortuous failure(s) to act and claims, demands and causes of actions which allege a violation of the federal Civil Rights Act are included within the hold harmless and indemnity provisions set forth herein.

9) This Agreement shall terminate upon six months' written notice of intent to terminate, or on March 31, 2005 if the parties to this contract enter into a new contract for the provision of animal control services in the succeeding year as set forth below. Notice to terminate if issued, shall be sent to the appropriate signatory of this Agreement by certified mail.

10) It shall be the responsibility of the County to provide the City with a proposed Animal Services contract for 2005 animal control services no later than February 1, 2005. After review of the proposed contract the City of Grand Junction will, on or before March 1, 2005, either issue a preliminary acceptance of the proposed contract or a

AGREEMENT

Page 4

written notice of termination of the existing contract and a statement of their intent not to enter the proposed contract for animal services in the succeeding calendar year.

11) If preliminary acceptance has been given, the proposed contract shall not become effective until expiration of the then existing contract and until signed by the parties. The City's preliminary acceptance may be withdrawn at any time prior to contract signing by notification of termination being sent to the County as specified in paragraph nine. If preliminary acceptance is withdrawn by a notice of termination, the City will pay for, and the County will provide, animal services for six months from the date of the notice of termination.

12) The terms and rates for the six months service continuation period after notice of termination shall be those agreed to by the parties in the 2004 contract, unless the six months extends beyond March 31, 2005, in which case the remainder of the six months shall be controlled by the terms and rates of the proposed contract which shall be effective during the service period following March 31, 2005 until the completion of the six months termination period.

13) If terms and conditions of the proposed contract are not accepted by the parties in the form of a signed written contract on or before March 31, 2005, the provision of animal services to the City of Grand Junction shall cease September 30, 2005.

Attest: City of Grand Junction

City Clerk: Stephanie Tuin

Mayor:

Date: _____

Date _____

Attest: County of Mesa

County Clerk: Monika Todd

Date: _____

Board of County Commissioners
Chairperson:

Date: _____

Attach 10

Purchase of Pain Striper Truck

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Purchase of Paint Striper Truck						
Meeting Date	May 5, 2004						
Date Prepared	April 22, 2004						
Author	Julie M. Hendricks			Buyer			
Presenter Name	Ronald Watkins			Purchasing Manager			
	Mark Relph			Public Works & Utilities Director			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When		
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name		
Workshop	<input checked="" type="checkbox"/>	Formal Agenda			<input checked="" type="checkbox"/>	Consent	Individual Consideration

Summary: This purchase is for the replacement of a truck mounted paint striper. The paint striper is currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee. There has been an inordinate increase of 43% in purchase price since the last purchase of the existing unit during 1993. The current life of the old paint striper has been extended and now needs to be replaced.

Budget: The Fleet Division has budgeted \$107,629 for replacement of this vehicle in 2004. There are situations that inflation on certain pieces of equipment misses the anticipated replacement projections. The replacement fund balance provides the ability to draw from its reserves when these circumstances arise. The additional funding for the purchase of this unit will be derived from the replacement fund balance and is addressed in the 2003 carry forward requests. The initial budget for this replacement has been approved in the 2004 fiscal year budget.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase one paint striper from M-B Company for the amount of \$174,020.

Background Information: Bids were solicited from the City's active bidder's list and the solicitation was advertised in the Daily Sentinel per City Purchasing Policy. The City solicited bids from 60 vendors and received 2 bids. The cost including a City trade-in vehicle will be \$174,020. (F.O.B. Grand Junction, Colorado). The City Fleet Manager and the City Purchasing Manager agree with this recommendation.

Company	Location	Manuf/Model	Cost
----------------	-----------------	--------------------	-------------

M-B Companies, Inc	New Holstein, WI	GM/Isuzu Duramax	\$174,020.00
EZ-Liner Industries	Orange City, IA	GM/Isuzu Duramax	\$178,545.00

Attach 11

Purchase of 7 Utility Carts

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of 7 Utility Carts					
Meeting Date	May 5, 2004					
Date Prepared	April 22, 2004					
Author	Julie M. Hendricks			Buyer		
Presenter Name	Ronald Watkins			Purchasing Manager		
	Mark Relph			Public Works & Utilities Director		
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent
						Individual Consideration

Summary: This purchase is for the replacement of six (6) 4x2 utility carts and one (1) 4x4 utility cart. Five of these units are currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee. One (1) 4x2, Parks Operations and one (1) 4x4, Parks Cemetery are CIP additions to the Fleet approved during the 2004-2005 budget process.

Budget: The Fleet Division 2004 replacement budget has \$41,000 for replacement of five (5) utility carts with the purchase price being \$40,925. The total purchase price for the two additions is \$17,680. The Parks Department 2004 capital budget has sufficient funding available for the purchase of the two utility carts. Trade-in offers were relatively low in comparison to the current market and past sales history. The Fleet and Purchasing Manager agree not to accept the trade in offers and propose to dispose of the used units through alternate disposal methods. The budget for the replacement and capital purchases has been approved in the 2004 fiscal year budget.

Action Requested/Recommendation: Authorize the City Purchasing Manager to purchase seven (7) utility carts from Delta Implement of Grand Junction for the amount of \$58,605.

Background Information: The utility carts were solicited from the City's active bidder's list and the solicitation was advertised in the Daily Sentinel per City Purchasing Policy. The City solicited bids from 51 vendors and received 3 bids, however only 2 were responsive and responsible bids. The cost will be \$58,605 (F.O.B. Grand Junction,

Colorado). The City Fleet Manager and the City Purchasing Manager agree with this recommendation.

Company	Location	Manuf/Model	Cost for 7
Delta Implement CO	Grand Jct CO	John Deere Gator	\$58,605.00
Sports Center of G.J.	Grand Jct CO	Kawasaki Mule	\$60,140.00

Attach 12

Sanitary Sewer Improvement District No. SS-45-03

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	A Resolution Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-45-03, and giving notice of a Hearing.					
Meeting Date	May 5, 2004					
Date Prepared	April 26, 2004				File #	
Author	Mike Grizenko		Real Estate Technician			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners located east and west of 26 ½ Road, south of Dahlia Drive and north of F ½ Road. The proposed resolution is the required first step in the formal process of levying assessments against properties located in the improvement district. The first reading of a proposed assessing ordinance will be scheduled for the June 2, 2004 Council meeting. A public hearing and second reading of the proposed assessing ordinance will be scheduled for the June 16, 2004 Council meeting.

Budget: Sufficient funds were transferred in 2003 from Fund 902 - the Sewer System General Fund, to Fund 906 – the Septic System Elimination Fund, to support expenses related to this project. Except for the 30% Septic System Elimination contribution, this fund will be reimbursed by assessments to be levied against the nine benefiting properties. The estimated versus actual costs and assessments are as follows:

Item	Original Estimate	Actual	Difference
Total Project Costs*	\$107,366.00	\$ 95,349.25	- \$12,016.75
30% Contribution	\$ 32,209.80	\$ 28,604.78	- \$ 3,605.02
Per Lot Assessment**	\$ 8,350.69	\$ 7,416.05	- \$ 934.64

* Total Project Costs include design, construction, inspection and administration.

**Assessments do not include Plant Investment Fees, Trunk Line Extension Fees and

costs to connect to the sewer main, (see explanation under the Background section).

Action Requested/Recommendation: Adopt a Resolution Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-45-03, and give notice of a Hearing.

Attachments:

- 1. Vicinity Map
- 2. Ownership Summary Sheet
- 3. Proposed Resolution

Background Information: Improvement Districts are a cost-sharing program between the City and property owners who request the City’s assistance in installing new or improved infrastructure to their neighborhood. People’s Ordinance No. 33 authorizes the City Council to create Improvement Districts when petitioned by a majority of the property owners to be assessed. The petition for this Improvement District was signed by 67% of the property owners.

A summary of the process that follows submittal of the petition is provided below. Items preceded by a √ indicate steps already taken with this Improvement District and the item preceded by a ► indicates the step being taken with the current Council action.

- 1. √ City Council passes a Resolution declaring its intent to create an improvement district. The Resolution acknowledges receipt of the petition and gives notice of a public hearing.
- 2. √ Council conducts a public hearing and passes a Resolution creating the Improvement District.
- 3. √ Council awards the construction contract.
- 4. √ Construction.
- 5. √ After construction is complete, the project engineer prepares a Statement of Completion identifying all costs associated with the Improvement District.
- 6. ► Council passes a Resolution approving and accepting the improvements and gives notice of a public hearing concerning a proposed Assessing Ordinance.
- 7. Council conducts the first reading of the proposed Assessing Ordinance.

8. Council conducts a public hearing and second reading of the proposed Assessing Ordinance.
9. The adopted Ordinance is published for three consecutive days.
10. The property owners have 30 days from final publication to pay their assessment in full. Assessments not paid in full will be amortized over a ten-year period. Amortized assessments may be paid in full at anytime during the ten-year period.

Property owners are assessed for the actual costs of design, construction, inspection and administration. Under current policy adopted by a joint resolution between the City and Mesa County, Persigo Septic System Elimination Funds pay 30% of the assessable costs.

In addition to assessments, the property owners are responsible for bearing the following expenses:

- ◆ Costs to physically connect their service line to the building to be sewerred;
- ◆ Plant Investment Fees;
- ◆ Trunk Line Extension Fees.

The City is responsible for extending each service line from the sewer main to the property line. The property owner is responsible for extending the service line from their property line to the building to be sewerred.

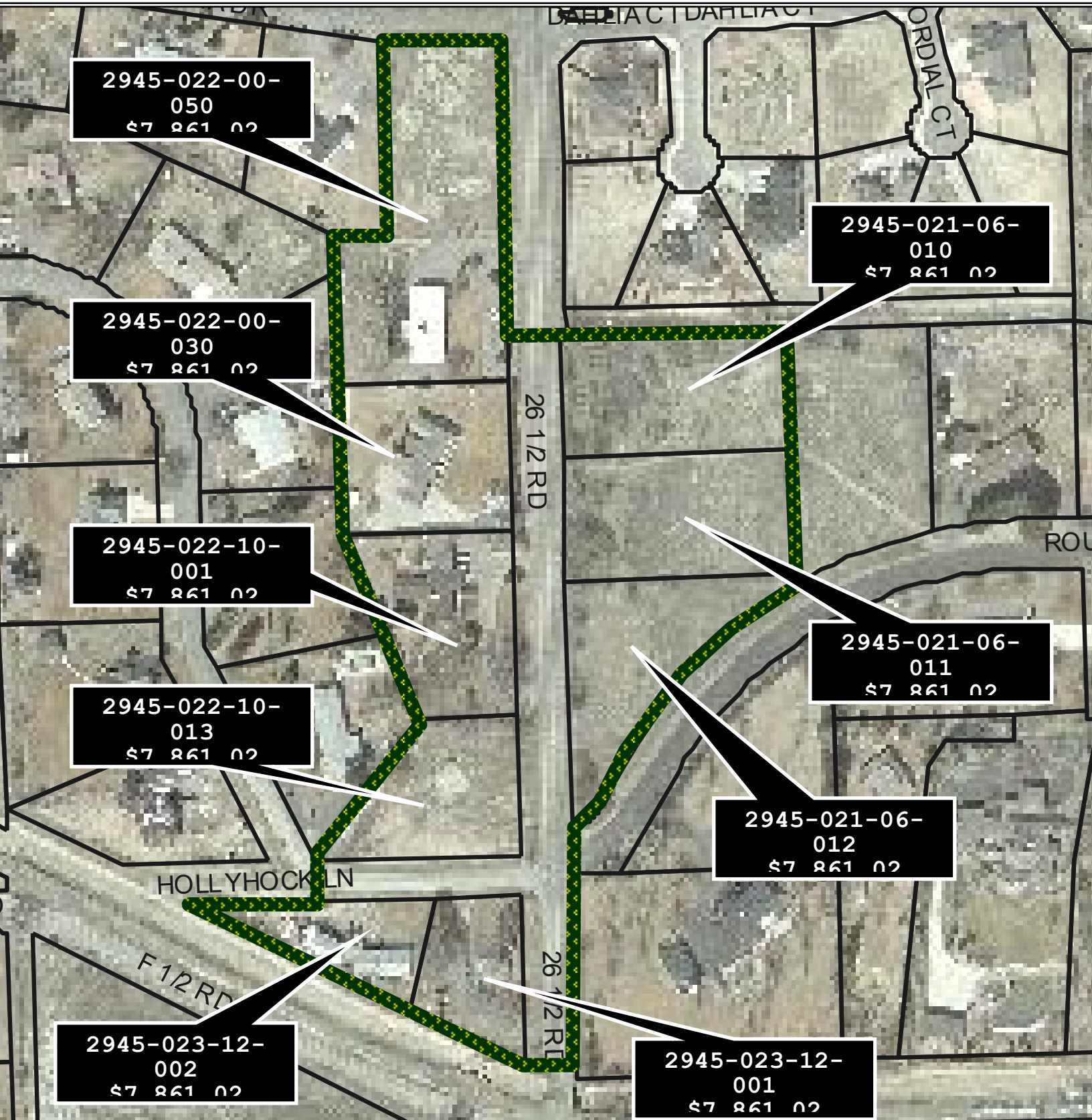
The Plant Investment Fee is currently \$1,250 for each sewer connection. The Plant Investment Fee will be raised to \$1,500 in 2005.

Trunk Line Extension Fees apply only if a trunk line was extended to the neighborhood. Trunk Line Extension Fees are applicable to this Improvement District and vary depending on the size of each individual property, as follows:

- ◆ \$1,000 for properties smaller than 1/3 acre;
- ◆ \$1,500 for properties equivalent to or larger than 1/3 of an acre but smaller than one acre;
- ◆ \$1,750 for properties having one or more acres.

The published assessable costs of \$7,861.02 per lot include a one-time charge of 6% for costs of collection and other incidentals. This fee will be deducted for assessments paid in full by July 23, 2004. Assessments not paid in full will be turned over to the Mesa County Treasurer for collection under a 10-year amortization schedule with simple interest at the rate of 8% accruing against the declining principal balance.

BOUNDARY OF THE 26 1/2 ROAD SANITARY SEWER IMPROVEMENT DISTRICT



OWNERSHIP SUMMARY

26 ½ ROAD SANITARY SEWER IMPROVEMENT DISTRICT No. SS-45-03

SCHEDULE NO.	OWNERSHIP	PROPERTY ADDRESS
2945-022-00-050	L. Lucille Perry, Trustee	665 26 ½ Road
2945-022-00-030	• Virginia von Storch, Trustee	657 26 ½ Road
2945-022-10-011	• The R & R Company	653 26 ½ Road
2945-022-10-013 ¹	• Robert W. & Nancy L. Uhl	650 Larkspur Lane
2945-021-06-010 ²	• Cecily Ray	Vacant
2945-021-06-011	• Cecily Ray	Vacant
2945-021-06-012 ³	• Cecily Ray	Vacant
2945-023-12-002	Ben & Cheryl Kilgore	649 26 ½ Road
2945-023-12-001	Christopher Chessani	2647 Larkspur Lane
<ul style="list-style-type: none"> • Indicates Property Owners Signing Petition = 6 of 9 owners or 67% 		
¹ Now owned by Sandra L. & David F. Geer Jr.		
² Now owned by Roger A. Harris.		
³ Now owned by Nancy L. & Robert W. Uhl.		

RESOLUTION NO. _____

**A RESOLUTION APPROVING AND ACCEPTING THE IMPROVEMENTS
CONNECTED WITH SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-45-03
AND GIVING NOTICE OF A PUBLIC HEARING**

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Sanitary Sewer Improvement District No. SS-45-03; and

WHEREAS, the City Council has caused to be prepared a statement showing the total assessable costs associated with Sanitary Sewer Improvement District No. SS-45-03 to be apportioned upon and levied against the real property comprising the District Lands which specifically benefit from the improvements associated with said District.

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

1. That the improvements connected with Sanitary Sewer Improvement District No. SS-45-03 be, and the same are hereby, approved and accepted; that the statement showing the total assessable costs associated with said District be, and the same is hereby, approved and accepted as the statement of the assessable costs of said Sanitary Sewer Improvement District No. SS-45-03.
2. That the costs connected with Sanitary Sewer Improvement District No. SS-45-03 be apportioned upon and levied against the real property comprising the District Lands.
3. That the City Clerk shall immediately advertise for three (3) days in the Daily Sentinel, a newspaper of general circulation published in said City, a Notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, which Notice shall be in substantially the form set forth in the attached "NOTICE", that said improvements have been completed and accepted, specifying the assessable cost of the improvements and the share to be apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the City Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice; that any objections may be heard and determined by the City Council at its first regular meeting after said thirty (30) days and before the passage of the ordinance assessing the cost of the improvements, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of the City of Grand Junction, being Ordinance No. 178, as amended, and People's Ordinance No. 33.

PASSED and ADOPTED this _____ day of May, 2004.

President of the Council

Attest:

City Clerk

NOTICE

NOTICE IS HEREBY GIVEN that a hearing is scheduled for June 16, 2004, at 7:30 p.m., to hear complaints or objections of the owners of the real estate hereinafter described, said real estate comprising the district of lands known as Sanitary Sewer Improvement District No. SS-45-03, and all persons interested therein, as follows:

That the City of Grand Junction has completed and the Grand Junction City Council has accepted the improvements connected with Sanitary Sewer Improvement District No. SS-45-03. Said District and improvements are authorized by and in accordance with the terms and provisions of City Resolution No. 59-03, passed and adopted by the Grand Junction City Council on the 2nd day of July, 2003, whereby said City Council declared its intention to create said District, and by City Resolution No. 73-03, passed and adopted by the Grand Junction City Council on the 6th day of August, 2003, whereby the Grand Junction City Council created and established said District, all being in accordance with the terms and provisions of Chapter 28 of the Code of Ordinances of said City, being Ordinance No. 178, as amended.

That the whole cost of the improvements connected with said District and to be assessed against the District Lands, as hereinafter described, has been definitely ascertained and is in the sum of \$70,749.18. Said sum includes a one-time charge of six percent (6%) for costs of collection and other incidentals; that the part apportioned to and upon each lot or tract of land within said District and assessable for said improvements is hereinafter set forth; that payment may be made to the Finance Director of the city of Grand Junction at any time within thirty (30) days after the final publication of the assessing ordinance assessing the real estate in said District for the cost of said improvements; and that the owner(s) so paying shall be entitled to an allowance of six percent (6%) for costs of collection and other incidentals.

That any complaints or objections that may be made in writing by the said owner or owners of land within said District and assessable for said improvements, or by any person interested, may be made to the City Council and filed in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice; that any such complaints or objections will be heard and determined by the said City Council at a public hearing on Wednesday, June 16, 2003, at 7:30 p.m. in the City Council Chambers located at Grand Junction City Hall, 250 North 5th Street in Grand Junction, Colorado, at which time the said City Council will consider passage of a proposed ordinance to assess the cost of said improvements against the real estate in said District, and against the respective owners of said real estate, as by law provided.

That the sum of \$70,749.18 for improvements connected with Sanitary Sewer Improvement District No. SS-45-03 is to be apportioned against the real estate in said

District and against the owners respectively as by law provided in the following proportions and amounts severally, as follows, to wit:

TAX SCHEDULE NO.	LEGAL DESCRIPTION	ASSESSMENT
2945-022-00-050	BEG 602.3FT N OF SE COR NW4 SEC 2 1S 1W, W 240 FT, N 181.5 FT, E 240FT S TO BEG & LOT 13 NORTHFIELD ESTATES SUB SD SEC 2 EXC RD IN B-939 P-74 MESA COUNTY RECORDS.	\$7,861.02
2945-022-00-030	BEG 420.8FT N OF SE COR NW4 SEC 2 1S 1W, W 240 FT, N181.5FT, E 240 FT, S TO BEG EXC RD IN B 939 P 73 COUNTY CLERKS OFFICE.	\$7,861.02
2945-022-10-011	LOT 24 NORTHFIELD ESTATES SUB SEC 2 1S 1W, CITY OF GRAND JUNCTION.	\$7,861.02
2945-022-10-013	LOT 25 NORTHFIELD ESTATES SUB SEC 2 1S1W, CITY OF GRAND JUNCTION.	\$7,861.02
2945-021-06-010	LOT 1 ROUND HILL SUB SEC 2 1S 1W, CITY OF GRAND JUNCTION.	\$7,861.02
2945-021-06-011	LOT 2 ROUND HILL SUB SEC 2 1S 1W, CITY OF GRAND JUNCTION.	\$7,861.02
2945-021-06-012	LOT 3 ROUND HILL SUB SEC 2 1S 1W, CITY OF GRAND JUNCTION.	\$7,861.02
2945-023-12-002	LOT 26 NORTHFIELD ESTATES SUB SEC 2 1S 1W, CITY OF GRAND JUNCTION.	\$7,861.02
2945-023-12-001	LOT 27 NORTHFIELD ESTATES SUB SEC 2 1S 1W, CITY OF GRAND JUNCTION.	\$7,861.02

By order of the City Council

City Clerk

Date

Attach 13

Lincoln Park Master Plan

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Lincoln Park Master Plan					
Meeting Date	May 5, 2004					
Date Prepared	April 29, 2004				File #	
Author	Rex Sellers Shawn Cooper			Senior Buyer Parks Planner		
Presenter Name	Joe Stevens			Parks and Recreation Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X		Formal Agenda	X	Consent
						Individual Consideration

Summary: Contract with the professional planning firm, Winston and Associates, to conduct a study of Lincoln Park and prepare a short term and long term master plan. This item was tabled at the April 21, 2004 Council meeting and will be formally considered at the May 5 Council meeting pending further discussion at the noon Council workshop on May 3, 2004.

Budget: The Parks Department has \$80,000.00 approved for this project in the 2004 budget.

Action Requested/Recommendation: Authorize the City Manager to sign a contract with Winston and Associates to study and complete the Lincoln Park Master Plan.

Attachments: N/A

Background Information: Lincoln Park was constructed approximately 75 years ago and has seen many renovations. The City wants to investigate the current uses and operations and determine the most cost effective and efficient use. The results of the study shall address recommendations for short term (1-10 Years) and long term (10-25 years) improvements and in priority of need, considering cost.

