

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

WEDNESDAY, DECEMBER 1, 2004, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Scott Hogue, First Baptist Church

PRESENTATIONS

UPDATE AND PRESENTATION ON THE COMPLETION OF THE CSEP PROJECT BY
MARK RELPH, PUBLIC WORKS AND UTILITIES DIRECTOR

CERTIFICATE OF APPOINTMENT

TO THE PLANNING COMMISSION AND BOARD OF APPEALS

CITIZEN COMMENTS

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

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

Action: Approve the Summary of the November 15, 2004 Workshop and the Minutes of the November 17, 2004 Regular Meeting

2. **Setting a Hearing on the 2005 Budget Appropriation Ordinance** [Attach 2](#)

The total appropriation for all thirty-seven accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$149,814,880. Although not a planned expenditure, an additional \$3,500,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Proposed Ordinance the Annual Appropriation Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Ridges Metropolitan District, and the Grand

Junction West Water and Sanitation District, for the Year Beginning January 1, 2005, and Ending December 31, 2005

Action: Introduction of Proposed Ordinance and Set a Hearing for December 15, 2004

Staff presentation: Ron Lappi, Administrative Services and Finance Director

3. **Setting a Hearing on Zoning the Arbors Annexation Located at 2910 Orchard Avenue** [File #ANX-2004-217] [Attach 3](#)

The 22.84-acre Arbors Annexation area consists of one parcel of land and right-of-way along 29 and Orchard Avenue. There is a single-family residence on a large vacant lot with access to Orchard Avenue. The applicants are in the Preliminary Plan review process.

Proposed Ordinance Zoning the Arbors Annexation to Residential Multi-Family, Not to Exceed 8 Dwelling Units per Acre (RMF-8) Located at 2910 Orchard Avenue

Action: Introduction of Proposed Ordinance and Set a Hearing for December 15, 2004

Staff presentation: Lori V. Bowers, Senior Planner

4. **Setting a Hearing for the Griffith Annexation Located at 2969 B ½ Road** [File #ANX-2004-254] [Attach 4](#)

Resolution referring a petition for annexation and introduction of proposed ordinance. The 4.141 acre Griffith Annexation consists of one parcel and a section of B ½ Road Right-of-Way. This is in conjunction with a proposed preliminary plan for Chipeta Glenn Phase #2 Subdivision.

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

Resolution No. 121-04 – 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, Griffith Annexation Located at 2969 B ½ Road and Including a Portion of B ½ Road Right-of-Way

®Action: Adopt Resolution No. 121-04

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Griffith Annexation, Approximately 4.141 Acres, Located at 2969 B ½ Road and Including a Portion of B ½ Road Right-of-Way

Action: Introduction of Proposed Ordinances and Set a Hearing for January 5, 2005

Staff presentation: Ronnie Edwards, Associate Planner

5. **Setting a Hearing for the Summit View Meadows Filing #2 Annexation Located at 3140 D ½ Road** [File #ANX-2004-256] [Attach 5](#)

Resolution referring a petition for annexation and introduction of proposed ordinance. The 4.9409 acre Summit View Meadows Filing #2 Annexation consists of one parcel of land. It is in conjunction with a proposed preliminary plan for Summit View Meadows Filing #2 Subdivision.

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

Resolution No. 122-04 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Summit View Meadows Filing #2 Annexation Located at 3140 D ½ Road

®Action: Adopt Resolution No. 122-04

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit View Meadows Filing #2 Annexation, Approximately 4.9409 Acres, Located at 3140 D ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for January 5, 2005

Staff presentation: Ronnie Edwards, Associate Planner

6. **Setting a Hearing for the Summit Annexation Located at 280 29 Road** [File #ANX-2004-242] [Attach 6](#)

Resolution referring a petition for annexation and introduction of proposed ordinance. The 29.435 acre Summit Annexation consists of two parcels of land and portions of the B ½ Road and 29 Road Rights-of-Way.

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

Resolution No. 123-04 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Summit Annexation Located at 280 29 Road and including 29 Road and B ½ Road Rights-of-Way

®Action: *Adopt Resolution No. 123-04*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit Annexation No. 1, Approximately .9357 Acres, Located within the 29 and B ½ Road Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Summit Annexation No. 2, Approximately 28.50 Acres, Located at 280 29 Road and Including Portions of the 29 & B ½ Roads Rights-of-Way

Action: *Introduction of Proposed Ordinances and Set a Hearing for January 5, 2005*

Staff presentation: Faye Hall, Planning Technician

7. **Setting a Hearing on Zoning the Reece/Ice Skating Inc. Annexation Located along the Colorado River, 2499 River Road** [File #ANX-2004-240] [Attach 7](#)

Introduction of a proposed zoning ordinance to zone the Reece/Ice Skating Inc. Annexation, CSR, Community Services & Recreation, located at 2499 River Road. The Annexation consists of 75.3 acres and consists of three (3) parcels of unplatted land located along the Colorado River.

Proposed Ordinance Zoning the Reece/Ice Skating Inc. Annexation to Community Services & Recreation (CSR) Located at 2499 River Road

Action: *Introduction of Proposed Ordinance and Set a Hearing for December 15, 2004*

Staff presentation: Scott D. Peterson, Associate Planner

8. **Extension of the Applicability of the Prior Zoning and Development Code for Redlands Mesa** [File #MSC-2004-261] [Attach 8](#)

This is a request to extend the applicability of the pre-2000 Zoning and Development Code ("prior Code") until December 31, 2012 for the remaining filings of Redlands Mesa.

Action: Approval of the Requested Extension

Staff presentation: Bob Blanchard, Community Development Director

9. **Use of Parking Garage by the Public Attending the Parade of Lights on Saturday, December 4, 2004** [Attach 9](#)

Council will consider a request by the Downtown Association for the use of the City/County Parking Garage by the public attending the Parade of Lights on Saturday, December 4, 2004 from 4:30 p.m. to 10:00 p.m.

Action: Approve Request for Public Use of City/County Garage

Staff presentation: Mark Relph, Public Works and Utilities Director

10. **School Land Dedication Fee Extension Letter** [Attach 10](#)

At the November 15, 2004 workshop, the City Council and School District No. 51 Board discussed the School Land Dedication Fee that was adopted by Resolution No. 119-00. The date established by the resolution for the Fee expiration is January 1, 2005 unless the fee is extended, amended, or under review. The letter from the Mayor Pro Tem to the School Board acknowledges that the Fee is under review and that it will be extended until June, 1, 2005 unless it is modified before that date.

Action: Authorize Mayor Pro Tem Palmer to Sign the Letter and Send it to Ron Rowley, School Board President

Staff presentation: Kelly Arnold, City Manager

11. **Special Event Funding Recommendations from VCB** [Attach 11](#)

Fourteen applications for Special Event funding were received by the November 2 deadline; funding requests totaled \$66,600. The Board recommends awarding a total of \$15,000 for out of town advertising to the following six events:

\$2,000	Grand Junction Air Show
\$3,000	Grand Valley Bicycle Classic (must provide documentation of matching funds from other sources by 2/1/05)
\$2,000	Wells Fargo Art & Jazz Festival
\$2,000	Fruita Fat Tire Festival (contingent on receiving matching funds from City of Fruita)
\$3,000	Fuoco Downtown Car Show
<u>\$3,000</u>	Colorado Mountain Winefest (for marketing in Colorado Springs)
\$15,000	Total Funding Recommendation

Action: Authorize Funding Awards as Recommended

Staff presentation: Debbie Kovalik, Executive Director VCB

12. **Annual Renewal of VCB Advertising Services Contract** [Attach 12](#)

This is the final year of a 5-year annually renewable contract with Hill & Company Integrated Marketing and Advertising to provide advertising services to the VCB.

Action: Authorize the City Manager to Sign a Contract with Hill & Company Integrated Marketing and Advertising in the Amount of \$375,000.00 for the Period January 1 – December 31, 2005

Staff presentation: Debbie Kovalik, Executive Director VCB

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

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

13. **Construction Contract for Concrete Walkways at Westlake, Darla Jean and Paradise Hills Parks** [Attach 13](#)

Preparing and placement of approximately 9,900 square feet of new concrete walkways at Westlake, 200 square feet at Darla Jean and 11,064 square feet, (includes a shelter foundation), at Paradise Hills Parks.