This Request for Proposal was advertised in the Daily Sentinel and sent to all firms on the current source list for consulting services. There were six (6) responsive proposals

received and evaluated. Three firms were selected for interviews and requested to give oral presentations. The seven (7) person interview panel consisted of one (1) Parks Improvement Advisory Board Member (PIAB), three (3) Parks Recreation Advisory Board (PRAB) Members and three (3) Parks and Recreation Department employees. The panel unanimously selected Winston and Associates as the most qualified to perform the scope of services based upon the evaluation criteria listed in the solicitation. Winston and Associates has completed several important projects for the City that includes the 1992 Parks Master Plan and the Canyon View Park Design and Development.

Attach 14

Jarvis Property Master Plan

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Jarvis Property Master Plan					
Meeting Date	May 5, 2004					
Date Prepared	April 23, 2004					
Author	Kathy Portner		Planning Manager			
Presenter Name	Kathy Portner		Planning Manager			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>	Formal Agenda	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Contract with the professional planning firm, Winter & Company, to complete a Master Plan for the Jarvis Property.

Budget: \$31,172*

Action Requested/Recommendation: Authorize the City Manager to sign a contract with Winter & Company to complete a Master Plan for the Jarvis Property in an amount not to exceed \$31,172*. We are also asking for Council input on the optional "Resource Panel" phase (see below).

Attachments:

Draft Scope of Work

Background Information: The City put out a Request for Qualifications (RFQ) to firms interested in completing a conceptual Master Plan for approximately 65 acres west of 5th Street and north of the Colorado River, currently owned by the City. The Master Plan process will look at the redevelopment potential for this site, and will identify appropriate uses, access points, needed infrastructure, design elements, continuation of the greenbelt/trail system and appropriate protection for the River and riparian areas.

Eleven firms responded to the RFQ, six of which were selected for interviews. The interview panel consisted of five staff members and five City Council members. The panel unanimously selected Winter & Company as the most qualified to perform the scope of services based upon the evaluation criteria.

*The total base contract is in the amount of \$31,172. The consultant has also included a potential add-on for a "Resource Panel" (see attached). The purpose of the Resource Panel would be to gain developers' insight into the approaches for reuse of the site. This process would formally introduce potential developers to the project and possibly expand the potential development options. This task was added at staff's request. We feel that this would serve as a "reality check" and needs to be performed either as part of this contract or as a follow-up.

Exhibit A

Scope of Work:

Phase One: Project Initiation

Contractor will update their understanding of existing conditions, regulations and plans for the site, clarify project objectives and define the opportunities and constraints for the project area. The goal of Phase One is to prepare for the upcoming 3-Day On-Site Strategic Planning Session. Specific tasks:

Task 1.1 Review existing policies and background data

Contractor will develop an understanding of the current policies related to development on the site, as well as current trends and opportunities. Contractor will review:

- Current plans, policies and regulations related to the site
- Physical condition of the site
- Existing and proposed circulation patterns, including site access, pedestrian and bicycle connections and on/off street and parking opportunities
- Wayfinding and public information/orientation systems
- Trends in local development, especially examples of recent projects

Task 1.2 Prepare Site Base Map

Using electronic data provided by city staff, the Contractor team will create a base map for the site that will include:

- Contextual References and Existing Circulation Network
- Proposed Alignment of Riverside Parkway
- Existing Utilities
- Floodplains
- Trails

Task 1.3 Establish Market Conditions

Develop an overview of economic conditions and identify development opportunities for specific land uses.

- Subcontractor, EPS, will provide a market overview of the Grand Junction market, documenting major economic and demographic trends. EPS will establish the historical context for absorption of new commercial and residential development, which will be used to document capture rates for the proposed uses.
- Data for office and retail uses will be summarized, such as rent per square foot, rental rate trends, recent market absorption rates, land values and vacancy rates. All data will be shown for downtown conditions and compared to outlying locations.

- Residential market data will be provided, building on the comprehensive EPS data base for the Grand Junction rental and ownership markets. EPS will segment market data and provide relevant information for potential uses on this site, focusing on condominium and townhouse sales. The rental housing market will also be documented with information about rents, vacancies and recent trends in local supply and demand.
- EPS will build on the Grand Valley Housing Needs Assessment it conducted for the Grand Junction Housing Authority to assess the demand for affordable housing at various income targets for this site.

Phase One Products:

- Background Kit for 3-Day Strategic Planning Session, including Site Base Map
- Market overview Technical Memorandum

Phase Two: On-Site Strategic Planning Session

In this phase, the consultant team will conduct a three-day strategic planning worksession. We will convene in Grand Junction to more fully investigate opportunities and constraints, conduct meetings with the city staff and community stakeholders and explore alternative framework plans for the site. Alternatives will be designed to test key variables related to the types of land uses, physical organization, access, phasing and design character that reflects the overall vision for the site. A variety of options will be quickly explored and tested for feasibility and implementation.

Task 2.1 Conduct Team/City Staff Orientation

In a preliminary meeting with the staff, we will confirm an agenda for the three (3) day planning session.

- Confirm planning session objectives and agenda
- Review the team's understanding of issues, opportunities, constraints
- Identify stakeholders—Consultant will supply a list of entities to be targeted for Stakeholder Interviews

Task 2.2 Conduct Stakeholder Interviews

Members of the contractor team will meet with selected residents and stakeholders to identify potential issues and concerns regarding development of the city-owned land. EPS will complete an extensive set of interviews with local developers and brokers to document demand. Many of the interviews will be conducted on-site to assess the strengths and weaknesses of competitive projects. Information collected at these interviews will be used to confirm or modify the economic framework developed previously.

- Conduct Stakeholder Interviews: potential stakeholders include, but are not limited to, advocates and city departments including:
 - Economic Development
 - Colorado Department of Transportation

- Railroad representatives
- Downtown Business Owners
- Chamber of Commerce
- Parks and Open Space
- Neighborhood Residents (neighborhood meeting or focus group with representatives)

Task 2.3 Develop Urban Design Framework Alternatives

Key concepts of site organization, access, circulation, view corridors and street character will be diagrammed in an overall framework map for the site. This will include descriptions of how the site should relate to adjacent properties, the Colorado River, the Colorado River Trail and the Williams House.

Task 2.4 Assess Market Supportability by Use

Using the market framework information, EPS will analyze the supportability of each alternative, focusing on proposed land uses, development densities and project phasing.

Task 2.5 Present Findings to City Staff

At the end of Day 2 of the On-site Strategic Work Session, the consultant team will present interim findings and alternatives to City Staff for review and comment.

Task 2.6 Conduct Council/Planning Commission Work Session

Based on comments received from City Staff, the consultant team will refine the Urban Design Framework Alternatives and create a Preferred Framework Plan for review and comment by City Council and Planning Commission. The consultant team will be developing the Preferred Framework Plan during the morning of Day 3 of the On-site Strategic Worksession.

Phase Two Products:

- Refined Opportunities and Constraints Diagram
- Urban Design Framework Alternatives (including alternatives based on differing surrounding land uses)
- Summary of Development Requirements and Building Program
- Outline of Key Design Principles

Phase Three: Project Documentation

Upon completion of the 3-Day Strategic Planning Session, the project team will review comments and suggestions received by City Council and the Planning Commission and begin final documentation of the planning process and recommendations.

Task 3.1 Prepare Draft Framework Plan and Basic Design Guidelines

Using information and comments generated during the joint City Council and Planning Commission Work Session, the consultant team will generate a refined Framework Plan and Basic Design Guidelines. A General Market Assessment will be generated that outlines trends in the Grand Junction market, the market niches with particular strengths, and overall supportability for each land use identified in the Framework Plan.

Task 3.2 Review Draft Framework Plan with City Staff

We will present the Draft Framework Plan, Basic Design Guidelines and Market Feasibility Study to the City Staff for review and comment.

Task 3.3 Prepare Final Documentation

Based on comments received from City Staff, the consultant team will generate the Final Framework Plan for presentation to City Council and the Planning Commission. Final documentation will be created in a format that can be used in direct negotiations with potential developers as well as city residents and civic groups.

Task 3.4 Final Revisions

Based on comments received from City Council and the Planning Commission, the consultant team will make any necessary revisions based on direction provided by City Staff.

Phase Three Products:

- Illustrative Rendering of Framework Plan: Approximately 24X36
- Development Program Summary
- Basic Design Principles
- Market Assessment

All products will be delivered as one hard copy and an electronic copy.

Optional Phase (to be determined prior to final contract): Resource Panel
Winter & Company will conduct a Resource Panel to gain developers' insight into approaches for reuse of the site. This will formally introduce potential developers to the project and expand decision makers' understanding of potential development options. In addition, it will identify any additional information necessary for the RFP redevelopment process. The consultant team will assemble a panel of 4 to 6 developers with experience in projects similar to that envisioned for the property. Information pertaining to the site and the preferred development alternative would be compiled and distributed. Minimal administrative time is included to address logistical and scheduling issues. Three options for conducting this panel are described below:

Option 1: Conduct Resource Panel in Denver for Front Range Representatives. Costs include a \$250 honoraria for each participating developer plus a tour of local Front Range projects for city staff and officials.

Estimated Fees: \$7,515

Option 2: Conduct Resource Panel in Grand Junction with Front Range representatives. Costs include \$500.00 honoraria for each participating developer plus travel expenses.

Estimated Fees: \$12,645

Option 3: Conduct Resource Panel in Grand Junction for Western Slope/Local Development Community. Costs include teleconferencing for Front Range Representatives.

Estimated Fees: \$12,285

Data, Facility and Equipment Requirements

The following will be the responsibility of City staff:

- Coordination of one-on-one interviews, roundtable discussions and public meetings (advertising, public notices, determining/scheduling venue, etc.).
- Provide all of the relevant background reports and studies.
- Scheduling and payment for, all rooms needed for meetings and workshops.

Project Schedule:

Authorization to Proceed	May 1, 2004
Phase 1: Project Initiation	May 1, 2004—July 1, 2004
Phase 2: 3-Day On-Site Planning Session	June 1, 2004—July 15, 2004
Phase 3: Documentation Production	July 15, 2004—Sept. 1, 2004

Exhibit B

Fees

Phase 1: Project Initiation

- 1.1 Review Existing Policies and Background Data
- 1.2 Prepare Site Base Map
- 1.3 Establish Market Conditions

Task 1 Fees: \$5,240

Phase 2: 3-Day One-Site Strategic Work Session

- 2.1 Conduct Team/Staff Orientation
- 2.2 Conduct Stakeholder Interviews
- 2.3 Develop Alternative Framework Plans
- 2.4 Assess Market Supportability by Use
- 2.5 Present Findings to City Staff
- 2.6 Conduct Joint City Council/Planning Commission Work Session

Task 2 Fees: \$11,875

Phase 3: Project Documentation

- 3.1 Prepare Draft Framework Plan and Basic Design Guidelines
- 3.2 Review Draft with City Staff
- 3.3 Prepare Final Framework Plan and Basic Design Guidelines
- 3.4 Final Revisions

Task 3 Fees: \$12,030

Phase 4: Additional Task

- 4.1 Resource Panel—See above

Total Project Fees:	\$29,145
Total Project Expenses	\$ 2,027
Total Project Cost (Fees and Expenses)	\$31,172

Attach 15

29 Road Improvements Phase III Streets

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Construction Contract for 29 Road Improvements, Phase III Streets.					
Meeting Date	May 5, 2004					
Date Prepared	April 26, 2004				File #	N/A
Author	Kent W. Marsh		Project Engineer			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Award a construction contract for the 29 Road Improvements, Phase III Streets, between Pinyon Street and Patterson Road, to Elam Construction in the amount of \$698,837.05.

Budget: This project is funded under Fund 2011, Program Year 2004.

The estimated project costs will be:

Construction Contract Phase III Streets	\$ 698,837.05
Total Cost Phase III Utilities	\$ 607,614.66
Construction Contract 29 & E.6 Bridge Widening	\$ 181,274.16
Construction Inspection and Administration	\$ 20,000.00
Other costs (phase II walls, service conversions)	\$ 50,000.00
Total Project Costs	\$1,557,725.87

Funding:	
2004 City Budget	\$1,395,000.00
Central Grand Valley Sanitation District	\$ 300,657.00
Reimbursement (Phase III Utilities)	
Total Revenue	\$1,695,657.00
Less Project Costs	<u>\$1,557,725.87</u>
Unallocated Budget Balance in 2004 (Half City, Half County)	\$ 137,931.13

Funding for this project includes \$390,000.00 of Federal funds. The local share of project costs will be split equally between the City of Grand Junction and Mesa County.

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **29 Road Improvements, Phase III Streets** with Elam Construction in the amount of \$698,837.05.

Attachments: None

Background Information: The **29 Road Improvements, Phase III Streets** construction project is the final phase of 29 Road improvements between Pinyon Street and Patterson Road. Rights-of-way and easements necessary for the construction of street improvements included in this contract were acquired in 2003.

Construction of the new City storm sewer and Central Grand Valley Sewer lines are scheduled to be complete on or before May 17, 2004. The bridge widening project at the Grand Valley Canal will be finished on or before April 22. Phase III street construction is scheduled to begin on May 17 and will be finished on or before Tuesday, August 24, 2004.

Bids for the project were opened on April 13, 2004. The low bid was submitted by Elam Construction in the amount of \$698,837.05. The following bids were received:

<u>Bidder</u>	<u>From</u>	<u>Bid Amount</u>
Elam Construction, Inc.	Grand Junction	\$698,837.05
MA Concrete Construction	Grand Junction	\$704,348.75
Old Castle SW Group, Inc.	Grand Junction	\$704,964.75
Reyes Construction	Grand Junction	\$729,796.80
Engineer's Estimate		\$646,741.66

Attach 16

Property Purchase for Riverside Parkway – 1005 South 5th Street

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of Property at 1005 South 5 th Street for the Riverside Parkway Project.					
Meeting Date	May 5, 2004					
Date Prepared	April 27, 2004				File #	
Author	Tim Woodmansee		Real Estate Manager			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The City has entered a contract to purchase the property at 1005 South 5th Street from Mary Resendiz for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Budget: Sufficient funds exist in the 2004 Riverside Parkway budget to complete the City's due diligence investigations and purchase of this property:

2004 Right-of-Way Budget	\$ 5,680,548
2004 Right-of-Way Related Expenses to Date:	\$ 1,323,187
Costs Related to this Property Purchase:	
Purchase Price	\$ 60,000
Asbestos Inspection	\$ 1,500
Total Costs Related to This Request	\$ 61,500
2004 Remaining Right-of-Way Funds	\$ 4,295,861

Total Project Budget	\$ 75,000,000
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$ 4,001,612
Other Prelim. Engineering	\$ 500,000
Construction Engineering	\$ 5,329,193
Construction	\$ 48,447,206
Right-of-Way & Land Purchases	\$ 10,387,822
Relocation Expenses	\$ 2,906,500

Total Estimated Project Costs	\$ 71,572,333
Remaining Funds / Contingency	\$ 3,427,667

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of property at 1005 South 5th Street from Mary Resendiz.

Attachments:

1. Vicinity Map.
2. Proposed Resolution.

Background Information: On November 4, 2003, a majority of the City electorate voted to authorize the City to issue \$80 million in bonds to fund the Riverside Parkway. The authorized funding will expedite the design, property acquisition and construction of this transportation corridor.

The subject property is located west of the Highway 50 railroad viaduct and within the range of potential alignments being considered for the lower downtown section of the Riverside Parkway. The owner had advertised the property for-sale-by-owner and has agreed to sell this property at a reasonable price.

The subject property contains 6,000 square feet of land area and a 1,280 square foot single-family residence. The residence is currently occupied.

Staff recommends this purchase to avoid potential relocation expenses in the event the property was sold to and occupied by another party. Because of its small size and low cost, purchasing the property will not prejudice the 1601 Review process or the selection of a final route. If it is determined the property is not needed for the Riverside Parkway, the City should be able to sell the property at a competitive price after the new Parkway is in operation.

VICINITY MAP



1005 South
5th Street

Highway 50

Noland Ave.

Noland Ave.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 1005 SOUTH 5TH STREET FROM MARY RESENDIZ**

Recitals.

A. The City of Grand Junction has entered into a contract with Mary Resendiz for the purchase by the City of certain real property located within the preferred alignment of the Riverside Parkway. The street address of the property is 1005 South 5th Street and the Mesa County Assessor parcel number is 2945-232-00-011.

B. The purchase contract provides that on or before May 5, 2004, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of said property.

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

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

1. The above described property shall be purchased for a price of \$60,000.00. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. Said \$60,000.00 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

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

PASSED and ADOPTED this 5th day of May, 2004.

Attest:

President of the Council

City Clerk

Attach 17

Public Hearing – Reduction of Distance Restriction for Hotel and Restaurant Liquor Licenses to College Campuses

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Reduction of Distance Restriction for Hotel and Restaurant Liquor Licenses to College Campuses					
Meeting Date	May 5, 2004					
Date Prepared	January 8, 2004				File # NA	
Author	Stephanie Tuin			City Clerk		
Presenter Name	Stephanie Tuin John Shaver			City Clerk City Attorney		
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	John Bellio
	Workshop	X		Formal Agenda		Consent X Individual Consideration

Summary: State law requires five hundred feet, using direct pedestrian access, from the property line of a school to the liquor-licensed premise; however, the law also allows local jurisdictions to reduce that distance for a certain class of license for one or more types of schools. In 1987, the Grand Junction City Council reduced the distance for full service restaurant licenses from college campuses to 300 feet. A property owner near Mesa State College has requested that City Council consider further reducing or eliminating the distance restriction for hotel/restaurant liquor licenses for principal college campuses.

Budget: There is no cost other than that of processing an ordinance. A change to the ordinance may result in additional liquor licenses in the vicinity of Mesa State College.

Action Requested/Recommendation: Conduct a public hearing and if City Council does consider final passage and final publication of Proposed Ordinance then **determine the distance reduction.**

Attachments:

1. Map of the area affected
2. Proposed Ordinance

Background Information: Mr. John Bellio, a property owner on North Avenue, has contacted the City Clerk’s office a number of times concerning the distance restriction. At present, due to the proximity of his property to Mesa State College, the business is only allowed a 3.2 percent beer license. His lessee would like to serve mixed drinks, in

particular margaritas, and imported and domestic beer, which is greater than 3.2 percent.

State law, 12-47-313(1)(d)(II), C.R.S., provides that the distance is measured “by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which liquor is to be sold, using a route of direct pedestrian access.” State Liquor Code Regulation 47-326 further clarifies that it is “measured as a person would walk safely and properly, without trespassing with right angles at crossings and with the observance of traffic regulations and lights.”

Using the City’s GIS system, other establishments in the area are removed from the college campus as approximated below. No requests have been made from these other businesses but if the distance restrictions were to be reduced or removed that may spark some interest. Also, if any of these businesses change hands that too might generate a request for a hotel/restaurant liquor license.

Any change to the distance will affect all locations in the City where a principal campus of a college, university or seminary exist. At present, there are no other principal college campuses.

Existing food establishments currently within 300 feet are all listed. Those that would be restricted under the current law are bolded (remember measurement is how a pedestrian would legally walk, using crosswalks). The measurements are approximate using the GIS system; only an on ground survey could determine the exact distance.

1. Chopstix Chinese Restaurant, 1029 North Ave - 342 feet
2. Blackjack Pizza, 1059 North Ave – 468 feet
3. Steaming Bean Coffee House, 1059 North Ave – 468 feet
4. Kentucky Fried Chicken, 1111 North Ave – 535 feet
5. Diorios Pizza, 1125 North Ave – 457 feet
- 6. El Tapatio, 1145 North Ave – 281 feet**
- 7. Arby’s, 1155 North Ave – 226 feet**
8. McDonalds, 1212 North Ave – 343 feet
- 9. Taco John’s, 1122 N. 12 St - 241 feet**
10. Higher Grounds Coffee Shop, 1230 N. 12th St. – 332 feet
- 11. Papa Kelsey’s & Fred, 1234 N. 12th St - 133 feet**
- 12. Subway, 1840 N. 12th St – 200 feet**
- 13. Prime Cut, 1960 N. 12th St – 270 feet**
14. Chef’s, 936 North Ave – 297 feet (this restaurant was licensed prior to Mesa State buying the St. Matthews Episcopal Church property at 10th and North).

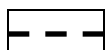
A map showing the locations of the bolded properties is attached.

Mesa State College and Vicinity

Prime Cut

 Mesa State

Subway

 300 foot boundary

Papa Kelsey's

Taco John's

Chef's

El Tapatio

Arby's

McDonald's



Ordinance No. _____

**An Ordinance Amending Section 4-52 of the Grand Junction Code of Ordinances
Reducing the Distance a Hotel and Restaurant
Liquor Licensed Premise Must Be from the Principal Campus of a
College or University in the City of Grand Junction**

Recitals.

12-47-313 (1)(d)(I) C.R.S. requires any building where the malt, vinous, or spirituous liquor is to be sold to be located at least five hundred feet from any public or parochial school or the principal campus of any college, university or seminary.

12-47-313 (1)(d)(III) C.R.S. provides that "The local licensing authority of any city and county, by rule or regulation, the governing body of any other municipality, by ordinance and the governing body of any other county, by resolution, may eliminate or reduce the distance restrictions imposed by this paragraph (d) for any class of license, or may eliminate one or more types of schools or campuses from the application of any distance restrictions established by or pursuant to this paragraph (d)".

In 1987, the City Council of the City of Grand Junction, after a properly noticed public hearing, adopted Ordinance No. 2367 which reduced the distance a hotel and restaurant liquor licensed establishment must be from the principal campus of a college or university to 300 feet.

The City Council considered a further reduction of distance required between hotel and restaurant liquor licenses and the principal campus of colleges and universities and has established the required distance as provided with this ordinance.

NOW, THEREFORE, BE IT ORDAINED THAT:

Under the provisions of 12-47-313 (1)(d)(III) C.R.S., the distance that a hotel and restaurant liquor licensed premises must be separated from the principal campus of a college or university in the City of Grand Junction is reduced from 300 feet to _____ feet. The distance shall be determined in accordance with 12-47-313 (1)(d)(II) C.R.S. and Colorado Liquor Regulation 47-326.

Introduced on first reading and ordered published this _____ 17th day of March, 2004.

Passed on second reading and order published this _____ day of _____, 2004

ATTEST:

President of the Council

City Clerk

Attach 18

Public Hearing Rezoning the Old Orchard Estates Property Located at 774 Old Orchard Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Hold a Public Hearing and Consideration of a proposed ordinance to rezone the Old Orchard Estates property, located at 774 Old Orchard Road, from RSF-R to RSF-2							
Meeting Date		May 5, 2004							
Date Prepared		April 29, 2004				File #RZ-2004-023			
Author		Lisa E. Cox, AICP			Senior Planner				
Presenter Name		same			same				
Report results back to Council		X	No		Yes	When			
Citizen Presentation			Yes	X	No	Name			
	Workshop	X	Formal Agenda				Consent	X	Individual Consideration

Summary: Holding a public hearing and consideration of a proposed ordinance to rezone the Old Orchard Estates property, located at 774 Old Orchard Road, from the RSF-R, Residential Single Family Rural to RSF-2, Residential Single Family-2.

Budget: N/A

Action Requested/Recommendation: Approval of second reading of the rezoning ordinance.

Background Information: See attached staff report

Attachments:

1. Staff Report
2. Site Location Map (Figure 1)
3. Aerial Photo Map (Figure 2)
4. Future Land Use Map (Figure 3)
5. Existing City and County Zoning Map (Figure 4)
6. Rezone Ordinance

BACKGROUND INFORMATION					
Location:		774 Old Orchard Road			
Applicants:		Northwest Plateau Development (Steve Hejl, President)			
Existing Land Use:		Residential/Agricultural			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Agricultural			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		RSF-R			
Proposed Zoning:		RSF-2			
Surrounding Zoning:	North	CSR			
	South	RSF-R			
	East	RSF-R			
	West	PD (approx. 2 ac/du)			
Growth Plan Designation:		Residential Low, 1/2-2 ac/du			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Request to rezone 3 parcels of approximately 13 acres located at 774 Old Orchard Road from RSF-R to RSF-2 for future residential development.

RECOMMENDATION: Planning Commission recommends approval of request to rezone.

ANALYSIS:

1. Background

The subject property was annexed into the City on January 2, 1994 as a part of the Paradise Hills #2 Annexation. At the time of annexation, parcels with redevelopment potential were annexed into the City with their existing County zoning designation with the understanding that a rezone would be necessary at the time of development. The subject property was zoned RSF-R in the County and retained that zoning designation when annexed into the City in January, 1994.

The applicant wishes to rezone the property in anticipation of future residential development that would be consistent with the density requirements of the Growth Plan. A Preliminary Plan has not been submitted for review at this time.

2. Consistency with the Growth Plan

The proposed rezone is consistent with the goals and policies of the Growth Plan and Future Land Use Map. The RSF-E (Residential Single Family Estate), RSF-1 (Residential Single Family-1) and RSF-2 (Residential Single Family-2) zone districts support the densities called for by the Growth Plan.

The applicant's request to rezone from RSF-R to RSF-2 is consistent with the density range called for in the Growth Plan and Future Land Use Map.

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

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

1. The existing zoning was in error at the time of adoption. *As noted earlier in this report, properties with development or redevelopment potential were annexed into the City retaining their County zoning designation with the understanding that a rezone would be required at the time of development. The existing zoning is not in error, rather it was retained during the annexation process with the understanding the future development would require rezoning of the property. The existing zoning of RSF-R is not consistent with the land use classification of Residential Low as shown on the Future Land Use Map of the Growth Plan. The Residential Single Family-2 (RSF-2) zone district does implement the Residential Low land use classification.*
2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transition, etc. *The property is*

located in an area that is developing in a residential manner consistent with the Growth Plan. The subject property has access to public streets and utilities which can be extended to for purposes of 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 RSF-2 is within the allowable density range recommended by the Growth Plan. This criterion must be considered in conjunction with criterion 5 which requires that public facilities and services are available when the impacts of any proposed development are realized. Staff has determined that public infrastructure can address the impacts of any development consistent with the RSF-2 zone district, therefore this criterion is met.*
4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of this Code and other City regulations and guidelines. *The request to rezone has been submitted in an effort to develop the property in a manner consistent with the density range identified by the Growth Plan and Future Land Use Map. Although a Preliminary Plan has not yet been submitted, the rezone would allow development of the property consistent with the density requirements of the Growth Plan.*
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development. *Adequate public facilities are currently available and can address the impacts of development consistent with the RSF-2 zone district.*
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. *The neighborhood has a limited amount of land that is undeveloped. The proposed development is a project which will utilize or extend existing public facilities.*
7. The community or neighborhood will benefit from the proposed zone. *The community will benefit from the infill development of this project and utilization of existing public facilities whether the property is developed at a density as allowed by RSF-E, RSF-1 or RSF-2.*

FINDINGS OF FACT/CONCLUSIONS

After reviewing RZ-2004-023, Old Orchard Estates application, request to rezone from RSF-R to RSF-2, the Planning Commission made the following findings of fact and conclusions:

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

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission made a recommendation of approval by a vote of 4-2 in favor of the rezone request with the findings that the request is consistent with the goals and policies of the Growth Plan and all applicable sections of the Zoning and Development Code.

Attachments:

Figure 1: Site Location Map

Figure 2: Aerial Photo Map

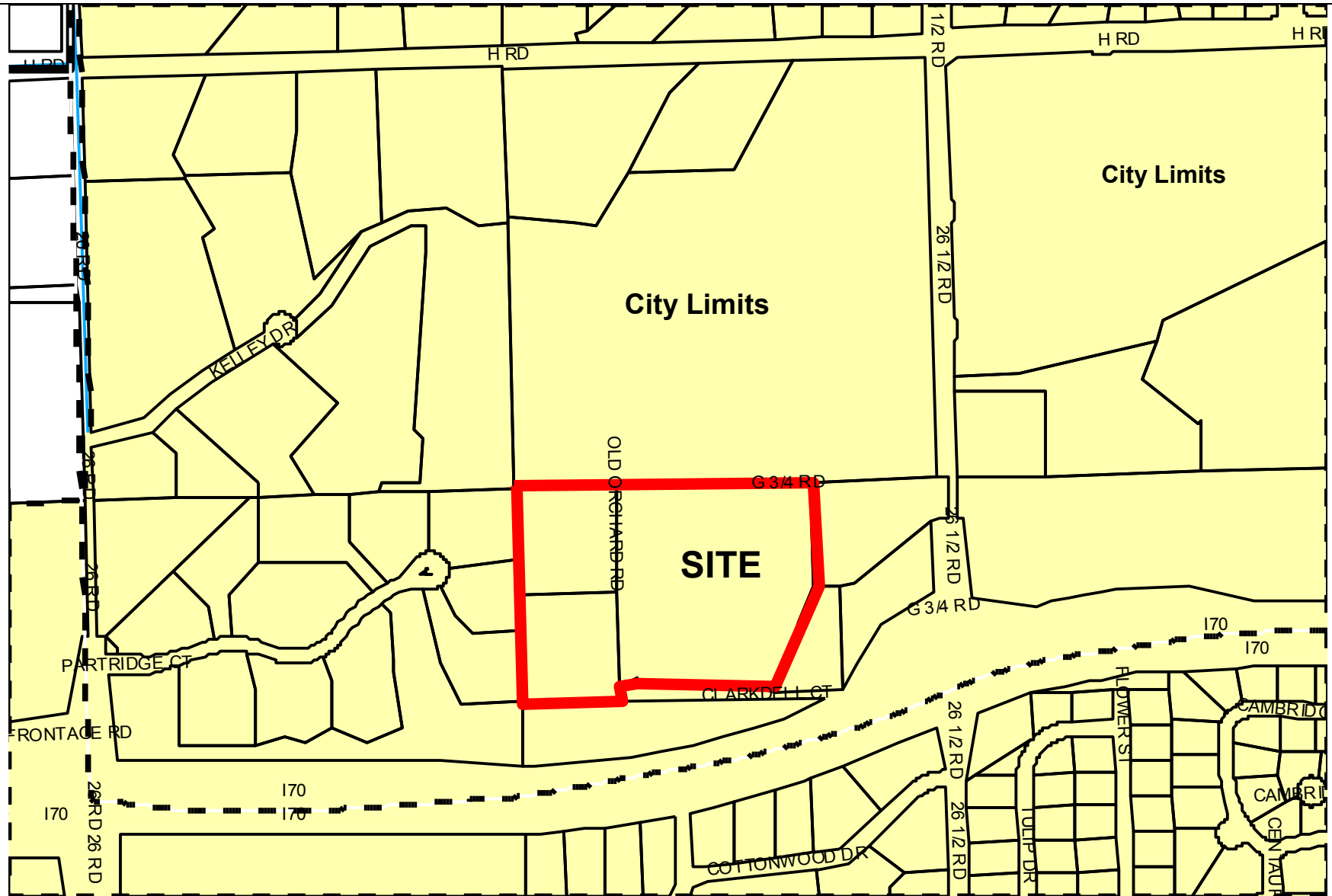
Figure 3: Future Land Use Map

Figure 4: Existing City and County Zoning Map

Rezone Ordinance

Site Location Map

Figure 1



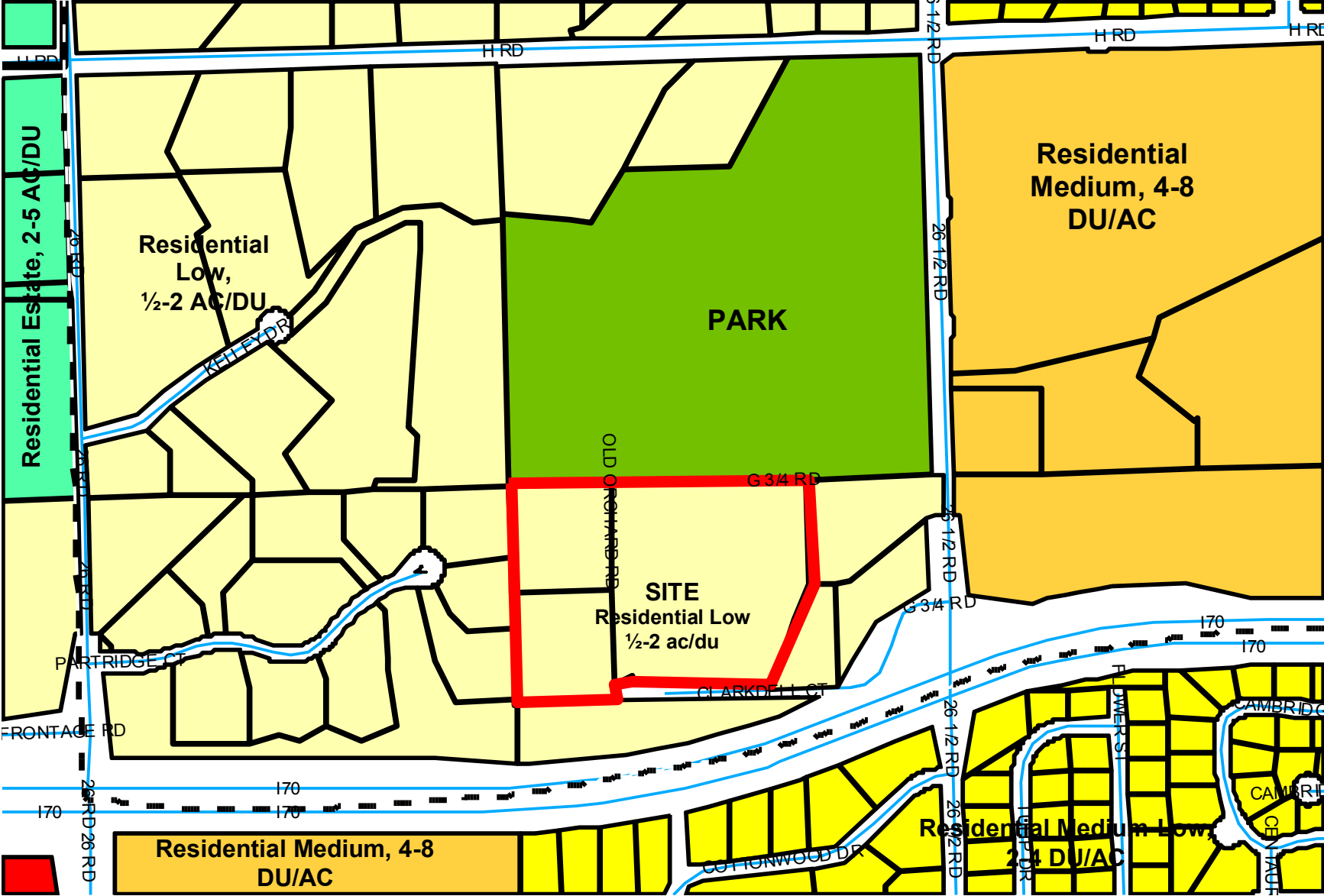
Aerial Photo Map

Figure 2



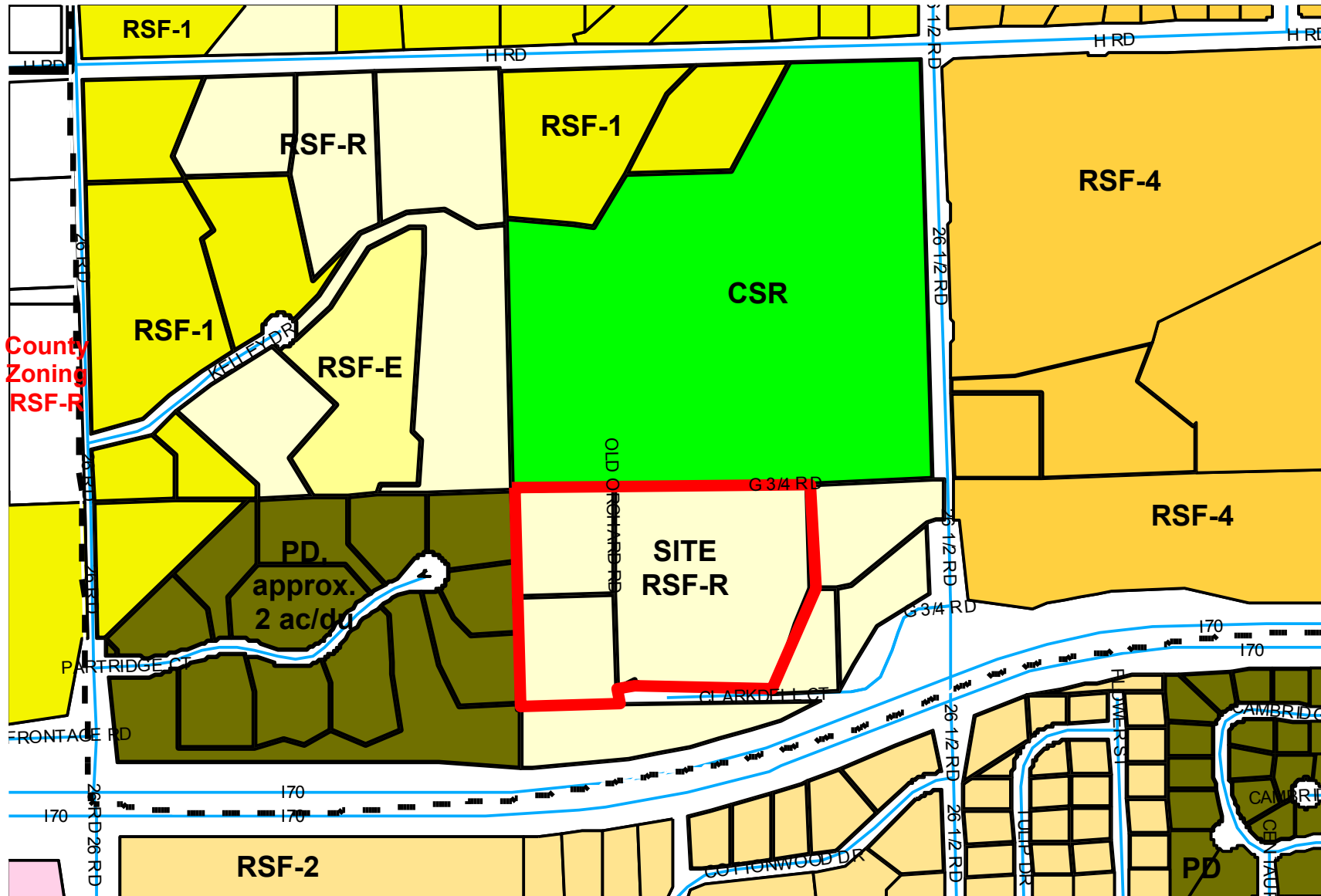
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. ____

**An Ordinance Rezoning the Old Orchard Estates property,
located at 774 Old Orchard Road,
from Residential Single Family Rural (RSF-R)
to Residential Single Family-2 (RSF-2)**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Old Orchard Estates property, located at 774 Old Orchard Road, from the from Residential Single Family Rural (RSF-R) to Residential Single Family-2 (RSF-2), for the following reasons:

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

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Residential Single Family-2 (RSF-2) zone district be established.

The Planning Commission and City Council find that the Residential Single Family-2 (RSF-2) zoning is in conformance with the stated criteria of Section 2.6.A of the Grand Junction Zoning and Development Code.

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

The following property shall be rezoned to the Residential Single Family-2 (RSF-2) zone district:

Parcel 1: BEG at a pt. 1008.8 ft. West of the NE COR of the N1/2 SE1/4 NW1/4 of SEC 35, T1N, R1W of the UM; thence West 310 ft. to the NW COR of said N1/2 SE1/4 NW1/4; thence South 0°21'W 315.6 ft.; thence S89°56'E 310.0 ft.; thence N0°21'E 315.6 ft. to the POB. TOGETHER WITH that portion of Clarkdell Court adjacent to subject property vacated by instrument recorded July 7, 1994 in Book 2084 at Page 345. SUBJECT TO road easement over the North 25 ft. of subject property.

Parcel 2:

BEG at a pt. from whence the N1/4 COR of SEC 35, T1N, R1W of the UM bears N31°54'7"E a DIS of 1905.9 ft. and S00°03'W a DIS of 20 ft.; thence S00°03'W 331.3 ft.;

thence N89°56'W 310.0 ft.; thence N00°03'E 331.3 ft.; thence S89°56'E 310.0 ft. to the POB. TOGETHER WITH that portion of Clarkdell Court adjacent to subject property vacated by instrument recorded July 7, 1994 in Book 2084 at Page 345.

Parcel 3: BEG at a pt 420 ft. West of the NE COR of the N1/2 SE1/4 NW1/4 of SEC 35, T1N, R1W of the UM; thence West 588.8 ft.; thence S00°21'W 646.9 ft. to the South line of said N1/2 SE1/4 NW1/4; thence S89°37' East along said South line of the N1/2 SE1/4 NW1/4 469.24 ft.; thence North 25 ft.; thence N20°05'E 226.7 ft.; thence N25°00"E 105.7 ft.; thence N00°11'E 318.5 ft to the POB. TOGETHER WITH that portion of Clarkdell Court adjacent to subject property vacated by instrument recorded July 7, 1994 in Book 2084 at Page 345. AND TOGETHER WITH a non-exclusive easement for ingress and egress as granted in instrument recorded October 4, 1993 in Book 2012 at Page 630 and instrument recorded April 14, 1994 in Book 2063 at Page 654. EXCEPT that portion of Clarkdell Court adjacent to subject property on the South as described in Book 884 at Page 418.

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

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

Mayor

ATTEST:

City Clerk

Attach 19

Public Hearing – Amendments to Section 6.5 of the Zoning and Development Code, Landscaping, Buffering and Screening Standards

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Proposed Amendments to Section 6.5 of the Zoning and Development Code, Landscaping, Buffering and Screening Standards					
Meeting Date	May 5, 2004					
Date Prepared	April 21, 2004				File #TAC-2004-040	
Author	Kathy Portner		Planning Manager			
Presenter Name	Kathy Portner		Planning Manager			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name	
Workshop	<input checked="" type="checkbox"/>	Formal Agenda			Consent	<input checked="" type="checkbox"/> Individual Consideration

Summary: Hold a Public Hearing and Consider Final Passage of an ordinance amending Section 6.5 of the Zoning and Development Code, including landscape standards in Industrial zone districts, modifying the required perimeter enclosure landscape requirement, clarifying requirements and credits, and allowing the use of hardscape, xeriscape and public art as a part of the landscape requirement.

Budget: N/A

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage. Staff and Planning Commission recommended approval.

- Attachments:**
 Staff Report
 Written Comments
 Ordinance

AGENDA TOPIC: TAC-2004-040 Text Amendment—Zoning and Development Code—Amendments to Section 6.5, Landscape, Buffering and Screening Standards

ACTION REQUESTED: Hold a Public Hearing and Consider Final Passage of the Ordinance.

PROJECT DESCRIPTION: A proposed ordinance amending Section 6.5 of the Zoning and Development Code, including landscape standards in Industrial zone districts, modifying the required perimeter enclosure landscape requirement, clarifying requirements and credits, and allowing the use of hardscape, xeriscape and public art as a part of the landscape requirement.

RECOMMENDATION: Staff recommends approval

ANALYSIS

1. Background

The 2003 update of the Growth Plan included several action items specific to the landscape requirements of the Zoning and Development Code, including the following:

- *Revise code standards for location and screening of outdoor storage, **streetscaping, landscaping, signage, lighting, building orientation, building materials and parking lot design.***
- *Review/revise Code standards for landscaping to include provisions and incentives for use of xeriscape design and plants well-suited to the climate of the Grand Valley.*
- *Adopt Code standards to address minimum on-going maintenance of landscaping.*

Based on that and on issues that had been brought up with specific applications of the Code since it's adoption in 2000, the City, with the assistance of Winston Associates and Ciavonne Associates, reviewed the existing Section 6.5, Landscape, Buffering and Screening Standards, and are proposing various amendments.

The identified purpose of the analysis was to identify aspects of the current code that:

- Do not adequately address the goals of the Zoning and Development Code or the City’s overall goals for quality development as stated in the “Growth Plan for Grand Junction” and the “Strategic Plan”;
- Create an undue burden on developers or property owners looking to build in Grand Junction;
- Result in standards for landscaping that are unrealistic to achieve.
- Create conflicts within Section 6.5 or other sections of the Zoning and Development Code; and
- Create loopholes that allow developers to avoid, or do less than the minimum required by Section 6.5.