Action: Authorize the City Manager to Execute a Contract with Reyes Construction Inc. for the Preparing and Placement of Concrete at Westlake, Darla Jean and Paradise Hills Parks for a total price of \$69,954.28

Staff presentation: Joe Stevens, Parks and Recreation Director

14. **Watershed MOU between City of Grand Junction and Mesa County** [Attach 14](#)

Adoption by resolution of a Memorandum of Understanding between the City of Grand Junction and Mesa County Colorado relative to County land use decisions within the City watershed areas.

Resolution No. 124-04 – A Resolution of the City of Grand Junction Concerning Adoption of a Memorandum of Understanding between the City of Grand Junction and Mesa County (Watershed MOU)

®Action: Adopt Resolution No. 124-04

Staff presentation: Kelly Arnold, City Manager
John Shaver, City Attorney

15. **Public Hearing - Regulating Newsboxes in the Downtown Shopping Park (TO BE CONTINUED TO DECEMBER 15, 2004)** [Attach 15](#)

The number of newsboxes that have been placed downtown has proliferated in recent months. The newsboxes have been augmented by commercial advertising pieces resulting in as many as 15 boxes in several locations. This ordinance has been developed to address the issue in a manner common to other communities in Colorado by developing a bank of racks that will be made available for lease to newspapers. The goal is to clean up the visual pollution resulting from this rapid spread of boxes and tidying up the appearance of downtown.

Proposed Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Commercial Activities in the Downtown and Authorizing Publication in Pamphlet Form

Action: Continue Public Hearing until December 15, 2004

Staff presentation: Harold Stalf, DDA Executive Director

16. **Tax-Exempt Private Activity Bonds for Action Bindery** [Attach 16](#)

A Resolution setting forth the intention of the City of Grand Junction to issue adjustable rate revenue bonds to finance a manufacturing facility, as well as the acquisition of additional equipment for the benefit of Action Campus, LLC & Action Publishing, Inc. in the amount of \$1.75 million.

Resolution No. 125-04 – A Resolution Setting Forth the Intention of the City of Grand Junction, Colorado, to Issue Adjustable Rate Revenue Bonds to Finance a Manufacturing Facility for the Benefit of Action Campus, LLC, or it's Successors or Assigns

®Action: *Adopt Resolution No. 125-04*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

17. **Acceptance of Firefighters Grant by FEMA** [Attach 17](#)

On April 7, 2004, the City Council granted approval for the Fire Department to apply for a \$108,395 Assistance to Firefighters Grant to purchase five (5) 12-lead cardiac monitor/defibrillators. On November 18, 2004, the Department received official notification from FEMA of a \$75,877 Assistance to Firefighters Grant award (70% of the amount requested).

Action: *Approval for the Fire Department to Accept an Assistance to Firefighters Grant Award of \$75,877*

Staff presentation: Rick Beaty, Fire Chief

18. **Public Hearing – Creation of Alley Improvement District 2005** [Attach 18](#)

Successful petitions have been submitted requesting an Alley Improvement District be created to reconstruct the following seven alleys:

- East/West Alley from 1st to 2nd, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 9th to 10th, between Rood Avenue and White Avenue
- East/West Alley from 9th to 10th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 11th to 12th, between Teller Avenue and Belford Avenue
- North/South Alley from 18th to 19th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 18th to 19th, between Chipeta Avenue and Gunnison Avenue
- North/South Alley from 23rd to 24th, between Ouray Avenue and Gunnison Avenue

Avenue

Resolution No. 126-04– A Resolution Creating and Establishing Alley Improvement District No. St-05 Within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

®Action: *Hold a Public Hearing and Adopt Resolution No. 126-04*

Staff presentation: Mark Relph, Public Works and Utilities Director

19. **Utility Rate Changes Effective January 1, 2005** [Attach 19](#)

Resolution to amend utility rates for Water, Wastewater and Solid Waste Services effective January 1, 2005.

Resolution No. 127-04 – A Resolution to Amend Utility Rates for Water, Wastewater and Solid Waste Services Effective January 1, 2005

®Action: *Adopt Resolution No. 127-04*

Staff presentation: Mark Relph, Public Works and Utilities Director

20. **Public Hearing – St. Mary's Hospital Rezone Located at 515 Patterson Road** [Attach 20](#)
[File #RZ-2004-117]

Request to rezone 1.9 acres located at 515 Patterson Road, consisting of one parcel, from the B-1 (Neighborhood Business) zone district to PD (Planned Development) zone district. Planning Commission recommended approval at its November 9, 2004 meeting.

Ordinance No. 3693 – An Ordinance Rezoning a Parcel of Land from B-1 (Neighborhood Business) Zone District to PD (Planned Development) Zone District Located at 515 Patterson Road (St. Mary's Hospital)

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3693*

Staff presentation: Ronnie Edwards, Associate Planner

21. **Public Hearing - Zoning the Meyers/Steele Annexation Located at 3020 E ½ Road** [File #ANX-2004-206] [Attach 21](#)

Hold a public hearing and consider final passage of the zoning ordinance to zone the Meyers/Steele Annexation RSF-4 (Residential Single Family 4 du/ac) located at 3020 E ½ Road. The 2.7559 acre annexation consists of one parcel of land and includes E ½ & 30 Road rights-of-way.

Ordinance No. 3694 – An Ordinance Zoning the Meyers/Steele Annexation to RSF-4 (Residential Single Family 4 du/ac) Located at 3020 E ½ Road

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3694*

Staff presentation: Faye Hall, Planning Technician

22. **Public Hearing - Vacation of an East/West Alley Right-of-Way Located between 9th and 10th Streets and D Road and Third Avenue** [File #VR-2004-183] [Attach 22](#)

Petitioner is requesting to vacate the 20' east/west alley right-of-way located between 9th and 10th Streets and D Road and Third Avenue. There is an existing sanitary sewer line in the alley right-of-way, which will be dedicated as a 20' multi-purpose easement. A Simple Subdivision Plat will also be filed that will combine six (6) lots into one (1) in anticipation of an expansion to the existing commercial laundry facility. The Planning Commission recommended approval for the vacation of right-of-way at its November 9th, 2004 meeting.

Ordinance No. 3695 – An Ordinance Vacating Right-of-Way Located within Block 13 of the Milldale Subdivision

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3695*

Staff presentation: Faye Hall, Planning Technician

23. **Public Hearing – Manor Annexation Growth Plan Amendment Located at the NE Corner of 26 ½ Road and I Road** [File #GPA-2004-205] [Attach 23](#)

Request approval of a Growth Plan Amendment to change the Future Land use designation from Rural (5 acres per unit) to Residential Medium Low (2-4 units per acre) on 11 acres, located at the NE Corner of 26 ½ Road and I Road

Resolution No. 128-04 – A Resolution Amending the Growth Plan of the City of Grand Junction Manor Annexation, NE Corner of 26 ½ Road and I Road

®Action: *Adopt Resolution No. 128-04*

Staff presentation: Kathy Portner, Planning Manager

24. **Public Hearing – 2nd Supplemental Appropriation Ordinance for 2004** [Attach 24](#)

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

Ordinance No. 3696 – An Ordinance Making Supplemental Appropriations to the 2004 Budget of the City of Grand Junction

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3696*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

25. **Levying Property Taxes for the Year 2004 for Collection in the Year 2005** [Attach 25](#)

The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District #1, Grand Junction West Water and Sanitation District (GJWWSD), and the Downtown Development Authority (DDA). The City and the DDA mill levies are for operations; the others are for debt service only. The City is also establishing a temporary credit mill levy for the General Fund for the purpose of refunding revenue collected in 2003 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution. The temporary credit is pursuant to CRS- 39-5-121-(SB-93-255).