In addition to the technical analysis of Section 6.5, the review included workshops with Grand Junction Community Development staff, Mesa County Planning staff, and focus groups, over a five-month period. The detailed analysis relied heavily on the active involvement of the staff and individuals who regularly work with the code either as a landowner, developer or design professional. The process included:

- Workshops with Community Development staff to gain an understanding of where Section 6.5 was functioning properly, where it needed to be improved and to review drafts of the proposed changes.
- A series of three focus groups attended by approximately 20 engineers, landscape architects/designers, landscape contractors, representatives from the business and development community as well as advocates for community aesthetics. The focus groups matched individuals with similar interests and experience in working with the landscape code to help facilitate a thorough discussion.
- A round table discussion with the staff of Community Development and representatives from Mesa County to review their concerns with, and goals for, Section 6.5.
- Review of landscape codes from other cities with similar conditions or profiles to Grand Junction to understand how they address landscape requirements in their communities.
- A comparison of current Code requirements and proposed Code requirements.
- Insights from the consultant team, which included a Grand Junction landscape architect who works with Section 6.5 on a daily basis and a Front Range landscape architect with experience in working with landscape codes from a wide range of Colorado cities.
- Copies of the Landscape Code Update, put together by the consultants, were provided to everyone who participated on the focus groups, as well as others who requested copies. Comments received are included as an attachment.

The consultants identified the following issues and recommendations for Section 6.5:

1. Create a separate landscape requirement for industrial zones. One obvious issue that was brought up by many of the participants is that the same level of landscaping is required for industrial zones as is required for commercial zones. This is especially a problem for I-1 and I-2 zones that often have large areas of paving for equipment storage, minimal parking or office use and adjacent industrial uses that do not require screening. The recommended change is to only require landscaping along the street frontage and the first 50' of the side yard from the front property line. Parking lots and office uses in the industrial zones would be landscaped in accordance with the general provisions of Section 6.5. It also establishes minimum quantities of trees and shrubs to be provided. The recommended changes would apply to the I-1 and I-2 zones only. I-O (Industrial/Office) would still be subject to the same landscaping requirements as commercial properties.
2. Change the way the amount of landscaping is calculated. Section 6.5 currently requires a specific number of trees or shrubs for a set amount of "improved area", which is the "total area being used for the building, parking lot, storage or display area". Concerns were raised that sometimes the current code requirements result in more trees and shrubs than can be accommodated on the site. It was suggested that a set percentage of open space or landscaped area be established. However, after analysis of several site plans, the consultants concluded that it wasn't necessarily an issue with the numbers of trees and shrubs being required, but that developers were not accounting for the amount of landscape area needed as part of the initial site planning and design. The comparison with other cities that require a minimum amount of open space or landscaped areas showed that Grand Junction is getting similar amounts of landscaped areas mandating a minimum number of trees and shrubs, rather than establishing a specific open space or landscaped area requirement.
3. Update the way tree sizes are referenced. There was consensus that the distinction between a "large deciduous tree", "medium deciduous tree" and a "small deciduous tree" is difficult to quantify and of limited value for landscapes. Therefore, the recommendation is to change the nomenclature used to identify the types of deciduous trees to "shade trees" and "ornamental trees". Each of those is defined in the text. Also, the recommendations include allowing up to 20% of the tree requirement to be ornamental or evergreen trees.
4. Revise the single-family residential landscape buffer to avoid creating "canyon" streetscapes. Currently the landscape code requires a 5' landscape buffer outside a Residential Subdivision Perimeter Enclosure adjacent to the right-of-way, if the perimeter enclosure is a solid 4' to 6' fence or wall. No landscape buffer is required where a solid fence or wall less than 4' in height or an open rail or picket fence is used. Most developers opt for a 6' solid fence or wall to create privacy for the homeowners. A series of subdivisions along a road with 6' solid fencing and a 5' buffer landscape create a "canyon effect" along the corridor. The recommendation is to increase the landscape buffer from 5' to 14' along arterials and urban collectors, which coincides with the width of the required

Multi-purpose Easement. This not only mitigates the canyon effect, but also provides better access to utilities in the easement.

5. Include a review by a qualified landscape architect or designer. The consultant is recommending that all landscape plans be reviewed by qualified landscape architect or designer. This recommendation would require that the City staff a position with a qualified landscape professional or hire that review out to a private landscape professional. We are not recommending implementing this recommendation at this time. Whenever there are questions on a proposed landscape plan, we will try to utilize expertise of current City staff in the Community Development Department or the Parks and Recreation Department.
6. Create a process similar to the TEDS Exception for landscape improvements. One frequent theme of the focus groups was that there should be more flexibility built into Section 6.5. Many proposed developments have unique circumstances that are not addressed in Section 6.5, or for which Section 6.5 creates a hardship. One suggestion was to adopt an administrative review process similar to the one the Public Works Department created for approving minor variations to its “Traffic Engineering Design Standards”, the TEDS exception. Staff is not recommending a similar process for Section 6.5. There are several areas that are specifically addressed in the section that give the Director latitude to consider variations to the requirements. For example, shrubs can be substituted with trees, the number of trees can be reduced if larger trees are provided, substitutions can be made with “like” plant materials, ornamental and evergreen trees can be used for up to 20% of the tree requirement, hardscape and public art can meet a percentage of the landscape requirement and landscaping in the right-of-way where detached walk exists can reduce the width of a required landscape buffer and can count toward a percentage of the required on-site landscaping.
7. All “trades” or credits should make economic sense. There are several places within Section 6.5 that allows substitutions for required screening, numbers of trees or shrubs, or sizes of trees. However, the allowed exchanges are sometimes not well defined, or the value of the exchange is grossly inequitable. There are proposed revisions to specify the exchanges that can be considered.
8. Encourage xeriscape. While the current Code encourages the use of low-water need plantings, the addition of section 6.5.B.20 better defines the purpose of xeric landscapes and allows the Director discretion in approving “desert” type landscapes. There have been some comments that the Code section should go further and give incentives for the use of xeriscaping, such as a reduction in the amount of landscaping required. However, a reduction in the requirement will not meet some of the other goals and objectives of the Strategic Plan and Growth Plan for enhancing aesthetics of the built environment.
9. Inability to get a water tap for landscaping. Section 6.5 requires that all landscaped areas be irrigated. Further, any landscaping in the right-of-way that is to be maintained by the City, requires a separate irrigation system. There have been issues in the past where Ute Water has refused to issue a water tap

solely for landscaping purposes. There are no recommendations in the code amendments to address this issue. Staff agrees it's an issue that needs to be resolved, but in a forum other than the Zoning and Development Code.

RECOMMENDATION:

Planning Commission recommends approval of the amendments to Section 6.5 of the Zoning and Development Code.

Grand Junction Area



RECEIVED

MAR 19 2004

March 12, 2004

City of Grand Junction
Community Development Department
225 North 5th Street
Grand Junction, CO 81501

COMMUNITY DEVELOPMENT
DEPT.

To Whom It May Concern:

The Grand Junction Area Chamber of Commerce applauds you for the process of evaluating the landscaping code for the community. As you are aware, the Chamber acts as a voice for the business sector and in that role has heard years of concerns regarding the current landscaping code. To that end, revamping this code has been seen as a necessary step. We understand and appreciate the difficulty in maintaining a balance of a beautiful community while not placing undue burdens on development and business.

After reviewing the proposed changes to the landscaping code, the Chamber would like to have the following comments taken into consideration as the Grand Junction Planning Commission and the Grand Junction City Council consider implementing a new landscape code:

- The Chamber welcomes the draft code's inclusion of separate landscaping requirements for developments in the industrial zones. This has been a problem for primary employers we have worked with and is a welcome addition to the code.
- We continue to encourage a greater emphasis and possible incentives for xeriscaping in the new code. Although our understanding is that the code allows for xeriscaping, the lack of emphasis leads to confusion. A case in point is that one of our board members was recently told by city planners that xeriscaping is not an option for his property development. That is disappointing in light of our desert like environment and the need for water conservation in our state.
- The continued emphasis on numbers of plantings, even with the greater flexibility for types and sizes built into this draft plan is still an area of concern. We would suggest that before adoption, this plan be benchmarked against communities that are more similar to ours in climate and soil type such as St. George, UT rather than cities referenced for the project (Broomfield, Durango, Fort Collins, Longmont, and Westminster).
- We question the need for a review by a landscape architect for all plans submitted. While we understand the intent, it may be more useful to require this step for only certain sized projects. This appears to be an additional expense imposed by the process that may be unnecessary.

We applaud the City's efforts to review the landscape code and appreciate the opportunity to provide input and feedback.

Sincerely,

J. Michael Stahl
Chairman of the Board



From: <wstory1999@bresnan.net>
To: <kathyp@gjcity.org>
Date: 2/25/04 1:11PM
Subject: landscape code update

Hi Kathy

Here are things to ponder.

- 1) Deciduous trees should be measured 6" above root ball not 12" as per our industry standard. 2" inch caliper is good.
- 2) Some concession needs to be made as to installation per plan, not to change scope of work but things change in field.
- 3) I can't find any place where Evergreen Trees are addressed in code. They should be a minimum ht. of 5-6 ft.
- 4) Under Screening item e, Why shouldn't a wall be taller than 30"? What if its there to help provide screen buffer from back of commercial building and road way? If commercial site sits lower than road way then height justment may be needed to help screen back of building. Maybe in this case the 30" requirement should be measured from top of road way!
- 5) Xeriscaping should be encouraged when submitted.

revised

revised

6.5.B.5.d

revised

revised

All else seems pretty good. If you need anything give me a call.

Deep Creek Inc. landscaping and Irrigation
Bill Story
244-8768

From: "l.elmer" <l.elmer@bresnan.net>
To: <kathyp@gjcity.org>
Date: 2/22/04 8:53PM
Subject: landscape code

Kathy, I looked at the revised changes and think overall they are good. I have a few comments as follows:

1. -I like the 14' landscape buffer, however, are homeowners really going to take care of it? Do we have recent experience to suggest one way or there other? If it truly coincides with the utility easement, it makes more sense. Although I know the answer, has anyone talked about city parks taking care of these strips, like they do medians on 7th?
2. -If we need to use an outside landscape architect for the independent review, I have some reservations. Knowing how personalities vary, I think you may not find the review always objective. I think it would definitely be better to use a city staffer that can look out for the city's interests. As you know, there will probably be resistance from council and developers to add more costs to the process.
3. -The other changes seem to make sense and hopefully answer a lot of the concerns being raised.

John

1. Section 6.5 states that the ROW landscaping is the responsibility of the adjacent property owner or HOA, unless the City agrees to take over maintenance.
2. Agree

From: Mike Vendegna
To: Kathy Portner
Date: 2/27/04 11:36AM
Subject: Landscape code

Good Morning Kathy,

I have reviewed the recommended changes to the landscape code and the letter Vince Urbina sent you. I wish I had some wonderful recommendations but really everything looks good. I do agree with Vince regarding diversity and the right tree in the right place, "planting under power lines. That also applies to sight corners, etc. I believe this was a monumental task and you all did a great job. Please contact me if there is anything I can do.

Thank you and have a great weekend.

Have included provisions for species diversity, allowance for planting ornamentals under powerlines and reference to sight distance issues.

February 27, 2004

TO: Kathy Portner
FROM: Vince Urbina – Grand Junction Forestry Board
SUBJECT: Landscape Code

I recently received the Recommended changes to the GJ Landscape Code document in the mail. I was listed as being a Landscaping Focus Group Participant. I was not aware that I was a part of that group but I will give you some comments any way. I have served on the Grand Junction Forestry Board since 1984 (Chairman since 1998) and worked with a commercial wholesale nursery on Colorado's Front Range for 10 years.

- Page 8, Minimum Plant Sizes – Letter a: According to the American Standard for Nursery Stock (ANSI Z60.1-1996) and the Colorado Nursery Regulations (December 2003), *tree caliper is measured at 6 inches above the ground for trees up to 4-inch caliper size*. For trees larger than 4-inch caliper it is measured at 12 inches above the ground. By requiring a caliper of 2 inches measured at 12 inches you will actually get a larger tree than you are anticipating because the trunk does have some taper. I propose measuring the tree at the same spot that the seller will measure it (i.e., 6 inches) for the tree size you are specifying. MUNISC
- Page 11, Trees – Letter c: I used to grow deciduous and ornamental trees. Nearly 50% of all deciduous trees commercially available are bud grafted. Bud grafting is the process of inserting a bud from a known cultivar into an acceptable root stock. This tree will then have similar qualities (i.e., growth habit, fall color, ultimate height) as others of the same name. As a result of this nursery production method there will always be some semblance of a “dogleg” where the bud graft is located. I recommend removing this phrase unless you adequately define what a dogleg will look like in a tree. REVISE
- Page 11, Trees: I work with communities and their trees all over Western Colorado. I recommend without exception that these communities encourage tree species diversity in all of their public plantings. The reason for this tree diversity recommendation is that there have been (e.g., Dutch elm disease) and there will continue to be insects and diseases that come along and decimate a tree population. Right now there is an imported insect (i.e., Emerald ash borer) that is wiping out green ash trees in the upper Midwest. This insect may end up in Colorado where we have lots of green ash in our urban forests. As a result, I recommend that the tree palette in a public planting area contain no more than 15% of any one species (e.g., ash, locust, oak). MUNISC
- Please add this requirement to your code. Shade/Canopy Trees shall not be planted under overhead power lines. In Grand Junction there is a major high voltage power line running on the south side of Patterson (F Road). There are two retail businesses (i.e., Barnes & Noble and Safeway) on Patterson where shade type trees were planted under this power line. As these trees reach their ultimate height (i.e., 50 – 60 feet) they will not only be in the power lines but they will be pruned by Xcel Energy's line clearance contractor to keep them out of the lines. Instead of planting shade trees here someone should have recommended ornamental trees which will never reach the overhead lines. Xcel Energy has an excellent resource book called The Right Tree, which lists acceptable tree species for planting under power lines. REVISE

From: "Mark Gibbons" <lsdesign202@bresnan.net>
To: <kathyp@gjcity.org>
Date: 2/25/04 4:01PM
Subject: Comments to the Revised Landscape Code

Kathy,

Thank you for presenting the proposed landscape code changes to our group the (ALCC) "Associated Landscape Contractor of Colorado". I felt like the code addresses many of the issues that were mentioned as concerns by the various "Focus Group" meetings.

As mentioned at that February (ALCC) dinner meeting, I would like to summarize some of the comments mentioned at that meeting as well as make some additional comments regarding the new code language and intent. They are as follows:

1) Shade/Ornamental Trees-caliper reading should read 6" not 12" taken from where trunk meets root ball (page 8).

revised

a. What allowances have been made to classify the various evergreen trees (where caliper readings are not appropriate)?

Code requires min. height

2) Edging-I don't know if I agree with what is stated in the revisions, that edging may not be appropriate for areas between adjoining lots or gravel shoulders. Sometimes it is necessary to have edging in these areas between lots or gravel areas as well as separation between turf and shrub bed areas. Each case is site specific and should be review by the "Director". (page 11)

additional edging is always an option

3) Public R.O.W. (Sec.6.5, B, 16.a., page 11) - What happens if irrigation cannot be supplied to this area?

Question raised in Staff Report

4) Public R.O.W. (Sec. 6.5 B, 16.c. page 12)- Weed fabric may want to be mentioned here to combat weed in this area.

Revised

5) Section 6.5, B, 18.d., page 12)- when figuring total caliper inch I am not sure that tree coverage's can be equated that way. (i.e. 10, 3" Aspens would not have the same canopy coverage as large shade trees, etc.) I think this section needs to be more specific.

Minimum requirements are based on caliper recognizing there will be variation in canopy

6) Addition of Section 6.5, B, 20-Xeriscaping, page 14)- why can't there be a reduction credit for the amount of improved area required for implementing good xeric practices and plant choices for saving water? Many of the xeric plant species grow and spread at a much larger rate especially with drip irrigation applied. If it was stated up front in the code with reduction percentages, the developers would be more willing to design that way. The proposed language is too subjective and not detailed enough.

See Staff Report

7) "Orchard Style" Landscape Island- although a good idea, I am still not convinced that this style of island would create a planting irrigation "nightmare" in respect to cars overhanging into this space and damages landscape planting. Also, planting choices would have to be specifically defined and irrigation practices would be restricted to drip application.

Minimum dimensions are specified. Types of planting have been used successfully elsewhere.

8) Section 6.5, G, 5.a. page 17)- should any allowances be given to single stem trunk type trees impeding the sight triangle area? These would be large shade trees with a higher tree head development.

We try to avoid trees being planted in sight distance triangles.

These are a few comments I have regarding the revised landscape code. If you have any questions and/or clarification regarding these comments, please contact me via email or phone number listed below.

Thank You!

Mark Gibbons

Landscape Specialties of G.J., Inc.

2004 N.12th Street, #48

Grand Junction, CO. 81501

(970) 243-4147

fax (970) 243-8515

lsdesign202@bresnan.net

Travis Cox

From: "Travis Cox" <hardcurrency@msn.com>
To: "Kathy Portner" <kathyp@ci.gjcity.org>
Sent: Monday, March 01, 2004 3:16 PM
Subject: Recommended changes to the landscape code

Kathy:

Here are my comments and questions about the Landscape Code Update, January 28, 2004. I appreciate getting them a couple weeks in advance.

1. The changes to 6.5.B.16 do not address situations where there is excessive of right-of-way that must be landscaped. One project that comes to mind is the Seriani Site Plan. On Gunnison Ave. the permanent road improvements were installed 10-15 feet from the road right-of-way line. Per this section of the Code, the owner was required to install 1200 SF (12'x100) of landscaping in an industrial zone that did not count toward the landscaping for the project. I suggest the revision read as such:

16. Public Right-of-Way. Except where a detached sidewalk exists or is proposed or where unpaved public right-of-way exceeds five (5) feet (see d. below),...

and;

d. Where detached sidewalks exist, or are proposed, or unpaved public right-of-way exceeds five (5) feet, and the landscape requirements have been met, a maximum of 50% of the public right-of-way can be counted toward the required landscape.

If you have some suggestions as to how to word "unpaved public right-of-way" to include curb, gutter and/or sidewalk, please make them.

2. Section 6.5.C.3.c can help address another issue with the permanent large unpaved areas. The reasoning behind not requiring screening for a parking lot if it is 30 ft. or greater from the ROW is that the parking lot is far enough away to not need it. Again, in the situation with the Seriani Site Plan, the ROW is 10-15 ft from the edge of the street but for a screen to not be required the parking lot must be 30' from the ROW. This results in a 40-45 ft. buffer. To accomplish the intent of this section the parking lot could have been 15' from the ROW. This is something to consider.

I will not be at the March 5, 2004 workshop, but I will make the March 10 meeting.

The revisions would only allow for right-of-way landscaping that is likely to be permanent to count toward the total required landscaping. If credit was given for unimproved right-of-way, when the final street section was built, the site would have little, if any, landscaping. The landscaping requirements for unimproved ROW are minimal, only requiring some kind of ground cover.



From: <RSSCarter@aol.com>
To: <Kathyp@gjcity.org>
Date: 2/21/04 4:55PM
Subject: Landscape Code

Dear Kathy,

I was at the ALCC meeting when you and Bill presented the new Landscape code update. I think it is great that the city has decided to do this. I had a few comments -- many of them from working in the nursery trade.

First I would like to say I agree with the 14' landscape buffer instead of the "tunnel" effect. Its doesn't feel good to be a pedestrian in these type of places.

On measuring tree caliper, I believe it is at 8" above the root ball. This is in the Nursery standards which could probably be attained through the Colorado Nursery Association, Green CO or through the Nursery inspector with the State of Colorado. I do agree with increasing the diameter of shade trees.

Plants in the nursery trade are no longer legally referred to as 1 gallon and 5 gallon but as # (number) one and #5 since they are not true gallons.

A new movement has started in the Denver region to refer to Water-wise gardening and landscape instead of xeriscaping. Water-wise landscaping is planting the right plant in the right place, where xeriscape refers only to dry landscaping. I know Grand Junction is mainly dry, but there are opportunities to use plants of higher moisture requirements. Depending on the landscape requirements you may want to interject water-wise landscaping in areas where you might have more moisture (riverside, ponds, streams, canals and areas of moderate moisture levels). I do agree that people that install xeriscapes and limit sod agrees should be rewarded for their efforts to conserve.

On page 18, final approval by the director, I think the director should be able to give even a greater reduction of 10% if enhancement efforts are used. For instance, stamped, stained concrete is about double the price of gray concrete. I think to receive this discount the developer or owner should have to have everything done properly.

Appendix D the orchard effect is a great idea to break up a parking lot, but I wonder if it would put a lot of stress on the plants with extra heat and a smaller root zone. "City" type trees that like this type a condition should be recommended for this planting design.

Kathy, I don't know if you remember me, but I interviewed with you and Bob in the fall of 2001. (I was pregnant at the time). I believe at that interview I greatly under-emphasized my knowledge of plants and the landscape trade.

I am a landscape architect and a horticulturist. Please keep me in mind for reviewing plans if you decide to farm them out and keep me in mind if you decide to create a position on your staff. I am currently working part-time for a local landscaper designing, buying and placing plants. I have also been on the Fruita planning commission for two years come May.

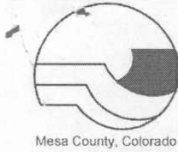
Good luck with getting the code passed. If you need to contact me here is my info:

Susan L. Carter
219 Encanto Court
Fruita, CO 81521
970-858-3305
rsscarter@aol.com

revised to 6'

provision for xeriscape would allow for the "grouping" of semi-water need plants

Left at 10% maximum felt that landscaping overall had a better visual impact



Mesa County Department of Planning and Development

Land Use and Development • Long Range Planning • Code Enforcement

750 Main Street • P. O. Box 20,000 • Grand Junction, Colorado 81502-5022 • Ph. (970) 244-1636

City of Grand Junction, Community Development Department
Attn: Kathy Portner, Planning Manager
250 N. 5th St.
Grand Junction, CO 81501

March 2, 2004

Dear Ms. Portner:

Thank you for the opportunity to comment on the recommended changes to the landscape code. The following are our comments; both general and specific, we hope they will assist you in the discussion and the development of an improved landscape section of the City's Code.

GENERAL COMMENTS

Overall we think that the recommended changes are positive. We believe that the changes will clarify discrepancies and unclear language in the code.