- a. Resolution No. 129-04 – A Resolution Levying Taxes for the Year 2004 in the City of Grand Junction, Colorado

- b. Resolution No. 130-04 – A Resolution Levying Temporary Credit Taxes for the Year 2004 in the City of Grand Junction, Colorado
- c. Resolution No. 131- 04 – A Resolution Levying Taxes for the Year 2004 in the City of Grand Junction, Colorado, Downtown Development Authority
- d. Resolution No. 132-04 – A Resolution Levying Taxes for the Year 2004 in the Ridges Metropolitan District #1, a Part of the City of Grand Junction, Colorado
- e. Resolution No. 133-04 – A Resolution Levying Taxes for the Year 2004 the Grand Junction West Water and Sanitation District, a Part of the City of Grand Junction, Colorado

®Action: *Adopt Resolutions No. 129-04, 130-04, 131-04, 132-04, 133-04*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

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

27. **OTHER BUSINESS**

28. **ADJOURNMENT**

Attach 1
Minutes

**GRAND JUNCTION CITY COUNCIL
WORKSHOP SUMMARY**

NOVEMBER 15, 2004

The City Council of the City of Grand Junction, Colorado met on Monday, November 15, 2004 at 7:01 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill.

Summaries and action on the following topics:

- 1. UPCOMING APPOINTMENTS TO BOARD & COMMISSIONS:** In anticipation of upcoming appointments to the Visitor and Convention Bureau Board of Directors, Historic Preservation Board and Commission on Arts and Culture, City Council will discuss specific issues relating to each board. City Clerk Stephanie Tuin discussed the three different boards with the City Council and advised that once applications close on December 1st, she will be scheduling interviews, possibly the week of December 6. For Historic Preservation Board, all applications will be distributed to Council for selection. The Arts Commission applications don't close until January 15 so interviews won't be until the end of January.

Action Summary: City Council was fine with the proposed schedule for interviews and selections.

- 2. 2005 BUDGET PRESENTATION & REVIEW:** Staff will present the 2004-2004 Biennial Budget Review as outlined in the budget book provided. City Manager Kelly Arnold introduced the presentation and lauded the efforts of Administrative Services Director Ron Lappi and his staff and other participants such as Seth, Dave and dept. heads.

Mr. Arnold addressed the pay plan and the planned 2.4 % increase. This is not the year that a salary study takes place.

Medical insurance premiums are expected to increase by 11.2% and dental insurance 9%,. This is greater for both than anticipated. Medical insurance is partially self-funded.

No new positions were approved for 2005. There may a reduction in staff in Public Works as a result of vacancies that won't be filled. The number of staff

per 1,000 has gone down from the early 1990's. Councilmember Palmer inquired if that is in the same range as other municipalities in Grand Junction's population. Mr. Arnold said the culture here is such this city may be high in some areas. Councilmember Kirtland noted that stand alone cities like Grand Junction tend to have higher number of employees because the city is responsible for more services and actually serves the greater service area of the valley.

TABOR limits will result in overage of around \$300,000 to \$400,000 which will be refunded on property tax bills. The concern is using the Boulder CPI for future calculations is currently a negative number.

The General Fund, due to the quick recovery from the economic downturn, good managements practices and unanticipated revenue (severance tax) will have \$5.2 million in carryover.

Administrative Services Director Lappi reviewed sales tax growth since 1989, noting the worst year since 1989 was 2003 but 2004 was a year old recovery and looks as though it will end with sales tax up around 8%.

The Old Hire Fire Pension plan is not fully funded and the defined annual contribution is \$334,000 for the next 20 years.

Mr. Lappi then directed Council's' attention to the overall changes for expenditures and revenues for both 2004 and 2005.

Councilmember Palmer questioned the increase in Police overtime budget when the department is fully funded. Mr. Lappi explained the amount of the change is now the entire amount, the entire amount is around \$700,000. Councilmember Palmer asked if it would be more efficient to hire more staff. Mr. Lappi said that overtime would go up if there is more personnel due to court time, training, special duty. There were a number of injuries and illnesses this year.

Police Captain Harry Long said there are another factors and many other things to consider.

Recess at 8:27 p.m. Back at 8:45 p.m.

DDA Executive Director Harold Stalf reviewed the DDA budget. Their revenues will be up and the staff is down to one person (himself). Administrative Services Director Lappi noted that the DDA is no longer in the red and the reduction in staff has helped.

Councilmember Spehar inquired what will happen when the Downtown Partnership funding agreement expires. Mr. Lappi advised they are working on creating a Business Improvement District to create a permanent funding stream. Mr. Stalf said they will be concentrating on formation of the BID starting in January.

Next Mr. Lappi addressed enterprise funds. The solid waste fund is performing just as predicted as per budget. The joint sewer fund is requiring adjustments because they overestimated the revenues and the expenses increase is due to the new IGAs with the special districts. Those two combined reduces the fund balance by \$1,8 million. The fund balance still is at \$3.7 million.

Golf funds, Lincoln Park had a revenue reduction of \$100,00 but likewise reduced expenses. The same is true at Tiara Rado so both are staying within their budgets. City Manager Arnold noted that the downturn in popularity is the trend. Other activities have become more popular. The proposed rate increases were already planned. Mr. Arnold noted that other options will be tried such as twilight rates and corporate rates.

Two Rivers had a large subsidy in 2003 and it is hoped that the subsidies will be reduced for 2004 and 2005. Councilmember Spehar asked how the Avalon subsidy was going down. Mr. Lappi said a part of it was there allocation of staff. Parks & Rec Director Joe Stevens said that the Cinema at the Avalon wants to renew next year. The wild card is the utilities. The capital improvement subsidies are separate and must be matched by the Avalon foundation.

VCB and water fund have little change. The Solid Waste Fund is performing as predicted. Swimming pools are both subsidized, the OM pool is joint with the County. Revenues were down. Parking fund, building up the fund for the parking garage downtown. It is now at 777,711 fund balance. The equipment fund, the fund balance is maintained. The self insurance fund will experience some increases in the premiums.

Capital Improvements fund for 2004 spending will be \$16.5 million and \$17.5 million in 2005 for the tow year period expected to reach \$104 million including the Riverside Parkway. 42% of the budget is spent on major capital improvements. There has been 1,000,000 programmed in 2005 for the Crime lab at city shops. The plan solves three of the facility problem but does not address the Public Safety facility.

One last thing for Council to discuss is the Outside Funding Requests. Another is the funding of the Strategic Plan request. There is a list of additional request for Council to consider.

Sheryl Trent advised that a CDBG grant will be applied for and will include an amount from Council's \$120,000 set aside for neighborhood programs. The request to the City will be \$38,500. Spehar noted there may be competition for CDBG funds. Palmer asked if the School District is contributing. Ms. Trent said the school district will be making a cash contribution to the architectural work in the amount of \$10,000.

The Riverfront commission is asking financial support for the Legacy Coordinator in the amount of \$3,500. It can be reviewed annually or it can be put into the Parks & Recreation operating budget. Hill and Spehar are concerned that GOCO is going a different direction. Arnold had the same concerns and suggested the Council have more conversation with the group council postponed it.

The next request is from the Homeward Bound for operating contribution. Spehar stated they helped them one time in an emergency situation and they do not want to get into routine funding. Butler disagrees because it is a need. Palmer agreed there are needs but it is not the City's role. Kirtland said he would like to keep an open mind on it. Lappi said Council usually resists supporting ongoing operating requests. Kirtland make it a part of the Strategic Plan discussions schedule for the following day. Spehar agreed with Kirtland and same with the next request , put it in the context of Strategic Plan discussion

That concluded the budget presentation.

Bruce – another request – Ron – Partners in exchange for work at parks, Dave – United Way also submitted a request. Ron – a \$32,000 request from the Forest Service for some work at the watershed. Mr. Arnold noted that is in the water fund.

Spehar – good shape and doing a good job, capital expenditures a major boost to the economy along with the school district bond issue.

Action Summary:

CONVENE INTO SPECIAL SESSION AT 9:49 P.M.