We support the idea of consistency in landscape code interpretation and in review and implementation of landscape plans; to this end we agree that a professional staff member or a panel or board made-up of professionals to review plans is wise and would benefit the city community development department, the development community, and the residents of the city.

SPECIFIC COMMENTS

Page 8. Minimum Plant Sizes

We believe that clarifying the terms and semantics of this section of the code would go a long way in improving consistency in interpretation and implementation of the section.

Caliper Size

To delineate planting size we suggest you use the terms "large caliper trees" (2" or greater), medium caliper trees (minimum of 1 ½"), small caliper trees ? (?).

The point of measurement for caliper size determination is appropriate (at root ball or root collar) at time of planting.

Shade trees / Ornamental / evergreen

Tree Crown

It is quite easy to demonstrate, quantitatively, that there is no correlation between tree height and crown shape, or height and age, so height, age, and crown need to be treated separately.

It appears that tree crown would be the best representation of what you are trying to achieve with respect to aesthetics, and functional values that trees provide, therefore, we recommend that you use the term tree

crown at or near maturity (with consideration for urban ecology –read shorter life span) rather than spread. Additionally, tree crowns are generally classified as having rounded, ovate, pyramidal, conical, cylindrical, irregular, or spreading forms.

Tree Height

Tree heights vary widely, as do growth rates. Tree species can generally be grouped into heights at maturity. It would be clear to all – staff and community- if trees were grouped by height at maturity based on scientific knowledge.

Categories are: or any category you want to use

Tall 30 feet or greater,

Medium 16 to 29 feet,

Short 15 feet or less.

Growth rate is not an issue with respect to desired outcomes; however it would benefit everyone if growth rates were identified. Age is problematic with respect to tree maturity in an urban environment. Some trees are not mature until they are 150 to 300 years old, while others are mature at 50.

One way to put all of this together and make it user friendly is to put the desired goals in a matrix that allows the applicant to choose the species that meets the goals of the landscaping requirements. For example:

Caliper	Height	Crown
2"	T, M, S	O, I, P, S etc
1 1/2"	T, M, S	O, I, P, S etc

Simplified with 3 categories
Shade trees - 2" caliper
Ornamental - 1 1/2" caliper
Evergreen - 6' height

Evergreen and deciduous trees should be considered in the same context with respect to caliper, height, crown, and age.

Page 10. Utility Lines

- b. "Trees which will grow to a height of greater than 15 ft. at maturity shall not be planted under electrical lines."
- c. "Ornamental and evergreen trees planted under an electrical line may count towards the total tree requirement."

Evergreen trees should not be planted under electrical lines, there are none that we know of that are shorter than 15 feet, except dwarf varieties. Should any trees be planted under electrical lines? Perhaps only shrubs should be used. Or should there be exceptions for very large, tall electrical lines?

Specifies maximum height

Page 11. Trees

Clumping of trees and canopy coverage.

"b. Tree canopies can overlap by 20% of the diameter of the tree crown at maturity. Tree clustering may be allowed with some species (list them) so long as clustering does not adversely affect the mature canopy."

Who determines an adversely affected canopy at maturity. You would need a plant ecologist, or plant physiologist and in most cases the canopy of the tree is not mature until 80 or more years, is this realistic? Perhaps a better way to say this is to say that clumping (clustering) of species is acceptable if they are found in clumps in their natural growth conditions. For example aspen, birch, scrub oak, some maple, but not ash, elm, honey locust, any oak except scrub oak, etc. We recommend using both scientific and common names in the text – for clarity sake – scrub oak is a good example of why it should be written in that manner.

Staff would rely on expertise of City Forester

Page 12.

b. the term low shrubs is used. If the term is not defined it should be so that everyone understands what is meant. Likewise, small, short, and tall should be defined if they are used.

- d. text in the box at bottom of page. For Example: 10, 3" caliper trees equaling 30 caliper inches is the same as 15, 2" caliper trees equaling 30 caliper inches. Are you saying here that you are accepting any combination of tree caliper so long as the total caliper inches criteria is met? If so this may prove problematic because many nurseries sell trees in one gallon pots that may equal a one inch caliper tree; however they do not have the characteristics in height and form that you are trying to achieve with the larger caliper trees. The results you are seeking with the larger trees would take MUCH longer to achieve with the smaller one gallon trees.

*Trees are by caliper inch
Shrubs are by gallon*

Please let me know if you have any questions or concerns. Our comments are respectfully submitted.

Michael Warren, AICP
Senior Planner, Long Range Planning Division
Mesa County Department of Planning and Development
970-255-7189
Mwarren@co.mesa.co.us

- b. Kurt Larsen, Director, Department of Planning and Development
Keith Fife, Division Director, Long Range Planning
file

From: "Diane Schwenke" <diane@gjchamber.org>
To: <KATHYP@GJCITY.ORG>
Date: 3/2/04 3:17PM
Subject: Landscape Code

Kathy,

I realize that we are past the deadline for initial comments on the proposed landscape code changes. Just wanted to let you know that the Chamber leadership has not had a chance to discuss the proposed changes and we may be making comments during the public hearing stage. Our meeting is next week.

Diane Schwenke

The Chamber averages at least one networking event every business day. We are your business connection!

Friday, April 09, 2004

**Kathy Portner
Robert E. Blanchard
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501**

**RE: Proposed Landscape Code
AMGD Concerns**

Dear Kathy and Bob:

We appreciate the opportunity to review the latest proposed revisions to the City of Grand Junction Landscape Code. After several weeks of review and the latest discussions at our meeting Wednesday, April 7, 2004, we would like to provide some suggestions for areas still needing attention. Various members of our group provided these suggestions.

1. Due to continued extreme drought conditions in our climate, more emphasis or encouragement of the use of Xeriscape landscape should be provided in the code, with a stronger section of items outlining acceptable Xeriscape plants and features.
2. Requiring that property owners landscape the 14' multipurpose easement is excessive, particularly since they can not fence that portion of the yard but must place the fence at the easement line. This is an effective taking of the use of a portion of their yard without compensation. Maintenance of these isolated areas will be difficult and costly. We suggest allowing alternates to this section.
3. The increase in the landscape buffer to 14 feet is not warranted since these rights-of-way are already much wider than other roadway sections. The buffer dedication should be credited against the parks dedication requirement.
4. The wording of 6.5.D.1. is such that a corner lot (with two frontages) or one which backs against a public ROW could have 14' essentially taken for landscaping of the adjacent street frontage and a fence would have to be placed at the 14' distance thus significantly reducing the effective size of the lot and possibly nearly eliminating the useable back yard for houses which back up to the ROW.
5. In general we find the changes to the Industrial zones to be a strong improvement. Depending on interpretation and implementation of these regulations, we believe similar percentage of reductions or allowance of Xeriscape features will also improve the C zones for commercial use.

This should summarize the main areas of our latest discussions. We collectively feel there are many good improvements, and feel overall there has been substantial progress with these revisions. There was a good opportunity of input in the process of rewriting the code, and these comments were reflected at various stages. We would be glad to continue to participate in future in discussions, and will plan to have some of our members in attendance at the April 27, 2004 meeting of the planning commission.

Thank you for your time and efforts on these issues.

Sincerely,


Larry Rasmussen

RECEIVED

APR 09 2004

**COMMUNITY DEVELOPMENT
DEPT.**

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 6.5 OF THE ZONING AND DEVELOPMENT CODE, LANDSCAPING, BUFFERING AND SCREENING STANDARDS TO BE PUBLISHED IN PAMPHLET FORM

Recitals:

The 2003 update of the Growth Plan included several action items specific to the landscape requirements of the Zoning and Development Code, including recommended revisions regarding streetscaping, landscaping and incentives for xeriscaping. The City, with consultant assistance, reviewed the existing Section 6.5 to identify aspects that do not adequately address the goals for quality development as stated in the Growth Plan and the Strategic Plan, result in standards that are unrealistic to achieve, or conflict with other standards or requirements.

The review process included workshops with staff and focus groups consisting of those who regularly work with the Code as a landowner, developer or design professional, as well as representatives from the Growth Plan Update Steering Committee. The review resulted in various recommended amendments.

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

1. Section 6.5 of the Zoning and Development Code is amended as recommended by the Planning Commission on April 20, 2004; and
2. The full text of the amending ordinance, in accordance with paragraph 51 of the Charter of the City of Grand Junction, is to be published in pamphlet form with notice published in accordance with the Charter.

Introduced on first reading this 21st day of April 2004.

PASSED and ADOPTED on second reading this _ day of _____, 2004.

Mayor

Attest:

City Clerk

CHAPTER SIX DESIGN & IMPROVEMENT STANDARDS

6.5 LANDSCAPE, BUFFERING AND SCREENING STANDARDS

A. Purpose and Goals. *The purpose of this section is to ~~reduce negative impacts~~ enhance the aesthetic appeal of new development. Landscaping ~~and new flora~~ reduces heat, and glare ~~and noise~~, facilitates movement of traffic within parking areas, shades cars and parking surfaces ~~thus~~ reducing local and ambient temperatures, buffers and screens cars from adjacent properties, promotes natural percolation of surface waters, improves air quality, buffers and screens potentially incompatible uses from one another, and conserves the value of property and neighborhoods within the City.*

B. General Landscape Standards.

1. All landscaping required by this Code shall comply with the standards and requirements of this Section 6.5. The landscaping requirements of this Code shall not apply to a lot zoned for one or two dwellings. Landscaping for new developments shall occur in buffer areas, all interior parking areas, along the perimeter of the property, around new and existing structures, and along street frontages and within any right-of-way not used nor planned to be used for infrastructure.
2. **Plant Quantities.** The amount of landscaping is based on gross area of proposed development.
3. **Landscaping Standards.** All new development must install and maintain landscaping as required by this Code. [See Exhibit 6.5.A for an example of the landscaping requirements of this section.]
 - a. On-site frontage landscaping may not apply in the B-2 zone downtown commercial. [see Zone District standards]
 - b. Landscaping in the abutting right-of-way is required in addition to overall site landscaping requirements.
 - c. Buffer landscaping is required in addition to overall site landscaping requirements.
4. **Acceptable Plant Material.** Vegetation must be suitable for Grand Junction's climate and soils. The Director may allow the use of any plant

if sufficient information is provided to show suitability including salt tolerance, sun and shade requirements based on planting locations, growth habit, *etc.* Noxious weeds are not allowed [The Director will keep a list of suitable plants.]

5. **Minimum Plant Sizes are:**

- a. ~~Large deciduous tree~~ Shade Tree, 1½" 2" caliper (measured 12" 6" above root ball) at time of planting. At maturity, a ~~large deciduous~~ shade tree has a height and/or spread of 25' thirty (30') feet or greater. If 2" caliper trees are not available due to seasonal shortages or shortages in desired varieties, the Director may approve the installation of smaller trees, provided the proportional difference in caliper inches is compensated for by installing additional trees. For example, the installation of six 1 1/2 " caliper Shade Trees would result in a short fall of 3 caliper inches, which could be compensated for with two additional 1 ½" trees. However, a minimum caliper of 1 ½" shall be required.
- b. Ornamental Tree ~~Medium deciduous tree~~, 1 ½" caliper (measured 12" 6" above root ball) at time of planting. At maturity, an ornamental ~~medium deciduous tree or flowering ornamental tree~~ has a spread and height between 15' and 30' 25'.
- c. ~~Small deciduous tree, 1 ½" caliper (measured 12" above the root ball) at time of planting. At maturity, a small deciduous tree has a spread not in excess of 15 feet.~~
- d. Evergreen tree, 6 feet tall at time of planting.
- e. Deciduous shrub, 5-gallon container.
- f. Evergreen shrub, 5-gallon container.
- g. Perennials and ground covers, 1-gallon container.
- h. Turf mix, native grasses and wild flower mix are the only vegetation that may be planted as seed.

6. **Irrigation.** All vegetation and landscaped areas must be provided with a permanent irrigation system.

- a. Non-potable irrigation water shall be used unless the Director allows the use of potable water.
- b. An underground pressurized irrigation system and/or drip system is required for all landscape areas on the property and in any right-of-way.
- c. If connected to a drinking water system, all irrigation systems require backflow prevention devices.
- d. All irrigation for non-potable irrigation water systems must have adequate filters easily accessible above ground or within an appropriately sized valve box.
- e. Native grasses must have a permanent irrigation source that is zoned separately from higher water demand landscapes. Once the grasses are

established, irrigation to native grass areas can be reduced to a level that maintains coverage typical of the grass mix and to suppress weed growth.

7. **Landscape Plans and Equivalent Plants.**
 - a. Landscape plans must identify the species and sizes of vegetation [SSID Manual].
 - b. All landscaping shall be installed as shown on the approved plan.
 - c. An equivalent species may be substituted in the field without prior approval of the Director, provided a revised drawing is submitted to the Department. Plants are “equivalent” if they have the same growth habit and rate, same cover, leafing, shade characteristics and function, have similar water requirements, thrive in the same microclimate, soils and water conditions.
 - d. All other changes to the landscape plan require prior approval from the Director.
 - e. ~~Plants are “equivalent” if they have the same growth habit and rate, same cover, leafing and shade characteristics and function, have similar water requirements, thrive in the same micro-climate, soils and water conditions.~~
 - f. All development plans shall designate required landscaping areas. Subdivision plats shall designate required landscaping areas.
8. **Preservation of Significant Landscape Features.** Existing landscape features such as escarpments, large or old trees or stands, heavy vegetative cover, ponds and bluffs shall be identified by the Director as part of the development review process. To the extent the Director deems practicable, such features shall be preserved by the final plans and to such extent, count toward landscape and open space area requirements. Features to be preserved shall be protected throughout site development. If a significant live feature which was to be preserved dies or is substantially damaged the developer shall replace it with an equivalent feature as determined by the Director. No person shall kill or damage a landscape feature required to be preserved by this section. The developer shall protect trees from compaction under the canopy drip line of the tree unless the City Forester says otherwise.
 - a. During construction, fencing or similar barriers shall isolate and protect the landscape features to be preserved.
 - b. All protection measures shall be clearly identified on the construction and landscape plans.
 - c. No vehicles or equipment shall be driven or parked nor shall any materials be piled within the canopy drip line of any tree to be preserved.
9. **Protection of Landscape Areas.** All landscape areas (except in the right-

of-way where a street side curb does not exist) shall be protected from vehicles through the use of concrete curbing, large rocks, or other similar obstructions.

10. **Utility Lines.** If the location of utilities conflict with the landscaping provisions, the Director may approve an equivalent alternative.
 - a. Utility composite plans must be submitted with landscape plans.
 - b. Trees which will grow to a height of greater than 15 feet at maturity shall not be planted under electrical lines.
 - c. ~~Small deciduous~~ Ornamental and evergreen trees planted under an electrical line may count towards ~~up to ten percent (10%)~~ of the total ~~large deciduous~~ tree requirement.
11. **Sight Distance.** The owner shall maintain all vegetation, fences, walls and berms so that there is no site distance hazard nor road or pedestrian hazard.
12. ~~The City Forester or the City's Landscape Architect~~ Director shall decide all questions of soils, plant selection and care, irrigation installation and other vegetation and landscaping questions.
13. Soil in landscape areas must be amended and all vegetation planted in accordance with good horticultural practices.
 - a. Details for the planting of trees, shrubs and other vegetation must be shown on the landscaping plans.
 - b. The owner shall keep each fire hydrant unobscured by plant material.
 - c. ~~Shrubs must only be planted in shrub beds which are~~ Shrub beds adjacent to turf or native grass areas are to be edged with concrete, metal, brick or substantial wood material. Plastic and other light duty edgings are not allowed.
 - d. Mulch and weed fabric are required for all shrub beds.
 - e. The minimum square footage of planting area for a 5-gallon evergreen or deciduous shrub is 16 square feet. These minimum square footages may be varied by a qualified professional.
14. **Trees.**
 - a. Trees ~~must~~ should not be planted near a light pole if eclipsing of light will occur at maturity. Placing light poles in the parking lot, away from landscape area and between parking bays, helps eliminate this conflict and should be considered.
 - b. Tree canopies ~~must not~~ may overlap by up to 20% of the diameter of the tree at maturity. . Tree clustering may be allowed with some species so long as clustering does not ~~effect~~ adversely affect the mature canopy.
 - c. At planting, tree trunks must be reasonably straight ~~and free of~~ with

- minimal doglegs.
- d. Wire baskets, burlap wrappings, rope, twine or any similar shipping materials shall be removed before planting.
 - e. The minimum square footage of planting area for a ~~large deciduous tree~~ shade tree is 140 square feet. ~~A qualified professional~~ The Director may vary the minimum square footage
15. **Maintenance.** The owners, tenants and occupants for all new and existing uses in the City must:
- a. Maintain landscaping in a healthy, growing or neat and well maintained condition;
 - b. Maintenance includes watering, weeding, pruning, pest control, trash and litter removal, replacement of dead or diseased plant material, re-seeding and other reasonable efforts.
 - c. Any plant that dies must be replaced with an equivalent live plant within ninety (90) days of notification or, if during the winter, by the next April 1st.
 - d. Hay mulch used during the preparation or establishment of landscaping must be certified weed-free by the Colorado Department of Agriculture.
 - e. On his own or based on a citizen complaint, the Director may, without notice and without a warrant, walk on the landscaped portion of the property from time to time to inspect the condition of landscaping.
16. **Public Right-of-Way.** Except where a detached sidewalk exists or is proposed and approved (see d. below), ~~L~~landscaping on public right-of-way shall not be counted toward any landscape or open space requirements of this Code, unless specifically provided otherwise in this Code.
- a. All unimproved right-of-way adjacent on the side abutting a development which is not in the City's five-year capital plan to be improved ~~within 24 months of the approval~~ must be landscaped. ~~If irrigation can be supplied from the private property, it shall be done.~~ All right-of-way landscaping shall be irrigated and maintained by the adjoining private property owner(s), unless the City agrees to accept it for maintenance. If it is to be maintained by the City, a separate irrigation system shall be provided.
 - b. At least seventy-five percent (75%) of the unpaved adjacent right-of-way shall be landscaped with turf, low shrubs or ground cover. The Director may vary the required landscaping to obtain a consistent appearance in the area or with existing or planned right-of-way landscaping.
 - c. The owner of the nearest property shall keep all rights-of-way, which is not hard surfaced, ~~remain~~ free of weeds, litter junk, rubbish and obstructions. To prevent weed growth, erosion and blowing dust, right-of-way areas not covered by vegetation or paving shall be

covered with mulch, wood chips, bark chips, decorative rocks or cobble or similar natural materials, to be underlain by weed fabric or other barrier.

- d. Where detached sidewalks exist, or are proposed, a maximum of 50% of the public right-of-way landscaping may be counted toward the total required landscaping. The right-of-way landscaping between the curb and sidewalk shall contain street trees spaced every forty feet (40’).
 - e. The Director may allow decorative paving in landscaped areas in commercial or other high pedestrian traffic areas if the decorative paving is compatible with nearby right-of-way paving and landscaping.
17. **Pervious Coverage.** Landscaped and buffer areas count toward the pervious area requirement.
18. ~~Up to final approval,~~ The Director may approve an applicant’s request to vary from the required number and types of plants or landscaped area if:
- a. The number of trees exceeds twenty-five percent (25%) of the minimum number of trees; and/or
 - b. Trees exceed the minimum caliper requirement by one inch or more; and/or
 - c. ~~Additional landscaped area, additional~~ berming or other attractive buffering, ~~is provided~~ public art, enhanced paving treatments for public plazas (brick or concrete pavers, tinted and stamped concrete, etc.) is provided. The Director may grant up to a 10% reduction of the square footage of improved area used to calculate the landscape requirement where these types of enhancements are included in a development.
 - d. Additional trees or larger trees can be exchanged on a per caliper inch basis with three shrubs equaling one caliper inch. Credit for using larger trees would be based on a direct exchange of caliper inches. For example: 10, 3” caliper trees equaling 30 caliper inches is the same as 15, 2” caliper trees equaling 30 caliper inches; 1, 2” caliper tree equals 6 shrubs. Trees may be substituted for shrubs, but shrubs may not be substituted for trees.
 - e. If the total amount of landscaping is provided, the Director may allow the owner to place the landscaping on another appropriate part of the lot.
19. If the Director is not the decision-maker, his authority shall be exercised by the decision-making body.
20. *Xeriscaping.* Because of Grand Junction’s desert environment, xeriscaping and the use of xeric (low water use) plants are strongly encouraged. Xeriscape designs shall employ the seven basic principles of xeric design which include “comprehensive planning and design for low water use, creating practical turf areas, selecting low water use plants and organizing plants by water usage, using adequate soil prep, using water conserving

mulches, irrigating efficiently and maintaining the landscape appropriately”. (Source: Denver Water Board).

a. Low water use plants are encouraged for use in the “typical” urbanized landscape, especially where the plants can be irrigated (zoned) separately from higher water use plant material. This way of using xeric plants is compatible with any of the requirements of Zoning and Development Code.

b. Landscape designs that mimic the “desert” character of Grand Junction’s setting are also encouraged, but must be carefully designed so that the basic requirements for shade, screening and buffering are met. Because of this, the Director must approve “desert” landscape installations as well as variances from the required plant coverage ratios or minimum plant sizes (e.g. where xeric plants are only available in one gallon containers).

C. Parking Lots.

1. Interior Landscaping Requirement. Landscaping is required in the interior of parking lots to direct traffic, to shade cars and structures, to reduce heat and glare and to screen cars from adjacent properties. The interior of all parking lots shall be landscaped as follows:
 - a. One landscaped island, parallel to parking spaces, is required for each twenty (20) parking spaces. In lieu of the standard landscape island, one “orchard style” landscape island may be used for every six (6) parking spaces. The orchard style landscape islands shall be evenly spaced between end landscape islands. (Insert drawing with dimensions)
 - b. Landscape islands must be at least one hundred forty (140) square feet. The narrowest/smallest dimension of a parking lot island is eight feet (8’), measured from back of curb to back of curb.
 - c. One (1) landscaped divider island, parallel to the parking lot drive aisles, designed to prevent diagonal movement across the parking lot, shall be located for every three parking lot drive aisles.
 - d. A landscape island is required at the end of every row of parking spaces, regardless of length or number of spaces.
 - e. Barrier curbing on all sides adjacent to the parking lot surface is required to protect each landscape islands from vehicles.
 - f. A corner area (where it is not feasible to park a vehicle) may be considered an end island for the rows on the perimeter of the parking lot.
 - g. Landscaping of the interior of parking lot shall include trees and shrubs.

2. **Parking Lot Perimeter.** Landscaping is required around the entire perimeter of a parking lot to assist in the shading of cars, to assist in the abatement of heat and to reduce the amount of glare from glass and metal, and to assist in the screening of cars from adjacent properties. The perimeter of a parking lot is defined as the curb line defining the outer boundaries of the parking lot, including dumpster enclosures, bike racks, or other support facilities that are adjacent to the outer curb. Entry drives between a parking lot and the street, drives connecting two internal parking lots or building entry plazas are not included in the perimeter area.
 - a. Screening shall occur between a street and a parking lot and Street Frontage Landscape shall apply. [Sections 6.5.C.3 and 6.5.D]
 - b. ~~All landscape strips for parking lot perimeters must average 8' in width.~~ The minimum dimension allowed for the parking lot perimeter landscape strip is six feet (6'). ~~four (4) feet.~~ The width of a landscape strip can be modified by ~~administrative approval~~ the Director, provided the intent of this Section is met.
 - c. Landscaping along the perimeter of parking lots shall include trees and shrubs.
 - d. Parking lots shared by more than one owner shall be landscaped around the perimeter of the combined lots.
3. **Screening.** ~~The entire perimeter of each parking area~~ All parking lots abutting rights-of-way, entry drives, and adjacent properties must be screened. For this subsection, a screen means a turf berms and/or shrubs.
 - a. A thirty ~~(30)~~-inch (30") high screen is required along seventy percent (70%) of parking lots abutting rights-of-way, entry drives, and adjacent properties, ~~the entire boundary of a parking lot and an abutting right of way measured from top of the curb nearest to the screen. (If there is no curb, measure up eight (8) inches from the nearest paved portion of the right-of-way.)~~ excluding curb cuts. The 30" screen shall be placed so as to maximize screening of the cars in the parking lot, when viewed from the right-of-way and shall be measured from the ground surface, or the elevation of the roadway if the adjacent road is higher than the property.
 - b. ~~Seventy percent (70%) of the length of street frontage excluding the ingress and egress areas must be screened surfaces.~~ Screening shall not be required between parking lots on adjoining lots where the two lots are designed to function as one.
 - c. ~~The landscaped area between a parking lot and right of way must average eight (8)-foot wide. The minimum width is four (4) feet at any point.~~
 - d. If a landscape area is thirty ~~(30)~~ feet (30') or greater between a parking lot and a right of way, the thirty ~~(30)~~ inch (30") high screen is not

- required. This thirty (~~30~~)-foot (30') wide or greater area must be one hundred percent (100%) covered in plant material within three (3) years. Turf is allowed.
- e. The Director may approve a screen wall between a parking lot and a right-of-way if the lot or parcel are unusually small.
 - f. A screen wall must not be taller than thirty (~~30~~) inches (30"), unless the adjacent roadway is higher than the property, in which case the screen wall shall be 30" higher than the adjacent roadway.
 - ~~g. Seventy percent (70%) of the street frontage, excluding the ingress and egress areas, must be screened.~~
 - h. ~~A one (1) gallon~~ Two (2) five-gallon shrubs may be substituted for four (4) linear feet of wall.
 - i. A column or jog or equivalent architectural feature is required for every twenty-five (25) linear feet of wall.
 - j. The back of the wall must be at least thirty (~~30~~) inches (30") from the face of curb for bumper overhang.
 - k. Shrubs must be planted on the street side of the wall.
- l. There must be at least five (~~5~~) feet (5') between the right of way and the paved part of a parking lot to use a wall as a screen.
 - m. Wall elevations and typical cross sections must be submitted with the landscape plan at a minimum scale of one half inch = one foot ($\frac{1}{2}'' = 1'$).
 - n. Walls shall be solid masonry with finish on both sides. The finish may consist of stucco, brick, stone or similar material. Unfinished or merely painted concrete block is not permitted.
 - o. Shrub plantings in front of a wall is not required in the B-2 Downtown District.

D. Street Frontage Landscape.

1. Street Frontages. Within all zones (except single family uses in Single Family Zone Districts), the owner shall provide and maintain a minimum 14' wide street frontage landscape adjacent to the public right-of-way.
2. ~~If the setback is less than eight (8) feet, the owner shall landscape seventy-five percent (75%) of the first eight feet along the street.~~ A minimum of seventy-five percent (75%) of the street frontage landscape shall be covered by plant material at maturity.
3. The Director may allow for up to 50% of the 14' wide street frontage to be turf, or up to 100% turf coverage may be allowed if the parking lot setback from the right-of-way exceeds 30'. Low water usage turf is encouraged.
3. ~~If the total amount of landscaping is provided, the Director may allow the owner to provide the landscaping on another part of the lot.~~

4. All unimproved right-of-way adjacent to new development projects shall be landscaped and irrigated by the owner and/or homeowners association as per the sections of this code.
5. Landscaping within the ~~front yard setback~~ street frontage shall include trees and shrubs. If detached walks are not provided with street trees, street trees shall be provided in the street frontage landscape, including one tree for every forty feet (40') of street frontage.
6. Where detached walks are provided, a minimum street frontage landscape of five feet (5') is acceptable.

E. *Buffers.*

1. **Zone District Buffering.** Buffers shall be provided between different zoning districts as indicated on Table 6.5.
 - a. Seventy-five (75%) of each buffer area shall be landscaped with turf, low shrubs or ground cover.
 - b. One (1) medium sized tree is required per every forty (40) feet of boundary between different zones.
2. **Exceptions.**
 - a. Where residential or collector streets or alleys separate zoning districts, the Director can require more landscaping instead of a wall or fence.
 - b. Where walkways, paths, or a body of water separates zoning districts, the Director may waive a fence or wall requirement provided the buffering objectives are met by private yards.
 - c. Where a railroad or other right-of-way separates zoning districts the Director may waive the buffer strip if the buffering objectives are met without them.

F. *Fences, Walls and Berms.*

1. **Fences and Walls.** Nothing in this Code shall require the “back-to-back” placement of fences and/or walls. If an existing fence or wall substantially meets the requirements of this section, an additional fence on the adjacent developing property shall not be required. Fences and walls must meet the following:
 - a. Maximum height: six feet (6') outside of front setback, thirty-inch (30") height within the front setback and must meet all sight distance requirements.
 - b. Fence type: solid wood or material with a similar appearance, finished on both sides.
 - c. Wall type: solid masonry finished on both sides. Finish may consist of

- stucco, brick, stone or similar material but unfinished or merely painted concrete block is not permitted.
 - d. Location: within three feet (3') of the property line unless the space is needed to meet landscaping requirements.
 - e. A wall must have a column, or other significant architectural feature every thirty feet (30') of length.
 - f. Any fence or wall over six feet (6') in height requires a building permit
 - g. No person shall construct or maintain a fence or a wall without first getting a fence/wall permit from the Director.
2. **Berms.** Berms must at least have a:
- a. Maximum slope of ~~three~~ four to one (34:1) for turf areas and three to one (3:1) shrub beds; and
 - b. To control erosion and dust, berm slopes must be stabilized with vegetation or by other means consistent with the requirements for the particular landscape area.

G. *Residential Subdivision Perimeter Enclosures.*

1. **Intent.** The decision-maker may approve (if requested by the applicant) or require (where deemed necessary) perimeter enclosures (fences and/or walls) around all or part of the perimeter of a residential development. Perimeter enclosures shall be designed to meet the following objectives of protecting public health, safety and welfare screen negative impacts of adjoining land uses, including streets; protect privacy; maintain a consistent or complementary appearance with enclosures in the vicinity; maintain consistent appearance of the subdivision; and comply with corridor overlay requirements.
2. **Specifications.** Unless specified otherwise at the time of final approval:
 - a. A perimeter enclosure includes fences, walls or berms, and combinations thereof, located within five (5) feet of the exterior boundary of a development.
 - b. The maximum height is six (6) feet (including within front setbacks); however, an enclosure constructed on a berm shall not extend more than eight (8) feet above the adjoining sidewalk or crown of road, whichever is lower.
 - c. New enclosures shall be compatible with existing enclosures in the vicinity, if such enclosures meet the requirements of this Code.
 - d. A perimeter enclosures in excess of six (6) feet is a structure and requires a building permit.
 - e. A perimeter wall must have a column or other significant architectural feature every thirty (30) feet.
3. **Required Perimeter Enclosures.** The decision-maker may require a perimeter enclosure as a condition of the final approval if:

- a. Use or enjoyment of property within the development or in the vicinity of the development might be impaired without a perimeter enclosure.
 - b. A perimeter enclosure is necessary to maintain a consistent and complementary appearance with existing or proposed perimeter enclosures in the vicinity.
 - c. A perimeter enclosure is necessary to control ingress and egress for the development.
 - d. A perimeter enclosure is necessary to promote the safety of the public or residents in the vicinity.
 - e. A perimeter enclosure is needed to comply with the purpose, objectives or regulations of the subdivision requirements.
 - f. A perimeter enclosure is needed to comply with a corridor overlay district.
 - g. The director will notify applicants of the need for a perimeter enclosure if required.
4. **Design of Perimeter Enclosures.** A complete landscape plan for the required landscape buffer and a detail drawing of the perimeter enclosure must be submitted at the time of final approval: perimeter enclosure detail at a scale of one half inch equals one foot ($\frac{1}{2}''=1'$).
5. **Landscape Buffer.** On the outside of a perimeter enclosure adjacent to a right of way, a fourteen-foot (14') wide landscape buffer shall be provided between the perimeter enclosure and the right-of-way for Major and Minor Arterial streets and Urban Collectors. ~~Aa five (5) foot (5') wide landscape strip~~ buffer for side and rear yard perimeters shall be ~~maintained~~ provided on all other streets between the perimeter enclosure and the ~~back of walk or curb~~ right-of-way.
- a. Vegetation in the sight triangle (see TEDS) ~~in the landscape strip must~~ shall not exceed thirty inches (30") in height at maturity;
 - b. In the landscape buffer, ~~One (1) tree per forty (40) linear feet of perimeter must be provided~~ maintained;
 - c. ~~Exception: A landscape strip is not required for that part of the perimeter enclosed by a decorative wall or a fence four (4) foot or less in height which is built with an open design (2/3 open to 1/3 closed), such as split rail and some picket fences.~~
 - d. ~~Each owner or the owner's association shall maintain all such landscaping and enclosures.~~ All perimeter enclosures and landscape buffers must be within a tract dedicated to and maintained by the Homeowners' Association. The perimeter enclosure and landscaping must be installed by the developer and made a part of the Development Improvements Agreement.
 - e. A minimum of seventy-five percent (75%) of the landscape ~~The buffer area shall be covered by shrubs at a minimum of seventy five percent (75%)~~ plant material at maturity. Turf may be allowed for up to 50%

of the 14' wide landscape strip, at the Director's discretion. Low water usage turf is encouraged.

- f. Where detached walks are provided, a minimum buffer of 5' shall be provided. In which case, the right-of-way parkway strip (area between the sidewalk and curb) will be also be planted as a landscape buffer and maintained by the HOA.

- 6. **Construction of Perimeter Enclosures.** The perimeter enclosure and required landscape buffer shall be installed by the developer and included in the Development Improvements Agreement.
- 7. **Ownership and Maintenance.** The developer shall refer to the perimeter enclosure in the covenants and restrictions and so that perpetual maintenance is provided for either that the perimeter enclosure be owned and maintained by the owner's association or by individual owners. The perimeter enclosure shall be identified on the plat.
- 8. **Alternative Construction and Ownership.** If the decision-maker finds that a lot-by-lot construction, ownership and/or maintenance of a perimeter enclosure landscape strip would meet all applicable objectives of this section and the design standards of Section 6.7 of this Code, the final approval shall specify the type and size of materials, placement of fence posts, length of sections, and the like.
- 9. **Overlay District Conflicts.** Where in conflict, the perimeter enclosure requirements or guidelines of approved overlay districts shall supersede the requirements of this section.
- 10. **Variances.** Variances to this section and appeals of administrative decisions (where this Code gives the Director discretionary authority) shall be referred to the Planning Commission.

H. I-1 and I-2 Zone Landscape

- 1. **Parking Lot Interior Landscape.** Landscaping for the parking lot interior shall be per Section 6.5.C.1, with the following additions:
 - a. Shade trees are to be provided at a rate of one (1) shade tree for every six (6) parking spaces and distributed throughout the landscape islands, perimeter landscape and screens to maximize shade and screening.
 - b. A minimum of one (1) shrub shall be provided for every twenty-five (25) square feet of each landscape island.
- 2. **Parking Lot Perimeter Landscape.** Landscaping for the parking lot perimeter shall be per Section 6.5.C.2 with the following addition:
 - a. Turf may be allowed for up to 50% of the

parking lot perimeter, at the Director's discretion. Low water usage turf is encouraged.

3. **Street Frontage Landscape.** Landscaping for the street frontage shall be per Section 6.5.D with the following additions:
 - a. Vegetation in the sight triangle in the street frontage must not exceed thirty inches (30") in height at maturity.
 - b. One (1) tree for every forty linear feet (40') of street frontage (excluding curb cuts) must be provided, 80% of which must be shade trees.
4. **Side Yard Landscape.** The first fifty feet (50') of side yard (beginning at the front property line) shall be landscaped. The minimum width of this landscape area shall be six feet (6') and the landscape shall include at least one (1) shade tree, or two (2) ornamental trees, or two (2) evergreen trees, with the remainder of the ground plane covered with shrubs that will grow to at least 30" in height at maturity.
5. **Public Right-of-Way Landscape.** Landscaping for the public right-of-way shall be per Section 6.5.B.16.
6. **Maintenance.** Each owner or the owner's association shall maintain all landscaping.
7. **Other Applicable Sections.** The requirements of Exhibits 6.5.A, 6.5.B, 6.5.C and 6.5.D shall also apply.

Exhibit 6.5.A

LANDSCAPING REQUIREMENTS

Zoning of Proposed Development	Landscape Requirement	Location of Landscaping on Site

<p>Single Family Residential (RSF Zones)</p>	<p>No Landscaping Required As required for uses other than single family residential; and as required in 6.5.G and 6.5.B.16</p>	<p>Not Applicable As required for uses other than single family residential; and Landscape Buffer and Public Right-of-Way</p>
<p>RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, R-0, B-1, B-2, C-1, C-2, I-0, I-1, I-2, CSR, MU</p>	<p>One large tree per 2,500 square feet of improved area, with no more than 20% of the total being Ornamental Trees or Evergreens. One 5-gallon shrub per 300 square feet of improved area.</p>	<p>Buffer, Parking Lot, Street Frontage Perimeter, and Foundation Plantings and Public Right-of-Way</p>
<p>I-1, I-2</p>	<p>As required in 6.5.H and in other Sections of Chapter 6.5 where applicable</p>	<p>Street Frontage, Parking Lots, Buffers and Public Right-of-Way</p>
<p>* Facilities listed below</p>	<p>One large tree per 5,000 square feet of improved area One 5-gallon shrub per 600 square feet of improved area</p>	<p>Perimeter, and Buffer and Public Right-of-Way</p>

*** Mining, Dairy, Vineyard, Sand or Gravel Operations, Confined Animal Feeding Operation, Feedlot, Forestry Commercial, Aviation or Surface Passenger Terminal, Pasture**

Notes:

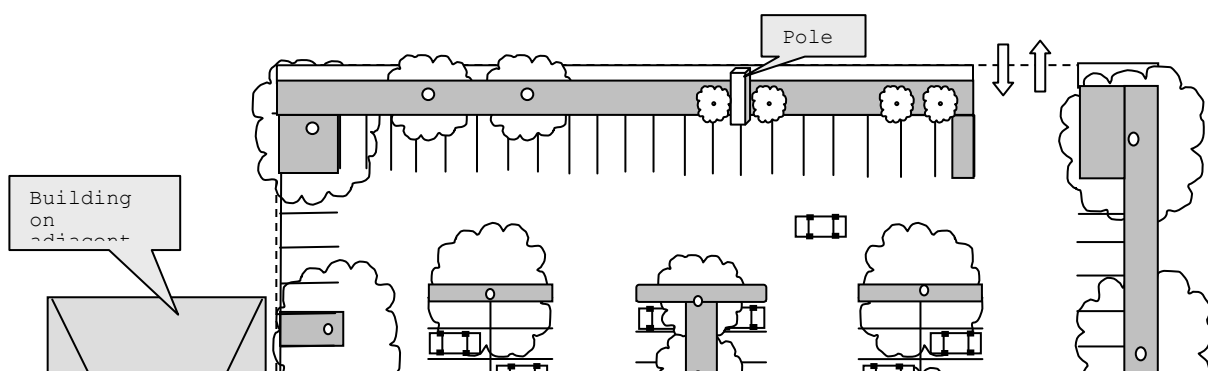
1. Twenty-five percent (25%) of the required shrubs may be converted to turf based on one 5-gallon shrub per 50 square feet of turf.
2. **Ten percent of the required shrubs may be converted to perennials and/or ground covers at a ratio of three 1-gallon perennials and/or ground covers for one 5-gallon shrub.**
3. ~~A development with any overall requirement of more than 100 shrubs can not have more than ten percent of the total shrub count in any one species.~~ **Species diversity:** The percent of any one type of shrub that can be planted in a development shall be as follows:
 - a. 10 - 19 shrubs: 50%
 - b. 20 - 39 shrubs: 33%
 - c. 40 - 59 shrubs: 25%
 - d. 60 or more shrubs: 15%
4. ~~A development with any overall requirement of more than 50 trees can not have more than twenty percent of the total tree count in any one species.~~ **Species diversity:** The percent of any one type of tree that can be planted in a development shall be as follows:
 - a. 0 - 5 trees: No Limitation
 - b. 6 - 21 trees: No more than 50% of one species
 - c. 21 or more trees: No more than 20% of one species
5. **When calculating tree and shrub quantities, any fraction of a shrub or tree or other requirement is rounded up to the next whole number.**
6. ~~A medium deciduous tree can be substituted at a rate of 1.5 medium deciduous trees per 1 large deciduous tree.~~ With the approval of the Director, the number of shrubs may be reduced in exchange for additional trees or tree size at a rate of three shrubs per caliper inch.
7. ~~A small deciduous tree can be substituted at the rate of 3 small deciduous trees per one large deciduous tree.~~

Improved Area means the total lot area being used including the building, parking lot, and storage or display areas.
The improved area can be adjusted by the Director.

Exhibit 6.5.C-B

An Example Tree Landscape Plan

Demonstrating Tree Size and Parking Lot Island Options



Trees – large, medium, and small

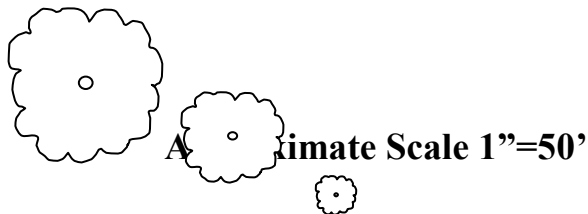


Table Exhibit 6.5.C

BUFFERING BETWEEN ZONING DISTRICTS

Zoning of Proposed Development	Zoning of Adjacent Property											
	SF	RMF-5	RMF-8	RMF-12 & RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2 & I-O	I-1	I-2

Zoning of Proposed Development	Zoning of Adjacent Property												
	SF	RMF-5	RMF-8	RMF-12 & RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2 & I-O	I-1	I-2	CSR
SF (Subdivisions)	-	-	-	-	-	-	F	F	-	W	W	W	-
RMF-5	-	-	-	-	-	-	F	F	-	W	W	W	-
RMF-8	A&F ¹	-	-	A or F	A or F	A or F	F	F	-	W	W	W	-
RMF-12 & RMF-16	A&F	A&F	A&F	A&F	A or F	A or F	F	F	W	W	W	W	-
RMF-24	A&F	A&F	A&F	A&F	A or F	A or F	F	F	W	W	W	W	-
RO	A	A	A	A	A	-	A or F	A&F	A or F	W	W	W	-
B-1	A&F	A&F	A&F	A&F	A&F	A&F	A&F ²	A&F ²	A&F ²	A or F	A or F	A or F	-
B-2	A	A	A	A	A	A	-	-	-	-	A or F	A or F	-
C-1	A&W	A&W	A&W	A&W	A&W	A&W	-	-	-	-	A or F	A or F	F
C-2 & I-O	A&W	A&W	A&W	A&W	A&W	A&W	A&F	-	-	-	A or F	A or F	A&F
I-1	B&W	B&W	B&W	B&W	B&W	B&W	A&F	A&F	B or F	B or F	-	-	B&W
I-2	B&W	B&W	B&W	B&W	B&W	B&W	A&F	A&F	B or F	B or F	-	-	B&W
CSR ^{2,3}	-	-	-	-	-	-	-	-	-	B	B	B	-

¹ Only required for multi-family development in RMF-8.

² Only B-1 that includes a residential component adjacent to non-residential uses or zoning requires "A&F" buffer.

³ Gravel operations subject to buffering adjacent to residential.

⁴ A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six (6) feet.

Zoning of Proposed Development	Zoning of Adjacent Property											
	SF	RMF-5	RMF-8	RMF-12 & RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2 & I-O	I-1	I-2

Legend Notes

- A and B indicate landscape buffer types as described in ~~paragraph Section 6.5.E.~~ Exhibit 6.5.D
- F and W indicate a six (6)-foot fence and wall respectively as described in paragraph 1 of this section 6.5.F.
- A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six feet (6')
- The word "or" means either the landscape buffer or fence/wall may be provided.
- The "&" means that both the landscape buffer and the fence/wall shall be provided.
- Where alleys or streets separate different zone districts, the Director ~~can~~ may approve increased landscaping rather than requiring a wall or fence.
- The Director ~~can~~ may modify this table based on the uses proposed in any zone district.