COUNCILMEMBER SPEHAR MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS UNDER SECTION 402 (4)(F)(I) OF THE OPEN MEETINGS LAW RELATIVE TO CITY COUNCIL EMPLOYEES AND TO DETERMINE THE CITY'S POSITION AND TO INSTRUCT THE CITY'S NEGOTIATORS REGARDING THE FIRE DISTRICT CONTACT PURSUANT TO SECTION 402 4 E OF

**THE COLORADO'S OPEN MEETINGS LAW. COUNCILMEMBER BUTLER
SECONDED. MOTION CARRIED.**

ADJOURN

The meeting adjourned into Executive Session at 9:50 p.m.

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

November 17, 2004

The City Council of the City of Grand Junction convened into regular session on the 17th day of November 2004, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver, and Deputy City Clerk Juanita Peterson.

Council President Hill called the meeting to order. Councilmember Kirtland led in the pledge of allegiance. The audience remained standing for the invocation by Eldon Coffey, Central Orchard Mesa Community Church.

APPOINTMENT

APPOINT PATRICK CARLOW AS 2ND ALTERNATE TO THE PLANNING COMMISSION AND TO THE ZONING BOARD OF APPEALS FOR 4 YEAR TERM EXPIRING OCTOBER 2008.

Councilmember Enos-Martinez moved to appoint Patrick Carlow as 2nd Alternate to the Planning Commission and to the Zoning Board of Appeals for a 4 year term expiring October 2008. Councilmember McCurry seconded the motion. Motion carried.

CERTIFICATE OF APPOINTMENTS

TO THE FORESTRY BOARD

David Gave and Vince Urbina were there to receive their certificates.

TO THE HOUSING AUTHORITY

Tisha Petelo was present and received her certificate.

CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

It was moved by Councilmember Kirtland, seconded by Councilmember Enos-Martinez and carried by roll call vote to approve Consent Calendar Items #1 through #10

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the Special Meeting of August 12, 2004, Summary of the November 1, 2004 Additional Workshop, the Summary of the November 1, 2004 Workshop and the Minutes of the November 3, 2004 Regular Meeting

2. **Setting a Hearing on the 2nd Supplemental Appropriation Ordinance for 2004**

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: Introduction of Proposed Ordinance and Set a Hearing for December 1, 2004

3. **Setting a Hearing Regulating Newsracks in the Downtown Shopping Park**

The number of newsboxes that have been placed downtown has proliferated in recent months. The legitimate newsracks have been augmented by commercial advertising pieces resulting in as many as 15 boxes in several locations. This ordinance has been developed to address the issue in a manner common to other communities in Colorado by developing a bank of racks that will be made available for lease to legitimate newspapers. The goal is to clean up the visual pollution resulting from this rapid spread of boxes and tidying up the appearance of downtown.

Proposed Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Commercial Activities in the Downtown and Authorizing Publication in Pamphlet Form

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 1, 2004

4. **Vacating Utility and Ingress/Egress Easements Located at 2776 Highway 50**
[File #VE-2004-202]

The applicant proposes to vacate two-20' utility easements, one-30' utility easement and three-60' x 30' ingress/egress easements, located in Meridian Park Subdivision. The Planning Commission recommended approval of this easement vacation request on November 9, 2004, making the Findings of Fact/Conclusion identified in the staff report.

Resolution No. 110-04 – A Resolution Vacating Two 20' Utility Easements, One 30' Utility Easement and Three 60'x30' Ingress/Egress Easements Located at 2776 Highway 50

Action: Adopt Resolution No. 110-04

5. **Setting a Hearing on St. Mary's Rezone Located at 515 Patterson Road** [File # RZ-2004-117]

Request to rezone 1.9 acres located 515 Patterson Road, consisting of one parcel, from the B-1(Neighborhood Business) zone district to PD (Planned Development) zone district. Planning Commission recommended approval at its November 9, 2004 meeting.

Proposed Ordinance Rezoning a Parcel of Land from B-1(Neighborhood Business) Zone District to PD (Planned Development) Zone District Located at 515 Patterson Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 1, 2004

6. **Conveyance of a Nonexclusive Easement Across City Property Located at B $\frac{3}{4}$ Road (Access to former DOE Compound)**

Public Service Company is requesting an easement across City property adjacent to B $\frac{3}{4}$ Road to accommodate a new signal being installed at the request of the Union Pacific Railroad.

Resolution No. 111-04 – A Resolution Concerning the Granting of a Non-Exclusive Electric Utility Easement to the Public Service Company of Colorado

Action: Adopt Resolution No.111-04

7. **Setting a Hearing on Zoning the Meyers/Steele Annexation Located at 3020 E $\frac{1}{2}$ Road** [File #ANX-2004-206]

Introduction of a proposed zoning ordinance to zone the Meyers/Steele Annexation RSF-4 (Residential Single Family 4 du/ac) located at 3020 E ½ Road.

Proposed Ordinance Zoning the Meyers/Steele Annexation to RSF-4 (Residential Single Family 4 du/ac) Located at 3020 E ½ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 1, 2004

8. **Setting a Hearing for the Campbell/Hyde Annexation Located at 351 & 353 30 Road** [File #ANX-2004-225]

Resolution referring a petition for annexation and introduction of proposed ordinances. The 23.31 acre Campbell / Hyde annexation consists of two parcels.

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

Resolution No. 112-04 – 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, Campbell/Hyde Annexation Located at 351 & 353 30 Road

Action: Adopt Resolution No. 112-04

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #1, Approximately 0.26 Acres, Located within 30 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #2, Approximately 0.56 Acres, Located within 30 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #3, Approximately 1.09 Acres, Located within 30 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Campbell/Hyde Annexation #4, Approximately 21.39 Acres, Located at 351 & 353 30 Road

Action: Introduction of Proposed Ordinances and Set a Hearing for January 5, 2005

9. **Setting a Hearing for the Water's Edge Annexation Located at 2935 D Road**
[File #ANX-2004-221]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.91 acre Water's Edge annexation consists of one parcel.

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

Resolution No. 113-04 – 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, Water's Edge Annexation Located at 2935 D Road

Action: Adopt Resolution No. 113-04

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Water's Edge Annexation, Approximately 4.91 Acres, Located at 2935 D Road

Action: Introduction of Proposed Ordinance and Set a Hearing for January 5, 2005

10. **Setting a Hearing for the Vacation of an East/West Alley Right-of-Way Located between 9th and 10th Streets and D Road and Third Avenue** [File #VR-2004-183]

Petitioner is requesting to vacate the east/west alley right-of-way located between 9th and 10th Streets and D Road and Third Avenue in anticipation of future expansion of the commercial laundry operation. The Planning Commission recommended approval for the vacation of right-of-way at its November 9th, 2004 meeting.

Proposed Ordinance Vacating Right-of-Way Located within Block 13 of the Milldale Subdivision

Action: Introduction of Proposed Ordinance and Set a Hearing for December 1, 2004

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Ratify City & County Memorandum of Agreement for Operation and Maintenance of the Employee Parking Garage

City Council Ratification of a Memorandum of Agreement between the City and Mesa County for operation and maintenance of the employee parking garage located in the 500 block of White Avenue.

Mark Relph, Public Works and Utilities Director, reviewed this item. Mr. Relph gave an overview of the context of the agreement.

Councilmember Kirtland moved to ratify the Memorandum of Agreement for Operation and Maintenance of the Mesa County-City of Grand Junction Parking Garage. Councilmember Spehar seconded the motion. Motion carried.

Holiday Parking Request for the Downtown

The Downtown Association (DTA) has requested that all parking downtown be free this year to best position downtown for the holiday shopping season. This matter has been recommended by the DTA and forwarded and endorsed by the DDA. City staff recommends a slight variation of this (i.e. free Holiday Parking in all of downtown with the exception of government offices, illegal parking areas and shared-revenue lots.) Metered spaces will be designated by covering the meter with the well-known "Seasons Greetings-Free Parking" red plastic bag.

Harold Staf, DDA Executive Director, along with Sharne Perucchini, DTA Board Member, reviewed this item. Ms. Perucchini reviewed the last several years and stated their goal is to take the confusion out of the free parking. This year is to offer free unlimited parking and only enforce the unbagged meters around the City/County Buildings. Letters will be sent out to businesses from the DTA this week encouraging them to not have their employees use these spaces.

Councilmember Palmer asked if there would be an ethics conflict with him voting on this issue since he is a business owner downtown. City Attorney Shaver clarified it would not.

Councilmember Kirtland moved to authorize the Vacation of Parking Enforcement at all Designated Downtown Metered Spaces and Signed Parking from Thanksgiving to New Year's Day, except Loading, No Parking, Handicapped, and unbagged meter spaces surrounding government offices. Councilmember McCurry seconded the motion. Motion carried.

Authorizing the Submittal of an Application for an Energy and Mineral Impact Assistance Grant for the Purchase of a Mobile Communications Center

A City Council Resolution authorizing the submission of a grant application to assist in the funding of the purchase of a Mobile Communications Center.

Sheryl Trent, Assistant to the City Manager, and Greg Morrison, Chief of Police, reviewed this item. Ms. Trent explained this is one of two grants before Council tonight and in ranking of these grants with DOLA, this would rank second. Ms. Trent explained that if the City's current communications center would go down, the valley would be without emergency communication. Chief Morrison indicated emergency communication would then operate out of the back of a patrol car.

Councilmember Enos-Martinez asked if this could be used at Country and Rock Jams and where would the other funds come from. Chief Morrison stated yes and for search and rescue, forest fires, and the other funds would come from the E911 funds.

Councilmember McCurry was in favor of this.

Councilmember Palmer stated that if this grant is not approved is this something the City should be considering in the near future and asked about storage of the unit.

Ms. Trent explained that there are several locations it could be housed, but a covered structure is preferred. Finding a spot will not be a problem.

Resolution No. 114 -04 – A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Purchase of a Mobile Communications Center

Councilmember Palmer moved to adopt Resolution No. 114-04. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

Authorizing the Submittal of an Application for an Energy and Mineral Impact Assistance Grant for the Construction of a Pedestrian Overpass

A City Council Resolution authorizing the submission of a grant application to assist in the funding of the construction of a pedestrian overpass.

Sheryl Trent, Assistant to the City Manager, and Mark Relph, Public Works and Utilities Director, reviewed this item. Ms. Trent explained that this is one of two grants before Council tonight and in ranking of these grants with DOLA, this would rank first. Mr. Relph explained the pedestrian overpass would replace the current tunnel across the railroad tracks. The overpass has been considered in the Riverside Parkway Project but with the high cost of steel, this could be on the chopping block with the grant.

Councilmember Kirtland asked if the overpass would be built quickly or would it be an element of the design/build contract. Mr. Relph stated it would be put into the design/build contract.

Councilmember Enos-Martinez hoped this can be accomplished as there are many seniors that are not comfortable walking into the tunnel even though the City maintains the tunnel very well.

Council President Hill stated this overpass fits the area and citizens will feel safer on a bridge.

Resolution No. 115-04 - A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Construction of a Pedestrian Overpass

Councilmember Kirtland moved to adopt Resolution No. 115-04. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

Purchase of Property at 404 Noland Avenue for the Riverside Parkway Project

The City has entered a contract to purchase the property at 404 Noland Avenue, from Terry Gangle, for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works and Utilities Director, reviewed this item. This is the first business acquisition for the Riverside Parkway Project. Mr. Relph explained how the appraisal was done. The total price being paid is \$377,189. Mr. Relph also stated they have given Mr. Gangle the opportunity to remove the existing metal building. Mr. Relph indicated the closing date is November 18, 2004.

City Attorney John Shaver advised the closing date has been rescheduled.

Councilmember Butler asked about the price if the City gave Mr. Gangle the opportunity to have the building. Mr. Relph said that the City looks at giving the building back as cost avoidance to the City. Councilmember Butler asked if the City could use this building at all. Mr. Relph indicated no due to the age of the building but there are several others the City is looking at.

Resolution No. 116-04 – A Resolution Authorizing the Purchase of Real Property at 404 Noland Avenue from Terry A. Gangle

Councilmember Enos-Martinez moved to adopt Resolution No. 116-04. Councilmember Butler seconded the motion. Motion carried by roll call vote.

Economic Development Incentive to Jobsite

A Resolution of the City of Grand Junction authorizing the expenditure of up to \$45,000 from the Economic Development Fund in support of the creation of 18 additional jobs at Jobsite.

Kelly Arnold, City Manager, reviewed this item. This is a follow-up from a previous workshop where the original proposal was presented. Nothing has changed. The County authorized an incentive yesterday with the condition if sewer became available, the Jobsite has 5 years to put the property on sewer, along with capital investment and the jobs. City Manager Arnold explained in 1997 the incentive to them was \$125,000 for start-up to relocate to Grand Junction and they were not at this existing site.

Councilmember Kirtland voiced his support.

Councilmember Spehar appreciates the County's efforts but believes it is inappropriate for the City to support expansion outside of the Persigo area.

Councilmember Palmer does not believe the incentives should be given repetitively.

Councilmember Butler would support for the jobs with the salaries of \$36,000 which will help support our City.

Council President Hill stated this is not an easy one; there is leverage with the County and State dollars which makes it different than in 1997. It is cloudy blending in all of the other criteria, but he can support it because there will be other steps that must take place before this can happen.

Resolution No. 120-04 – A Resolution Authorizing an Economic Incentive to Jobsite for \$45,000 for the Benefit of Expanding an Existing Business

Councilmember Kirtland moved to adopt Resolution No. 120-04. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote with Councilmember Palmer, Enos-Martinez and Spehar voting NO.

Public Hearing – Facilities and Construction in City Rights-of-Way Ordinance (TO BE CONTINUED TO DECEMBER 15, 2004)

The proposed ordinance is to aid the City in the long term management of public Rights-of-Way that are used by utility providers. Proper planning of the location and depth of underground utilities will ensure conflicts between utility providers are minimized. Area utility providers including Excel Energy, Grand Valley Power, Ute Water, local sanitation districts, Clifton Water, Qwest, Brendan, Grand Valley Drainage District, Grand Valley Water Users, Orchard Mesa Irrigation District, Associated

Builders and Contractors and Western Colorado Contractors Association have all received copies of the draft ordinance.

Mark Relph, Public Works and Utilities Director, stated they have received comments late from Qwest and would like to continue until December 15, 2004.

Councilmember Palmer moved to continue Public Hearing for the Facilities and Construction in City Right-of-Way ordinance to December 15, 2004. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

Public Hearing – Zoning the Kronvall Annexation Located at 2263 Greenbelt Drive
[File #ANX-2004-175]

Hold a public hearing and consider final passage of the zoning ordinance to zone the Kronvall Annexation RSF-4 (Residential Single Family 4 du/ac), located at 2263 Greenbelt Drive. The 4.274 acre annexation consists of two parcels of land.

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

Faye Hall, Planning Technician, reviewed this item. She described the surrounding zoning and noted the request meets the criteria of the Zoning and Development Code and the Growth Plan.

There were no public comments.

The public hearing was closed at 8:42 p.m.
Ordinance No. 3685 – An Ordinance Zoning the Kronvall Annexation to RSF-4 (Residential Single Family 4 du/ac), Located at 2263 Greenbelt Drive

Councilmember Spehar moved to adopt Ordinance No. 3685 on Second Reading and order it published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

Public Hearing – Fisher Annexation Located at 104 29 ³/₄ Road [File #GPA-2004-191]

Resolution for acceptance of petition to annex and hold a public hearing to consider final passage of the annexation ordinance for the Fisher Annexation, located at 104 29 ³/₄ Road. The 18.013 acre Fisher annexation consists of one parcel.

The public hearing opened at 8:44 p.m.

Faye Hall, Planning Technician, reviewed this item. She described the surrounding zoning and noted the request meets the criteria of the Zoning and Development Code and will require a Growth Plan Amendment in the future.

Councilmember Kirtland asked when the Growth Plan Amendment will occur. Ms. Hall said they are done twice a year and should come before the Council before the end of the year.

There were no public comments.