Exhibit 6.5.B D

BUFFER REQUIREMENTS

Buffer Types	Landscaping Requirements	Location of Buffers on Site
Type A	8 foot wide landscape strip with trees and shrubs	Between different uses
Type B	25 foot wide landscape strip with trees and shrubs	Table 6.5 Between different uses Table 6.5

Note: **Fences and walls are required for most buffers.**

Attach 20

Public Hearing Amending the Grand Junction City Code Regarding Sales and Use Tax

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Amending the Code for Sales and Use Tax and Adopting a Sales Tax Enforcement Policy						
Meeting Date	May 5, 2004						
Date Prepared	April 14, 2004				File #		
Author	Ron Lappi			Admin. Svcs. and Finance Dir.			
Presenter Name	Ron Lappi			Admin. Svcs. and Finance Dir.			
Report results back to Council		No	X	Yes	When	Annually in February	
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda			Consent	X Individual Consideration

Summary: The attached Ordinance amends the City’s Code of Ordinances relative to Sales and Use Tax to provide for the Levy or Garnishment of accounts and money, as part of the enforcement procedures on delinquent taxes in a similar manner as the State of Colorado.

The attached Resolution of the City Council establishes the City’s policy relative to enforcement and handling of delinquencies for businesses and vendors that fail to timely file and remit Sales Taxes collected from citizens.

Budget: While the adoption and day to day administration of this policy statement may add some workload to the staff and management of the Customer Service Division, we expect this resolution and ordinance to be slightly positive to neutral on the City revenues from Sales Tax. The importance of adoption of this policy is the overall message that timely payment is required. In 2003 alone, delinquent vendors paid an extra \$75,000 to the City for failure to file and pay Sales Taxes timely; while this amount may go down in future years, more timely collection of delinquencies will have a positive effect on monthly and annual cash flow and therefore interest income of the City.

Action Requested/Recommendation: Approve the Ordinance amending the City’s Code of Ordinances. Approve the Resolution adopting a more formal Sales Tax enforcement, collection and delinquency policy for the City of Grand Junction.

Attachments:

1. Proposed Ordinance amending the Grand Junction Code of Ordinances relative to Levy and Garnishment as a tool in the enforcement process
2. Proposed Resolution Adopting the Sales Tax Enforcement Policy

Background Information: Late last fall the City Council met with the Sales Tax enforcement staff of the City including the Customer Service Manager, Acting City Attorney and the Director of Administrative Services and Finance. The purpose of that meeting and subsequent communications and discussion was to review the status of Sales Tax Delinquency and enforcement practices and procedures currently being followed. A result of those discussions was that, besides the procedures spelled out in the Sales Tax Ordinance that the City did not have a written policy, and not a policy statement approved by the City Council of the City of Grand Junction. Several Council members were supportive and interested in establishing such a policy and to make it stricter as to the worst delinquencies and the City's allowed time lines. Council and staff believe that this issue and subsequent proposed policy is as much a fairness and equity issue versus a potentially more revenue issue. The City staff involved in enforcement met with the State of Colorado, Department of Revenue Regional Enforcement Officer to better understand the State's process and procedures, and his recommendations have been incorporated in this proposal.

The most significant and important change contained in the attached Resolution is that a final date beyond which the City would not go relative to a delinquent account is established at nine months. This will be the policy even if the amounts may be small and the vendor is being charged significant penalty and interest. Since funds collected from citizen customers are in trust with the vendor, the City has a valid expectation that the funds will be remitted timely to the City, the legal entity entitled to them.

Several Cities the size of Grand Junction as to Sales Tax revenue base, and the State of Colorado have assigned Field Enforcement Personnel to Sales Tax enforcement and delinquency enforcement. While the staff would like to try the current policy for a while together with some additional collection tools, as being proposed in the ordinance; if this revenue stream and numbers of accounts keeps growing we will probably need to add a Field Enforcement Officer by the next biennial starting in 2006. This position would make telephone calls to businesses, make site visits to achieve compliance with the Sales Tax Ordinance, institute seizures and sales, as well as, checking on licensing of transient merchants and newly opened businesses. The position in effect may pay for itself now or in the immediate future, and the State Enforcement Supervisor locally believes it would pay for itself today.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 154 OF CHAPTER 34 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES CONCERNING SALES AND USE TAX

RECITALS

The City Manager by and through the Customer Service Division of the Administrative Services Department is responsible for the administration, collection and enforcement of City sales tax. Collection of these taxes is accomplished principally through voluntary compliance. Voluntary compliance rates are excellent; however, the City has some businesses that do not voluntarily remit taxes and/or file tax returns. Out of respect for those taxpayers that do voluntarily collect taxes, file returns and remit the taxes as required by law the City commonly initiates enforcement action. The amendments to the Sales Tax Code proposed by this ordinance clarify the City's authority to levy or garnish the accounts and other property of the non-remitting merchant. The amendment implements the letter and the spirit of the law.

Sales taxes collected at retail by merchants are received in trust from the citizen to the City and as such should be properly and promptly remitted to the City. A business that fails to comply with the Sales Tax Code is afforded a financial advantage over its competitors. Fair and effective administration of the City's tax laws assures that all vendors are held responsible for fulfilling the public trust and thereby a "level playing field" is established for all involved. Taxes collected from citizens by merchants are neither theirs to borrow nor the City's to loan.

If voluntary compliance does not occur then enforcement of the law is necessary. Each enforcement action is intended to collect tax liabilities due the City from vendors that have underpaid, failed to file the necessary returns and/or have failed to remit the tax collected.

The City's enforcement procedures are established in the City's Sales Tax Code. Although seizure of assets is always an available remedy, the City endeavors to collect tax through means other than seizure. If seizure becomes necessary the City will seize assets as provided by the Sales Tax Code as amended by this ordinance.

The City is committed to fair and effective collection of City taxes in accordance with the law.

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

That Section 34-154 of the Grand Junction Code of Ordinances is amended as follows. Additions are shown in ALL CAPS, deletions are shown in ~~strikethrough~~.

(a) *Warrant commanding distraint.* Unless such property is exempt by state statute from distraint, ~~and sale, LEVY OR GARNISHMENT~~ the city manager may sign and issue a warrant directed to any employee or agent of the City or any sheriff of any county in the state, commanding HIM OR HER TO LEVY UPON, SEIZE AND SELL OR CONVERT SUFFICIENT OF THE REAL AND PERSONAL PROPERTY OF THE TAXPAYER FOR THE PAYMENT OF THE AMOUNT DUE, TOGETHER WITH INTEREST, PENALTIES AND COSTS AS MAY BE PROVIDED BY LAW, SUBJECT TO VALID PREEXISTING CLAIMS OR LIEN ~~the distraint and sale of personal property of the taxpayer on which a lien has attached for the payment of the tax due.~~

(b) *WHO MAY ACT ON WARRANT.* SUCH EMPLOYEE, AGENT OF THE CITY OR SHERIFF OF ANY COUNTY IN THE STATE SHALL FORTHWITH LEVY UPON SUFFICIENT OF THE PROPERTY OF THE TAXPAYER, INCLUDING ACCOUNT(S) AND/OR PROPERTY USED BY THE TAXPAYER IN CONDUCTING HIS RETAIL BUSINESS, EXCEPT PROPERTY MADE EXEMPT FROM LIEN BY STATE STATUTE. THE TANGIBLE PROPERTY SO LEVIED UPON SHALL BE SOLD IN ALL RESPECTS WITH LIKE EFFECT AND IN THE SAME MANNER AS IS PRESCRIBED BY LAW IN RESPECT TO EXECUTIONS AGAINST PROPERTY UPON JUDGMENT OF A COURT OF RECORD. THE REMEDIES OF GARNISHMENT SHALL APPLY TO THE TAXPAYERS ACCOUNT(S) AND MONEY.

RELETTER subparagraphs (b), (c), (d) and (e) of the section 34-154.

Introduced on first reading this 21st day of April 2004.

Passed and adopted on second reading this _____ day of _____, 2004.

Attest: President of the Council

City Clerk

RESOLUTION NO. -04

A RESOLUTION ADOPTING A SALES TAX ENFORCEMENT, COLLECTION AND DELINQUENCY POLICY FOR THE CITY OF GRAND JUNCTION

RECITALS:

The Customer Service Division of the Administrative Services Department is responsible for the administration, collection and enforcement of City Sales Taxes. The foundation for collection of these taxes is a voluntary compliance system (similar to the State of Colorado and all other local government jurisdictions), and therefore the Customer Service Division's function is to encourage and achieve the highest possible degree of voluntary compliance. The City of Grand Junction is committed to the fair and effective enforcement of the City taxes in accordance with the Code of Ordinances.

It should be recognized that City Sales Taxes collected at retail by a vendor are in trust from the citizen to the City and as such should be properly and promptly remitted to the City. A vendor/business that fails to comply with the Sales Tax Ordinance as to timely remittance of taxes collected is afforded a financial advantage over competitors. The fair and effective administration of the City tax laws assures that all vendors are held to the same level of responsibility and thus creates a "level playing field" for all involved. Money properly collected from citizens by vendors is not theirs to borrow or ours to loan to them, but is temporarily in their trust for the City.

When voluntary compliance is not realized with some vendors then enforcement procedures and practices are necessary. The enforcement process is intended to collect tax liabilities due the City from vendors who have underpaid their tax liability or who have failed to file the required returns and remit the tax collected. Vendors do pay a high price for their failure to file and remit timely, as they lose their 3.33% vendors fee, are assessed a 10% penalty on the tax due and are charged an 18% interest rate on the delinquent amount. These and other enforcement practices and procedures are spelled out in the Sales Tax Ordinance of the City of Grand Junction. Although the seizure of assets is always an available remedy, it is the City's policy and practice to exhaust other collection and enforcement efforts prior to seizure, because ongoing successful businesses are very important to the City of Grand Junction.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF GRAND JUNCTION; that**

- A. The City’s enforcement policies and practices relative to Sales Tax as outlined in the Sales and Use Tax Ordinance are hereby confirmed and approved for continuation in the day to day administration of the City’s Sales Tax.
- B. The following enforcement policies and practices are hereby approved in addition to those contained in the ordinance.
 - 1) Automatic administrative remedies including “Notice of Tax Assessments” from our Sales Tax system, loss of vendors fee, penalties and interest.
 - 2) Telephone and/or physical visit by Customer Service staff to location of local vendors to obtain compliance.
 - 3) Payment arrangements to eliminate delinquency, while keeping current on all required filings and remittances.
- C. If the above procedures fail to achieve compliance more aggressive action will be taken including; turning the account over to the City Attorney for contact, Municipal Court complaint, bank account garnishment, and seizure and sale of assets at public auction.
- D. While proceeding through the above processes every attempt will be made to coordinate and evaluate conditions of delinquency with the State of Colorado enforcement personnel.
- E. No open and ongoing business will be allowed to continue in operation beyond nine months of delinquency without the seizure and sale of assets being activated; unless a payment arrangement being complied with goes beyond this period. Also failure to comply with a payment arrangement on an account over nine months delinquent will result in immediate seizure of bank accounts and/or business assets.

PASSED AND APPROVED THIS _____ DAY OF _____, 2004

President of the Council

ATTEST:

City Clerk

Attach 21

Intergovernmental Agreement with Mesa County for Mosquito Control

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Intergovernmental Agreement with Mesa County - Mosquito Control for West Nile Virus					
Meeting Date	May 5, 2004					
Date Prepared	April 29, 2004				File #	
Author	Tim Moore		Public Works Manager			
Presenter Name	Tim Moore		Public Works Manager			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Council will consider an Intergovernmental Agreement (IGA) with Mesa County that outlines efforts each agency will undertake to implement a mosquito control program to reduce the risk of West Nile Virus (WNV).

Budget: Program costs for the City are estimated to be \$20,000

Action Requested/Recommendation: Approve the final IGA with Mesa County.

Attachments:

1. Intergovernmental Agreement
2. 2004 West Nile Virus Action Plan

Background Information: Mesa County and the City of Grand Junction are preparing for a possible West Nile Virus (WNV) epidemic associated with the Culex mosquito. Local health officials agree that the effective use of biological mosquito control larvicides can reduce or prevent the need for widespread application of less environmentally friendly chemical based adulticides. Widely used and publicly accepted biological larvicides are available which are designed to attack the larval (pre-adult) aquatic stages of the mosquito development cycle, before they develop into biting, breeding WNV disease transmitting adults.

One area identified within the City that has the capacity to generate significant populations of WNV-transmitting mosquitoes are the stormwater system catch basins located in the gutters of the street system.

Intergovernmental Agreement

The attached IGA outlines a process by which the City will commit personnel to place larvicide briquets in each of the estimated 3000 catch basins on monthly basis throughout the 2004 mosquito season (usually through September). Additionally, the City will pay half of the cost of the briquets for a total of \$8,109.00.

Mesa County will perform WNV and mosquito surveillance activities within the City and provide relevant information to City staff. Mesa County will also work closely with City staff to implement community education programs and provide materials including "Fight the Bite" and assist in the distribution of complimentary "backyard" mosquito control agent samples.

2004 West Nile Virus Action Plan

The 2004 West Nile Action Plan was developed by the Mesa County Health Department (MCHD) in cooperation with the City of Grand Junction and the Grand River Mosquito Control District (formerly Redlands Mosquito Control District). Based upon the analysis of the 2003 West Nile Virus response, MCHD is projecting a significant increase in impact for 2004. In anticipation of this increased impact, the Plan has four key parts:

- ◆ Public Health Surveillance activities to detect the presence and intensity of WNV activity in Mesa County.
- ◆ Mosquito Control activities to reduce the threat of WNV in areas where the virus is most likely to reemerge.
- ◆ Communication and Public Awareness activities to provide information on what people can do to protect themselves.
- ◆ Public Health actions to be taken when WNV is detected in Mesa County.

Ongoing Updates

City staff will provide periodic updates to Council throughout the mosquito season including results of ongoing surveillance activities, "hot spots" that may develop and action steps to be implemented in response to increased WNV activity.

INTERGOVERNMENTAL AGREEMENT BETWEEN
MESA COUNTY AND THE
CITY OF GRAND JUNCTION

MCM: _____

THIS INTERGOVERNMENTAL AGREEMENT is made this _____ day of April, 2004 by and between the County of Mesa (hereafter "Mesa County"), a political subdivision of the State of Colorado, and the City of Grand Junction (hereafter "City"), a home rule municipality of the State of Colorado.

WITNESSETH:

WHEREAS, Mesa County, Colorado, is in the midst of a nationwide mosquito-borne West Nile virus disease epidemic, which first emerged in Colorado and Mesa County in 2002, and in North America in 1999, and which clearly presents a threat to public, equine, and animal health. The most serious manifestation of West Nile virus infection is West Nile virus neuroinvasive disease (NID), a form of which is a fatal encephalitis (inflammation of the brain) in humans and horses, as well as mortality in certain domestic and wild birds. Locally, West Nile virus infection resulted in the deaths of two (2) Mesa County residents and clinical illness identified in nineteen (19) others during the 2003 season. 2003 West Nile virus disease cases were found for the most part to be clustered in and around the City. It is expected that if no action is taken, the area will experience a greater incidence of West Nile virus disease in humans during the upcoming 2004 mosquito season. The focus of this ongoing outbreak is expected to re-occur within the densely inhabited areas of the Grand Valley, centering around the City; and

WHEREAS, the principal arthropod vector of West Nile virus is known to be the mosquito, and specifically mosquitoes of the Genus Culex, and that mosquito populations are controllable through identification of their breeding habitat and application of approved mosquito-control agents. Widely-used, publicly acceptable, and environmentally sound mosquito-control products -- biological larvicides -- are available which are designed to attack the larval, pre-adult, aquatic stages of the mosquito development cycle, before they develop into biting, breeding, West Nile virus-disease-transmitting adults; and

WHEREAS, there is a critical public health need to provide mosquito-control coverage in 2004 for populated areas of Mesa County, and especially in the densely populated area of the City; and

WHEREAS, the effective use of biological mosquito-control larvicides can reduce or prevent the need for the widespread application of less environmentally-friendly, and less publicly acceptable, chemical-based mosquito adulticides; and

WHEREAS, the City operates a stormwater sewer system which has the capacity to generate significant populations of West Nile virus disease transmitting mosquitoes within the City; and

WHEREAS, the 2004 mosquito season, as used in this agreement, is defined as the time period from the date of this latest signature on this agreement through October 1, 2004; and

WHEREAS, the City has proposed a mosquito-control partnering effort with Mesa County in 2004 targeting the stormwater sewer system catch basins.

NOW THEREFORE, it is hereby agreed:

1. The term of this contract is from the date of the latest signing of this Agreement through December 31, 2004.

2. The City agrees that it will commence conducting mosquito-control operations targeting the stormwater sewer system catch basins, and to that end, it specifically agrees to:

a) Supply adequate personnel, vehicles, and related equipment to place Altosid 30-day larvicide briquets in each of the estimated 3,000 stormwater sewer catch basins located within its city limits, on a monthly basis, throughout the 2004 mosquito season; and

b) Provide the Mesa County Health Department with basic project data to assist in assessing the effectiveness of the stormwater sewer system catch basin treatment program; and

c) Share in half the cost of the larvicide agents utilized in the Altosid larvicide briquet stormwater sewer system catch basin treatment program described in this Agreement. Half of the cost of the briquets contemplated by this Agreement is \$8,109.00 which amount the City agrees to pay when requested by Mesa

County and when given proof, or adequate assurances, by Mesa County, that the funds will be used to pay for the briquets contemplated herein.

3. Mesa County agrees:

a) It will arrange for the purchase of, and initially purchase, Altosid 30-day larvicide briquets for use by the City in treating the stormwater sewer system catch basins, in the amount of \$16,218.00, to wit:

Altosid (methoprene) 30 day briquets - 400briquets/case - 45 cases.

b) During 2004 mosquito season, Mesa County will perform West Nile virus and mosquito surveillance activities within the City and provide relevant information regarding same to City officials; and

c) It will work closely with the City in the provision of West Nile virus personal protection "Fight the Bite" community-education programs and materials; assist in public education within the City; assist in the distribution of complimentary "backyard" homeowner mosquito-control agent samples; and, assist with the collection of data and the sharing of information to reduce the incidence of West Nile virus disease and mosquito populations in the area.

4. The Contract Administrator for Mesa County and the Contract Administrator for the City are respectively: Steve DeFeyter, c/o Mesa County Health Department, P. O. Box 20,000, Grand Junction CO 81502-5033 and Tim Moore, Public Works Director, City of Grand Junction, 250 North 5th Street, Grand Junction CO 81501.

5. Any and all notices required by or to be made under or pursuant to this Agreement shall be made in writing and sent via United States Mail to the respective Contract Administrators at their respective addresses provided above.

6. The City agrees to perform its work hereunder in accordance with sound and acceptable industry or professional practices and standards and in accordance with all codes, standards, regulations, and laws applicable to this work; and prior to beginning work, shall secure, at its own expense, any and all necessary permits required by any governmental agency with jurisdiction. The City agrees that it shall at all times exercise precaution for the protection of all persons and property. The safety provisions of all applicable laws, regulations, and codes shall be observed. Hazards arising from the use of

vehicles, machinery, and equipment shall be guarded or eliminated in accordance with the highest accepted standards of safety practice. The City and any subcontractors shall bear full responsibility for payment of any fines or other punishments resulting from violations of any such statutes, rules or regulations which occur during the course of the work contemplated in this agreement.

7. The City agrees to procure and maintain during the term of this agreement, commercial General Liability Insurance, Comprehensive Automobile Liability insurance, and Workers' compensation and Employers' Liability insurance, at its own cost and shall not start larvicide application work under this Agreement until such insurance coverage has been obtained.

8. The City shall also require all subcontractors and sub-subcontractors to maintain during the term of this agreement, Commercial General Liability insurance, Comprehensive Automobile Liability insurance, and Workers' Compensation and Employers' Liability insurance, in the same manner as specified for itself.

9. All required insurance coverage must be acquired from insurers authorized to conduct business in the State of Colorado and acceptable to Mesa County. The insurers must also have policyholders' rating of "A-" or better, and financial class size of "Class VII" or better in the latest edition of Best's Insurance Reports, unless Mesa County grants specific approval for an exception.

10. The City shall provide copies of the certificates of insurance to the County immediately upon being requested.

11. No terms of this agreement are meant to indicate that the signatories to this agreement constitute a partnership as the term is understood in the Uniform Partnership Law, C.R.S. 7-6-101 et seq., as amended, or at common law. Nothing in this agreement shall create any joint or several liability or joint or several exposure for either party to this agreement. Joint action under this agreement is strictly limited to the data sharing, resource sharing, and other related processes as described herein, unless otherwise stated by subsequent agreement.

12. This agreement contains the entire agreement and understanding between the parties to this agreement and supersedes any other agreements concerning the subject matter of this transaction, whether oral or written. No modification, amendment, novation, renewal or other alteration of or to this agreement shall be deemed valid or of any force or effect whatsoever, unless stated in writing duly authorized and executed by Mesa County and the City.

13. No portion of this agreement shall be deemed to constitute a waiver of any immunities the parties or their officers or employees may possess nor shall any portion of this agreement be deemed to have created a duty of care which did not previously

exist with respect to any person not a party to this agreement. The parties hereto acknowledge and agree that no part of this agreement is intended to circumvent, or replace, or waive such immunities under the Colorado Governmental Immunity Act, C.R.S. 24-10-101, et seq., as amended.

14. It is expressly understood and agreed that enforcement of the terms and conditions of this agreement and all rights of action relating to such enforcement shall be strictly reserved to Mesa County and the City, and nothing contained in this agreement shall give or allow any claim or right of action whatsoever by any other person or entity not a party to this agreement. It is the express intention of the Contracting Parties that any person or entity other than the undersigned parties receiving services or benefits under this agreement shall be deemed an incidental beneficiary only.

15. The City shall indemnify, and hold harmless Mesa County, its agents and officials against all loss or damages, including penalties, charges, professional fees, interest, costs, expenses and liabilities of every kind and character arising out of, or relating to, any and all claims and causes of actions of every kind and character, in connection with, directly or indirectly, its larvicide dissemination under this Contract, whether or not it shall be alleged or determined that the harm was caused through or by the City or its subcontractor, if any, or their respective employees and agents, or a party indemnified hereunder. The City further agrees that its obligations to Mesa County under this paragraph include claims against Mesa County by the City's employees whether or not such claim is covered by workers compensation. The City expressly understands and agrees that any insurance or bond protection required by this contract, or otherwise provided by the City, shall in no way limit the responsibility to indemnify, keep and save harmless and defend Mesa County as herein provided, and such obligation exists even if the claim is fraudulent or groundless.