The public hearing closed at 8:45 p.m.

a. Accepting Petition

Resolution No. 117-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Fisher Annexation, Located at 104 29 ³/₄ Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3686 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fisher Annexation #1, Approximately 0.127 Acres, Located within US Hwy 50 and 29 ³/₄ Road Rights-of-Way

Ordinance No. 3687 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fisher Annexation #2, Approximately 17.886 Acres, Located at 104 29 ³/₄ Road

Councilmember Spehar moved to adopt Resolution No. 117-04, Ordinance No. 3686 and No. 3687 on Second Reading and ordered them published. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

Public Hearing – Meyers/Steele Annexation Located at 3020 E ¹/₂ Road and Portions of 30 Road and Orchard Avenue Rights-of-Way [File #ANX-2004-206]

Resolution for acceptance of petition to annex and hold a public hearing to consider final passage of the annexation ordinance for the Meyers/Steele Annexation, located at 3020 E ¹/₂ Road. The 2.7559 acre Meyers/Steele annexation consists of one parcel of land and portions of 30 Road and Orchard Avenue rights-of-way.

The public hearing opened at 8:47 p.m.

Faye Hall, Planning Technician, reviewed this item. She described the surrounding zoning and noted the request meets the criteria of the Zoning and Development Code.

There were no public comments.

The public hearing closed at 8:49 p.m.

a. Accepting Petition

Resolution No. 118-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Meyers/Steele Annexation, Located at 3020 E ½ Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3688 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Meyers/Steele Annexation #1, Approximately .2559 Acres, Located Within 30 Road Right-of-Way

Ordinance No. 3689 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Meyers/Steele Annexation #2, Approximately 2.500 Acres, Located at 3020 E ½ Road

Councilmember Kirtland moved to adopt Resolution No. 118-04, and Ordinance No. 3688 and No. 3689 on Second Reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

Public Hearing – Manor Annexation Located at the NE Corner of 26 ½ Road & I Road [File #GPA-2004-205]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Manor Annexation, located at the NE corner of 26 ½ Road & I Road. The 11.753 acre Manor Annexation consists of one parcel.

The public hearing opened at 8:50 p.m.

Faye Hall, Planning Technician, reviewed this item. She described the surrounding zoning and noted the request meets the criteria of the Zoning and Development Code and will require a Growth Plan Amendment in the future.

There were no public comments.

The public hearing closed at 8:49 p.m.

a. Accepting Petition

Resolution No. 119-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Manor Annexation, Located on the NE Corner of 26 ½ Road and I Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3690 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Manor Annexation, Approximately 11.753 Acres, Located on the NE Corner of 26 ½ Road and I Road

Councilmember Enos-Martinez moved to adopt Resolution No. 119-04 and Ordinance No. 3690 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

Public Hearing – Amend the Planned Development for Meadowlark Garden [File #PDR-2003-229]

Meadowlark Garden is a 7.55 acre mixed use development located at the southern quadrant of Highway 340 and Redlands Parkway. Originally approved as Planned Business (PB) in July, 1999 under the 1997 Zoning and Development Code, the zoning was changed to Planned Development (PD) in 2000 when the area-wide rezoning was completed after the Zoning and Development Code was adopted. The proposed amendments clarify the signage, parking and pedestrian circulation requirements contained in the original approval.

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

Bob Blanchard, Community Development Director, reviewed this item. Mr. Blanchard clarified items were originally approved in July, 1999 under the 1997 Zoning and Development Code. It was changed to Planned Development (PD) in 2000 when the area-wide rezoning was completed after the Zoning and Development Code was adopted. This amendment clarifies the signage, parking and pedestrian circulation requirements contained in the original approval.

Councilmember Palmer asked about the shared parking. Mr. Blanchard stated every single space on the site is shared parking except the handicap spaces and it has been proven to work at this location.

The applicants were present but did not have any comments but were there to answer questions.

There were no public comments.

The public hearing closed at 9:04 p.m.

Ordinance No. 3691 – An Ordinance Amending Ordinance No. 3162 Pertaining to a Planned Development Zoning and Preliminary Plan for Meadowlark Garden Planned Development to be Published in Pamphlet Form

Councilmember Enos-Martinez moved to adopt Ordinance No. 3691 on Second Reading and ordered it published. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There were none.

EXECUTIVE SESSION

COUNCILMEMBER SPEHAR MOVED TO GO INTO EXECUTIVE SEESION FOR DISCUSSION OF PERSONNEL MATTERS UNDER SECTION 402 (4)(F)(I) OF THE OPEN MEETINGS LAW RELATIVE TO CITY COUNCIL EMPLOYEES AND THAT COUNCIL WILL NOT RETURN TO OPEN SESSION. COUNCILMEMBER PALMER SECONDED THE MOTION. MOTION CARRIED.

ADJOURNMENT

The meeting adjourned to executive session at 9:13 p.m.

Juanita Peterson
Deputy City Clerk

Attach 2

Setting a Hearing 2005 Budget Appropriation Ordinance

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Annual Appropriation Ordinance for 2005					
Meeting Date	December 1, 2004					
Date Prepared	November 22, 2004				File #	
Author	Lanny Paulson			Budget & Accounting Manager		
Presenter Name	Ron Lappi			Administrative Services & Finance Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop		Formal Agenda	X	Consent	Individual Consideration

Summary: The total appropriation for all thirty-seven accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$149,814,880. Although not a planned expenditure, an additional \$3,500,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Budget: Pursuant to statutory requirements the total appropriation adjustments are at the fund level as specified in the ordinance.

Action Requested/Recommendation: Final passage on December 15th, 2004.

Attachments: Ordinance

Background Information: With the following exceptions the budget, by fund, is as presented to the City Council at the Budget Workshop on Monday November 15, 2004.

✚ \$500,000 was added to the Sales Tax CIP Fund for the Affordable Housing Initiative to be funded by a transfer from the General Fund.

✚ \$120,000 was added to the General Fund for Neighborhood Programs.

Ordinance No. _____

THE ANNUAL APPROPRIATION ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, THE RIDGES METROPOLITAN DISTRICT, AND THE GRAND JUNCTION WEST WATER AND SANITATION DISTRICT, FOR THE YEAR BEGINNING JANUARY 1, 2005, AND ENDING DECEMBER 31, 2005.

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

SECTION 1. That the following sums of money, or so much therefore as may be necessary, be and the same are hereby appropriated for the purpose of defraying the necessary expenses and liabilities, and for the purpose of establishing emergency reserves of the City of Grand Junction, for the fiscal year beginning January 1, 2005, and ending December 31, 2005, said sums to be derived from the various funds as indicated for the expenditures of:

<u>FUND NAME</u>	<u>FUND #</u>	<u>APPROPRIATION</u>	<u>Emergency Reserve</u>
General	100	\$ 45,400,149	\$ 3,500,000
Enhanced 911 Special Revenue	101	\$ 1,144,196	
Visitor & Convention Bureau	102	\$ 1,391,783	
DDA Operations	103	\$ 242,584	
CDBG Special Revenue	104	\$ 450,000	
Parkland Expansion	105	\$ 434,898	
Golf Course Expansion	107	\$ 145,000	
Economic Development	108	\$ 787,944	
DDA/TIF Special Revenue	109	\$ 831,738	
Conservation Trust Special Revenue	110	\$ 415,000	
Sales Tax CIP	201	\$ 18,029,122	
Storm Drainage Improvement	202	\$ 5,426,663	
DDA/TIF/CIP	203	\$ 1,136,000	
Riverside Parkway Capital Improvement	204	\$ 35,000,000	
Future Street Improvements	207	\$ 600,000	
Facilities	208	\$ 1,000,000	
Water	301	\$ 4,288,084	
Solid Waste	302	\$ 2,441,876	
Two Rivers Convention Center	303	\$ 2,343,347	
Swimming Pools	304	\$ 734,895	
Lincoln Park Golf Course	305	\$ 678,776	

Tiara Rado Golf Course	306	\$	1,143,481	
Parking	308	\$	249,551	
Irrigation	309	\$	205,357	
Data Processing	401	\$	2,040,477	
Equipment	402	\$	2,575,239	
Stores	403	\$	228,320	
Self Insurance	404	\$	1,204,512	
Communications Center	405	\$	3,336,807	
General Debt Service	610	\$	3,708,388	
DDA Debt Service	611	\$	784,238	
GJWWSD Debt Service	612	\$	155,181	
Ridges Metro District Debt Service	613	\$	226,190	
Grand Junction Public Finance Corp.	614	\$	286,298	
Parks Improvement Advisory Board	703	\$	21,000	
Cemetery Perpetual Care	704	\$	45,000	
Joint Sewer System	900	\$	10,682,786	
TOTAL ALL FUNDS		\$	149,814,880	\$ 3,500,000

SECTION 2. The following amounts are hereby levied for collection in the year 2004 and for the specific purpose indicated:

	<u>Millage Rate</u>	<u>Amount Levied</u>
City of Grand Junction General Fund	8.000	\$
Temporary Credit	.???	- \$338,612
Mill Levy		
Ridges Metropolitan District #1	7.000	\$
Grand Junction West Water & Sanitation District	6.250	\$
Downtown Development Authority	5.000	\$

INTRODUCED AND ORDERED PUBLISHED the ____ day of December, 2004.

PASSED AND ADOPTED the ____ day of December, 2004.

Attest:

President of the Council

City Clerk

Attach 3

Setting a Hearing Zoning the Arbors Annexation Located at 2910 Orchard

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Zoning The Arbors Annexation, 2910 Orchard Avenue							
Meeting Date	December 1, 2004							
Date Prepared	November 15, 2004			File # ANX-2004-217				
Author	Lori V. Bowers		Senior Planner					
Presenter Name	Lori V. Bowers		Senior Planner					
Report results back to Council	X	No		Yes	When			
Citizen Presentation		Yes	X	No	Name			
	Workshop	X		Formal Agenda	X	Consent		Individual Consideration

Summary: The 22.84-acre Arbors Annexation area consists of one parcel of land and right-of-way along 29 and Orchard Avenue. There is a single-family residence on a large vacant lot with access to Orchard Avenue. The applicants are in the Preliminary Plan review process.

Budget: N/A

Action Requested/Recommendation: Approval of the first reading of the Zoning Ordinance and setting a hearing date for December 15th, 2004.

Attachments:

- Staff report
- Annexation map
- Zoning Ordinance

Background Information: See attached Staff report

<i>BACKGROUND INFORMATION</i>					
Location:		2910 Orchard Avenue			
Applicant:		Leon Parkerson, owner; Greedy Group, developer; Jo Mason, Planning Solutions, representative			
Existing Land Use:		Single family residence			
Proposed Land Use:		Residential subdivision			
Surrounding Land Use:	North	Grand Valley Canal			
	South	Orchard Ave & apartments			
	East	Single family development			
	West	Multi-family residences			
Existing Zoning:		County RMF-8			
Proposed Zoning:		RMF-8 (Residential Multi-Family, not to exceed 8 dwelling units per acre)			
Surrounding Zoning:	North	N. of canal RSF-4			
	South	County (RMF-8)			
	East	County (RMF-8)			
	West	County (PUD and RMF-8)			
Growth Plan Designation:		Residential Medium – 4 to 8 dwelling units per acre			
Zoning within density range?		X	Yes		No

RELATIONSHIP TO COMPREHENSIVE PLAN: The City of Grand Junction's Growth Plan identifies the subject parcels as "residential medium", 4 to 8 dwelling units per acre. The proposed future development will be compatible with adjacent land uses. There is no commercial development associated with this plan.

STAFF ANALYSIS: Due to the Persigo Agreement, the property owner is required to annex into the City for the purpose of a Major Subdivision. The Preliminary Plan is currently under review and will be presented to the Planning Commission when the review is complete.

Zoning- the applicant requests the zoning designation of RMF-8 (Residential Multi-Family, not to exceed 8 dwelling units per acre). The zoning is consistent with the Growth Plan for this area. While the maximum number of units per acre is 8, the Code also requires a minimum number of units. In an RMF-8 zoning district, the minimum number of units is 4. RMF-8 zoning allows for attached and detached single-family, duplex, townhouse, and multi-family dwelling units.

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

1. The existing zoning was in error at the time of adoption;
Not applicable, this is a rezone from a county RMF-8 zoning to City RMF-8.
2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.;
This parcel is surrounded by residential lots; there are single family residences to the north, across the canal; multi-family residential to the south; single family and multi-family to the east and multi-family residential to the west. The Growth Plan supports the requested density.
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;
The rezone is compatible with the Growth Plan and will not adversely affect utilities or street capacities.
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;
This proposal is consistent with the growth plan's land use goals and policies. It is the intent to conform to all other applicable codes and regulations.

5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;
Service providers have indicated adequate capacity for the proposed subdivision
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and
(Not applicable to annexation)
7. The community or neighborhood will benefit from the proposed zone.
The benefits as derived by the area will primarily consist of the infill of a parcel surrounded by an existing developed area. The development plan will be consistent with the existing street and utility circulation plans. The site is close to an elementary school as well as a middle school.

Growth Plan Goals and Policies are as identified in Policy 1.7 state: "The City and County will use zoning to establish the appropriate scale, type, location and intensity for development..." and Goal 11: To promote stable neighborhood and land use compatibility throughout the community."

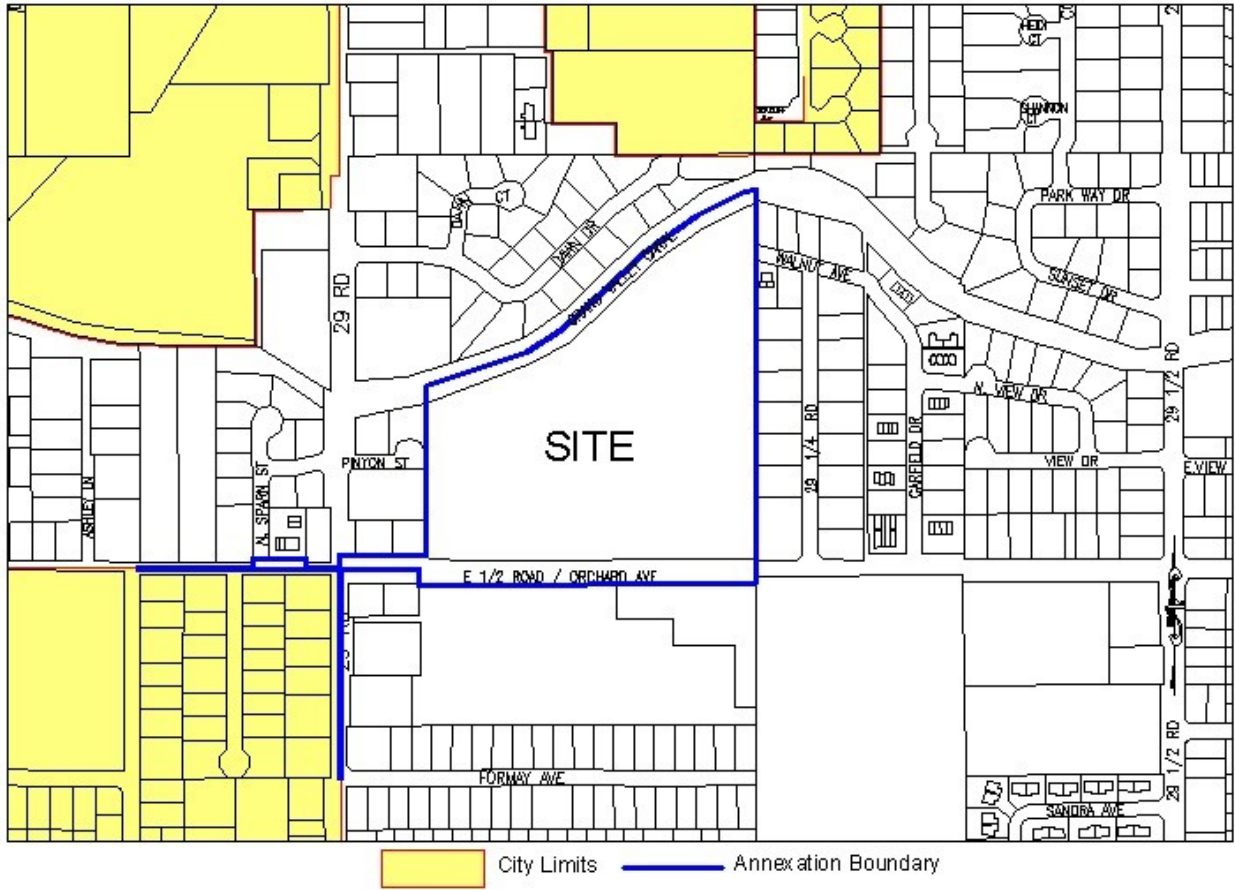
RECOMMENDATION:

Staff recommends approval of the zone of RMF-8 (Residential Multi-Family, not to exceed 8 dwelling units per acre) finding that the proposal is consistent with the Growth Plan, the Persigo Agreement and Section 2.6 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION:

At their regularly scheduled meeting of November 9th, 2004, the Planning Commission recommended to the City Council approval of the zoning designation of RMF-8 (Residential Multi-family, not to exceed 8 units per acre) for the Zone of Annexation of The Arbors Annexation, located at 2910 Orchard Avenue, finding that the project is consistent with the Growth Plan, the Persigo Agreement and Sections 2.6 of the Zoning and Development Code.