16. This agreement shall be construed in accordance with the laws of the State of Colorado and venue for any dispute hereunder shall be in the District Court for the County of Mesa, Colorado.

IN WITNESS WHEREOF: the parties hereto have executed this contract on the day above written.

EFFECTIVE ONLY UPON the approval and signature of both Parties.

ATTEST:
Commissioners

Mesa County Board of County

Clerk and Recorder

James R. Baughman
Chairman

Date

ATTEST:

City of Grand Junction

City Clerk

James G. Spehar
Mayor

Date



2004 West Nile Virus Action Plan

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Level I – Probability of human outbreak-none

Level II – Probability of human outbreak-remote, low culex mosquito population

Level III – Probability of human outbreak-remote, average or high culex mosquito population

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Level V– Probability of human outbreak-moderate; increased density of positive in mosquitoes and birds, first positive equine

Level VI - Probability of human outbreak-high, human case confirmed

Level VII - Epidemic level activity in humans

Introduction

The Mesa County Health Department 2004 West Nile Virus Surveillance and Response has one objective, protecting human health. In support of that objective, the plan has four key parts:

- Public Health Surveillance activities to detect the presence and intensity of West Nile Virus activity in Mesa County
- Mosquito Control activities to reduce the threat of West Nile Virus in areas where the virus is most likely to reemerge.
- Communication and Public Awareness activities to provide information on what people can do to protect themselves.
- Public Health actions to be taken when West Nile Virus is detected in Mesa County.

A summary of West Nile Virus activity in Mesa County in 2003 is in Appendix A. Based on the analysis of the 2003 West Nile Virus response and projections for a significant increase in the 2004 impact, we are projecting that there will be a need for increases in:

- The number of sites for mosquito trapping
- The demand for health education and public information
- The need for interaction with the medical community
- Case investigation

Public Health Surveillance Activities

Public health surveillance is the ongoing and systematic collection, analysis, and interpretation of health data in the process of describing and monitoring a health event. This information is used for planning, implementing, and evaluating public health interventions and programs. Surveillance activities are at the core of Mesa County's West Nile Virus Response Plan and include surveillance for West Nile Virus in mosquitoes, corvids, domestic animals, and humans. The objectives of surveillance are to:

- Rapidly detect the occurrence of West Nile Virus and the extent of its geographic distribution.
- Guide implementation of control measures.

Mosquito Surveillance

With the identification of West Nile Virus throughout Mesa County, surveillance will provide important information needed to assess the threat of potential human infection with West Nile Virus. Mosquito surveillance will include mosquito species composition and abundance in the community, seasonal and spatial distribution of mosquito vectors, and West Nile Virus infection rates in mosquitoes. Mesa County Health Department proposes to increase the number of trapping stations to the current mosquito

surveillance network. New stations will be located in Mesa County to complement trapping network in place. Trapping locations will be determined based on a review of potential mosquito habitats and a review of 2003 data by Mesa County Health Department staff.

Corvid Surveillance

In 2004, the Mesa County Health Department will again collect information on corvid mortality. Surveillance will include collecting reports of dead bird sightings of the corvid species (crows, magpies), and the testing by the State lab specifically for the presence of West Nile Virus. Because corvids are particularly susceptible to West Nile Virus, corvid deaths serve as an early indicator of West Nile Virus activity. Once the presence of West Nile Virus has been confirmed, the value of continued corvid testing in 2004 will be reassessed.

Animal Surveillance

Surveillance of horses provides another means to detect the presence of West Nile Virus and assess the risk of West Nile Virus infection to the human population. Mesa County Health Department will monitor activity of all cases involving domestic animals with confirmed West Nile Virus reported to Colorado Department of Agriculture.

Human Surveillance

West Nile virus human cases will be tracked using the Colorado Electronic Disease Reporting System (CEDRS). This is a web-based system intended to improve communications between the various agencies which submit and receive communicable disease reports. This system facilitates information flow in a variety of directions:

- Hospital to hospital
- Hospital to local and state health departments
- Local to local health departments and local to state health department
- State health department to local health departments and hospitals.

Mesa County Health Department staff will coordinate communications between hospitals, health care providers, regional and state Epidemiologists and Mesa County Health Department Environmental Health Services Division which is responsible for the corvid/mosquito surveillance and interfacing with mosquito surveillance and control efforts in Mesa County Health Department.

Mosquito Control Activities

The annual mosquito season in the Grand Valley commences following the last hard spring frost event, which usually occurs during mid to late April, and runs through to the first hard fall frost event in October. The principal West Nile Virus transmitting mosquito is the "Culex" mosquito. The "Culex" mosquito hibernates over the winter and adult female "Culex" mosquitoes begin to emerge from their hibernation places, as ambient temperatures rise in the spring, and seek blood from birds and mammals. If successful, the female "Culex" mosquitoes will then seek out standing water upon which to lay their eggs. They particularly like to lay their eggs in municipal storm sewer catch basins in urban areas. This process usually starts in May and is repeated countless millions of times throughout the area over the course of the season. Other non- West Nile Virus related nuisance mosquito varieties also hatch in the spring from eggs laid along water courses during the previous summer and are a tremendous source of biting annoyance.

An effective means to control West Nile Virus transmitting mosquito populations is to introduce biological "larviciding" agents into these standing water bodies to kill the developing, immature mosquitoes, known as larva, before they develop into adults. Since these larval control agents are much more environmentally friendly than chemical pesticides, they are universally preferred over "spraying" or "fogging" as is required for adult mosquito control as the first line of defense against mosquitoes. To combat West Nile virus during 2004, Mesa County Health Department will perform larviciding of mosquito breeding hotspots in West Nile Virus critical areas and assist private homeowners and homeowner groups in larviciding properties that they control or own. We will also be assisting the newly expanded Grand River Mosquito Control District, as well as, the City of Grand Junction by directly providing larviciding agents to them to use in their separate jurisdictions. Several mosquito control activities are planned for the mosquito season described in more detail below:

- Backyard mosquito control
- Grand River Mosquito Control District
- City of Grand Junction
- Mesa County Health Department Mosquito Control Team

If the larviciding activities are unsuccessful, under a worse case scenario resulting in a Public Health Emergency to be declared, control activities may include aerial spraying. Although the groundwork is being laid for that event, we are hoping that the mosquito control activities planned for early in the season will be adequate.

Backyard Mosquito Control: Mesa County Health Department will be providing to local residents complimentary "backyard" mosquito control larvicide, along with educational materials. This larvicide will be in the form of easy to apply Mosquito Dunks® and Mosquito Bits® during the mosquito season. Since organized mosquito control programs tend not to deal with residential "backyard" habitat: water troughs, ornamental ponds, unused or abandoned swimming pools, irrigation vaults, flooded lawns, etc., giving the public the means to kill mosquitoes on their own property will help fill a gap in the local mosquito control effort.

Grand River Mosquito Control District: Formerly known as the Redlands Mosquito Control District, this mosquito control organization was recently expanded to cover the east end of the Grand Valley, in addition to their previous coverage in the “Redlands” and City of Fruita communities. However, they will not receive any public tax funding until 2005. Therefore, the Mesa County Commissioners have agreed to provide a basic level of larviciding agents to ensure that the east end of the “Valley” is subject to mosquito control during the 2004 mosquito season and the current West Nile Virus outbreak. Mesa County Health Department will be managing the stockpile of materials and providing them to the Grand River Mosquito Control District. Mesa County Health Department will provide the District with breeding habitat mapping data collected in the newly annexed area by Mesa County Health Department staff during the 2003 season.

City of Grand Junction: Municipal storm sewer catch basins have been identified as a major source of mosquito breeding activity in urban areas. Grand Junction has nearly 3,000 of these water holding catch basins which the City has agreed to treat during the 2004 “West Nile virus outbreak” year. City workers will place larviciding “briquets” in the catch basins on a monthly basis throughout the mosquito season. Mesa County Health Department’s Mosquito Control Team will actively cooperate with the City and apply other appropriate larviciding agents when and where vector mosquito breeding sites are found in and around Grand Junction.

MCHD Mosquito Control Team: The Mosquito Control Team, in addition to performing routine mosquito trapping and West Nile Virus surveillance, will be performing “hotspot” mosquito control in Mesa County, and especially in those sections of the densely populated Grand Junction urban area which do not fall under the jurisdiction of the Grand River Mosquito Control District. This focus is due to the fact that most of the 2003 West Nile Virus cases were clustered in and around the City of Grand Junction. However, communities which lie outside the Grand Valley in Mesa County will be assessed for mosquito control assistance throughout the season and served as resources allow.

Communication and Public Awareness Activities

Public education about mosquito-borne diseases, particularly modes of transmitting and means of preventing or reducing risk for exposure, is a critical component of Mesa County’s West Nile Virus Action Plan. More information about West Nile virus can be found at www.cdc.gov and at www.fightthebitecolorado.com. Communication and public awareness activities are designed to provide pertinent information both before and during the mosquito season. The goals of the communications and public awareness plan are to:

- Educate municipal officials, the public, and media on West Nile Virus, disease prevention recommendations including personal protective measures and

homeowner source reduction, Mesa County Health Department's Surveillance and Response Plan, and the use of larvicides and other control methods.

- Increase awareness among health care providers about the virus, its prevention and diagnosis, and information about pesticides.
- Communicate in a timely and efficient manner with municipal officials, the public and other state agencies.
- Disseminate routine program information from state agencies to municipal officials, the public and media.
- Disseminate relevant information and recommendations to municipal officials, the public and media in response to the identification of West Nile Virus in Mesa County.
- Cooperate with key community partners to review and disseminate public information materials.

Outreach to Community Partners

Mesa County Health Department will host the 2004 statewide West Nile Virus Planning meeting on April 21 in Grand Junction for Western Slope Public health agencies, health care providers and the public. At that meeting Colorado Department of Public Health and Environment will review statewide surveillance strategies and protocols, laboratory protocols, mosquito control, and review of communication efforts to the medical community and the public.

All West Nile Virus news releases will also be shared electronically to key county and municipal officials and community partners throughout the season as they are released to the media.

Outreach to the General Public

Mesa County Health Department utilizes several modes of communication in an effort to reach all residents of Mesa County.

- Mesa County Health Department telephone response to questions from the public, including:
 - Human West Nile Virus questions will be handled through our main health department number, (970) 248-6900.
 - Mosquito and dead bird questions will be handled by Environmental Health services at (970) 248-6960.
- News releases will be issued on a regular basis to provide updates on West Nile Virus cases in Mesa County. A courtesy copy of news releases will be sent simultaneously to elected officials. Interviews will be scheduled frequently in all media outlets.
- The communicable disease information line, (970) 248-6969, will include recorded information about West Nile Virus and will be updated frequently. The Spanish language information line will be (970) 255-5055.

- Mesa County Health Department's website, www.co.mesa.co.us/health has information in English about West Nile Virus and links to information in English, Spanish, Chinese and Vietnamese at the state website, www.fightthebitecolorado.com
- A 30 minute West Nile virus video will be shown on Mesa County Cable Channel 12 and at community meetings
- A 30 second public service announcement on West Nile Virus has been distributed to the local television stations and will be used in 2004.
- Printed ads have been produced and will be utilized in all local print media
- Posters and brochures will be distributed in the community
- Mesa County Health Department staff will be available for community presentations
- Mesa County Health Department will have exhibits at various community fairs

The key messages to the public include the following prevention measures they can take to protect themselves:

- Avoid outdoor activities, such as gardening, at dusk and dawn when mosquitoes are most active.
- If outside during the periods when mosquitoes are most active, cover up by wearing long-sleeved shirts, pants, shoes and socks.
- Use mosquito repellents with *N,N*-diethyl-*m*-toluamide (DEET). Products with 10 percent or less *N,N*-diethyl-*m*-toluamide (DEET) are recommended for children.
- Eliminate standing water in tires or similar water-holding containers as these may serve as mosquito breeding sites. Change the water in birdbaths at least weekly.
- Use larvicide on mosquito habitat that cannot be drained.

Outreach to Health Care Providers

Mesa County Health Department will share West Nile Virus information from the Center's for Disease Control and Prevention and Colorado Department of Public Health and Environment with our local community partners as it is shared with us. Fax and email communication groups are set up for:

- Health care providers
- Hospital Emergency Rooms and Infection Control Departments
- Veterinarians
- Laboratories
- Veterinarians
- Emergency Responder partners
- Adjacent county public health departments

Public Health Action Levels

The following public health action levels have been proposed by Colorado Department of Public Health and Environment to guide West Nile Virus response efforts in Colorado.

Level I **Probability of human outbreak: None**

Status: no previous season activity, off-season.

Response:

1. Routine post and pre-season surveillance meetings of Encephalitis Surveillance Program participants to analyze previous year's data
2. Discuss and establish surveillance strategy and activities for coming year.
3. Map previous season's surveillance data.
4. Consider the establishment of local or regional mosquito control programs.

Level II **Probability of human outbreak: Remote**

Status: early season; average environmental factors (spring precipitation and temperatures within expected normal historical averages); no natural disaster (e.g., flood) creating a potential public health threat due to possible arbovirus transmission; no or low numbers of *Culex* species mosquitoes in traps. In the event of a natural disaster (e.g., flood), Centers for Disease Control and Prevention is available upon formal request to provide an arbovirus / nuisance insect assessment.

Response:

1. Surveillance group meet/communicate to discuss current, available surveillance data. Discuss and make necessary adjustments to the current arboviral surveillance plan
2. Routine mosquito surveillance and larva control.
3. Routine sentinel mosquito and dead bird surveillance.
 - a. Routine equine surveillance.
 - b. Initiate early season mosquito control programs with an emphasis on larval integrated pest management (IPM) (chemical, biological, and habitat modification).
 - c. Plan for and develop bid specifications for commercial application of adulticides in the event of an arboviral emergency.
 - d. Initiate public education program emphasizing domestic mosquito control

Level III **Probability of human outbreak: Remote**

Status: early to mid-season; documented arbovirus activity in adjacent states or arbovirus activity in Colorado during the previous year; no documented positive specimens yet; normal to above normal environmental factors (i.e., precipitation and/or

temperatures), evidence of average or higher than average *Culex* species mosquito populations (as compared to available historical population data for the area).

Response:

1. Analyze, map and interpret data for future reference, develop a response recommendation for local authorities.
2. Increased and/or earlier surveillance of mosquito breeding habitat where control and/or surveillance programs exist.
3. Consider increased surveillance activity in areas with historic virus or mosquito activity (e.g., mosquito trapping and dead bird testing).
4. Notify appropriate local and state, agencies to expect potential arbovirus activity.
 - a. If appropriate, initiate public education and awareness of dead bird surveillance and local / state health department tracking and collection of dead birds.
 - b. If applicable, advise animal control, parks and recreation departments, veterinarians, etc. of increased dead bird surveillance reporting and testing.
 - c. Prepare and coordinate press releases. Initiate public education program on mosquito source reduction.

Level IV Probability of human outbreak: Low

Status: mid-season; first evidence of virus activity has been detected in dead birds; first evidence of infected pools of *Culex* species mosquitoes; persistent above average environmental factors (i.e., precipitation and/or temperatures);

Response:

1. Notification of local agencies, media and the public of positive findings.
2. Analysis, map and interpretation of surveillance data by arbovirus surveillance group to identify areas of increased risk, provide recommendations to local authorities where surveillance data is available, and assist in coordination of control measures
3. Where control programs exist, define geographic area(s) for increased monitoring and control where virus transmission appears most active and expand monitoring activities in scope, frequency, and type as necessary. This may include additional mosquito traps, increased trapping frequency and testing or increased dead bird submissions
4. Timely laboratory analysis (i.e., dead birds, acute and convalescent horse serology, mosquito pools, etc.). Additional laboratory support or shifting of laboratory resources, if necessary.
5. Increased larval monitoring and control where applicable.
6. Where control programs do not exist, local public education plans should be primary. Release coordinated press and Public Service Announcements via local and state agencies on public notification of affected areas, personal risk reduction practices, and mosquito control measures.

7. Initiate communications with veterinarians, physicians, diagnostic labs, hospitals, and public health nurses for elevated awareness and reporting of suspect equine and human meningoencephalitis cases.

Level V Probability of human outbreak: Moderate

Status: mid-late season; increased density/numbers of dead birds in specific geographic area; positive dead bird prior to August 1; large or significant increase in *Culex* species mosquito populations and in the number of infected mosquito pools (i.e., rising minimum infection rates); first equine cases confirmed.

Response:

1. Notify appropriate local, state, and federal agencies regarding positive findings and anticipated response activities
2. Identify geographic areas, by mapping surveillance data, where virus transmission appears most active (e.g., human cases, horse cases, dead birds, and mosquito pools).
3. Expand surveillance activities. May include additional mosquito traps.
4. Continue coordinated press releases and initiate Public Service Announcements to keep public informed of affected areas, focusing on exposure risk reduction practices and public education of the disease threat.
5. Continue larvaciding activities in an effort to stem the numbers of vector competent species
6. Where mosquito control programs exist, begin preparations (e.g., pre-treatment mosquito trapping, selection of agent, locations of commercial bee hives, etc.) for adulticiding activities in areas of identified virus activity. Begin extensive public education campaign on the adulticide program including pesticides used, specific times, locations of application, and justification.
7. Increase communications with veterinarians, physicians, diagnostic labs, hospitals, and public health nurses regarding investigating and reporting suspect equine and human cases. Obtain specimens for serological testing on reported suspect cases.

Level VI Probability of human outbreak: High

Status: late season but 2 or more weeks remain in mosquito season; confirmed, multiple equine cases of arboviral disease; continued warm / hot weather, average to above average precipitation; consistently high numbers of *Culex* species mosquitoes; additional infected mosquitoes pools; additional horse cases; human case confirmed.

Response:

1. Initiate active human case surveillance
2. Initiate adult mosquito control activities in areas already identified by surveillance data mapping as epizootic / epidemic areas. Notify public and affected beekeepers of spraying locations and times.

3. Continue Public Service Announcements and regular press releases advising residents in affected and adjacent areas on risk reduction practices.
4. Focus resources on mosquito control, human case surveillance and prevention. Suspend dead bird surveillance and limit mosquito collections to direct and assess the effectiveness of control activities.
5. Notify Colorado Office of Emergency Management (COEM) of potential outbreak (i.e., state resource allocation) to begin securing emergency funding from local, state, and federal sources. Begin documenting costs associated with outbreak control.

Level VII Probability of human outbreak: In progress

Status: Epidemic level activity, multiple human cases.

Response:

1. Continue active human case surveillance.
2. Provide daily public and media updates on status of outbreak, areas of high risk, personal protection and mosquito control measures.
3. Continue and expand adult mosquito control activities based on surveillance data mapping.
4. Focus all resources on human case prevention and adult mosquito control.
5. Cease environmental surveillance and only conduct mosquito trapping to determine areas for control and to assess effectiveness of adult control activities.
6. Notify Colorado Office of Emergency Management of imminent outbreak and initiate process for emergency funding. Document all outbreak-associated costs.
7. Activate Colorado Public Health Statewide Emergency Mutual Aid and Assistance Agreement.

Attach 22

Council Assignments for 2003-2004

RESOLUTION NO. ____-04

**A RESOLUTION APPOINTING AND ASSIGNING
CITY COUNCILMEMBERS TO REPRESENT THE CITY
ON VARIOUS BOARDS AND ORGANIZATIONS**

Be it resolved by the City Council of the City of Grand Junction that:

1. Until further action by the City Council, the appointments and assignments of the members of the City Council are as attached.

PASSED and ADOPTED this _____ day of _____, 2004.

ATTEST:

City Clerk

President of the Council

Date: December 16, 2011

To: Mayor and City Council

Re: 2004-2005 City Council Assignments

CITY COUNCIL FORMAL ASSIGNMENTS

Individual Members will be assigned for each of the following:

Board/Organization	Meeting Day/Time/Place	2004-2005 Assignment
Downtown Development Authority	1st & 3 rd Thursday @ 7:30 am @ various locations	Harry Butler
Grand Junction Housing Authority	4 th Monday @ 11:30 am @ 1011 N. 10 th	Harry Butler
Walker Field Public Airport Authority	3 rd Tuesday @ 5:15 pm @ Airport (3 rd Floor)	Gregg Palmer
Associated Governments of Northwest Colorado	1 st Thursday - different municipalities	Bill McCurry
Parks Improvement Advisory Board (PIAB)	3 rd Thursday @ 8:00 am (as needed) @ Parks & Rec. Administration	Cindy Enos-Martinez
Parks & Recreation Advisory Committee	3 rd Thursday @ noon @ Two Rivers	Cindy Enos-Martinez
Mesa County Separator Project Board (PDR)	Quarterly @ 750 Main St.	Bruce Hill
MC Community Transit Steering Committee (GVRTC)	4 th Monday @ 3:00 pm @ Old Courthouse (multipurpose room)	Dennis Kirtland
Transportation Advisory Committee (TAC)	2 nd Wednesday @ 3:00 pm @ Old Courthouse, Training Room A	Dennis Kirtland
Riverview Technology Corporation	2 nd Friday, quarterly, @ noon @ Incubator	Dennis Kirtland
Grand Junction Economic Partnership	4 th Wednesday of every other month @ 7:00 am @ Airport, 3 rd floor	Bruce Hill
Economic Partners	Thursday @ 9 am @ Chamber	Jim Spehar, Bruce Hill and Kelly Arnold

Business Incubator	1 st Wednesday @ 7:30 am @ Incubator	Gregg Palmer
Grand Mesa Slopes Steering Committee	As needed - various locations	Jim Spehar
Colorado Association of Ski Towns (CAST)	Meets six times a year – including at CML Conference	Bill McCurry
Colorado Water Congress	Meets 3-4 times a year in Denver	Jim Spehar
Chamber Transportation Committee	Meets as needed	Dennis Kirtland
FEMA Funding Board	Meets quarterly	Cindy Enos-Martinez

NO COUNCIL MEMBER ASSIGNMENTS

Individual Members will not be assigned to serve as a liaison to the following. To assure good communications the entire City Council will meet with these on an annual or as needed basis as indicated.

Meet with Annually

VCB

Riverfront Commission

Meet with as Needed

Museum of Western Colorado

MC Enterprise Zone Comm.

Meet with Semi-Annually

School District 51