Arbors Annexation Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. ____

**AN ORDINANCE ZONING THE ARBORS ANNEXATION
TO RESIDENTIAL MULTI-FAMILY, NOT TO EXCEED 8 DWELLING
UNITS PER ACRE (RMF-8)**

LOCATED AT 2910 ORCHARD AVENUE

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying an RMF-8 zone district to this annexation.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-8 zone district be established for the following reasons:

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

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

The following property shall be zoned the Residential Multi-family, not to exceed 8 dwelling units per acre (RMF-8) zone district

Includes the following tax parcel 2943-082-00-030

**PERIMETER BOUNDARY LEGAL DESCRIPTION
ARBORS ANNEXATION**

A certain parcel of land lying in the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 7, the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) and the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 8, all in 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 East Quarter (E 1/4) corner of said Section 7 and assuming the North line of the SW 1/4 SE 1/4 of said Section 8 bears N 89°55'35" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 89°45'54" W along the South line of the SE 1/4 NE 1/4 of said Section 7 (being the North line of the Central Fruitvale Annexation, Ordinance No. 1133, City of Grand Junction) a distance of 634.71 feet; thence N 00°03'21" W a distance of 5.00 feet; thence S 89°45'54" E along a line 5.00 feet North of and parallel with, the South line of the SE 1/4 NE 1/4 of said Section 7, a distance of 356.44 feet; thence N 00°14'06" E a distance of 35.00 feet; thence S 89°45'54" E along a line 40.00 feet North of and parallel with, the South line of the SE 1/4 NE 1/4 of said Section 7, a distance of 169.80 feet; thence S 00°14'06" W a distance of 35.00 feet; thence S 89°45'54" E along a line 5.00 feet North of and parallel with, the South line of the SE 1/4 NE 1/4 of said Section 7, a distance of 108.47 feet to a point on the East line of the SE 1/4 NE 1/4 of said Section 7; thence N 00°04'18" W along the East line of the SE 1/4 NE 1/4 of said Section 7, a distance of 45.00 feet; thence N 89°55'35" E along a line 50.00 feet North of and parallel with, the North line of the SW 1/4 SE 1/4 of said Section 8, a distance of 272.00 feet; thence N 00°04'18" W, along the East line of Ditto Addition, as same is recorded in Plat Book 11, Page 350 and the East line of Wood's Addition, as same is recorded in Plat Book 12, Page 96, Public Records of Mesa County, Colorado, a distance of 533.53 feet, more or less, to a point in the centerline of the Grand Valley Canal; thence Northeasterly traversing the centerline of said Grand Valley Canal to a point on the East line of the SW 1/4 NW 1/4 of said Section 8; thence S 00°03'33" E a distance of 1208.32 feet, more or less, to the Southeast corner of the SW 1/4 NW 1/4 of said Section 8; thence S 00°04'25" E along the East line of the NW 1/4 SW 1/4 of said Section 8, a distance of 50.00 feet; thence S 89°55'35" W along the North line of Racquet Club Apartments Subdivision, as same is recorded in Plat Book 12, Page 215, Public Records of Mesa County, Colorado, being a line 50.00 feet South of and parallel with, the North line of the SW 1/4 SE 1/4 of said Section 8, a distance of 1061.70 feet; thence N 00°04'25" W a distance of 50.00 feet to a point on the North line of the SW 1/4 SE 1/4 of said Section 8; thence S 89°55'35" W along the North line of the SW 1/4 SE 1/4 of said Section 8, a distance of 255.02 feet; thence S 00°03'21" E along a line 5.00 feet East of and parallel with, the East line of the NE 1/4 SE 1/4 of said Section 7 a distance of 656.04 feet; thence N 89°45'54" W a distance of 5.00 feet to a point on the East line of the NE 1/4 SE 1/4 of said Section 7; thence N 00°03'21" W along the East line of the NE 1/4 SE 1/4 of said Section 7 (being the East line of the Central Fruitvale Annexation, Ordinance No. 1133, City of Grand Junction), a distance of 656.01 feet, more or less, to the Point of Beginning.

CONTAINING 22.84± Acres (994,911± Sq. Ft.), more or less, as described.

Introduced on first reading this 1st day of December 2004.

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

Attest:

President of the Council

City Clerk

Attach 4

Setting a Hearing Griffith Annexation Located at 2969 B ½ Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Setting a hearing for the Griffith Annexation located at 2969 B ½ Road					
Meeting Date	December 1, 2004					
Date Prepared	November 12, 2004			File #ANX-2004-254		
Author	Ronnie Edwards		Associate Planner			
Presenter Name	Ronnie Edwards		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.141 acre Griffith Annexation consists of one parcel and a section of B 1/2 Road right-of-way. It is in conjunction with a proposed preliminary plan for Chipeta Glenn Phase #2 Subdivision.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Griffith Annexation petition and introduce the proposed Griffith Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for January 5, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Aerial Photo
2. Growth Plan Map
3. Zoning Map
4. Annexation map
5. Resolution Referring Petition
6. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION			
Location:		2969 B 1/2 Road	
Applicants:		Dean and Verona Griffith	
Existing Land Use:		Single Family Residence	
Proposed Land Use:		Residential Single Family Subdivision	
Surrounding Land Use:	North	Residential Single Family	
	South	Chipeta Golf Course	
	East	Residential Single Family	
	West	Residential Single Family	
Existing Zoning:		County RSF-R	
Proposed Zoning:		City RSF-4	
Surrounding Zoning:	North	County RSF-R	
	South	County PUD	
	East	City RSF-4	
	West	County RSF-R	
Growth Plan Designation:		Residential Medium Low (2-4 du/ac)	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 4.141 acres of land and is comprised of one parcel and includes a portion of B 1/2 Road right-of-way. The property owner has requested annexation into the City in conjunction with the development of the property to create a fifteen-lot residential subdivision. Under the 1998 Persigo Agreement all development requires 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 Griffith 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><u>ANNEXATION SCHEDULE</u></i>	
December 1, 2004	Referral of petition (30 Day Notice), introduction of a proposed ordinance, exercising land use
December 14, 2004	Planning Commission considers zone of annexation
December 15, 2004	Introduction of a proposed ordinance on zoning by City Council
January 5, 2005	Acceptance of petition and public hearing on annexation and zoning by City Council
February 6, 2005	Effective date of annexation and zoning

GRIFFITH ANNEXATION SUMMARY

File Number:		ANX-2004-254
Location:		2969 B 1/2 Road
Tax ID Number:		2943-294-00-038
Parcels:		One
Estimated Population:		2
# of Parcels (owner occupied):		0
# of Dwelling Units:		1
Acres land annexed:		4.141 acres for annexation area
Developable Acres Remaining:		3.98 acres
Right-of-way in Annexation:		264.02' strip of B 1/2 Road (See Map)
Previous County Zoning:		RSF-R
Proposed City Zoning:		RSF-4
Current Land Use:		Residential Single Family
Future Land Use:		Residential Single Family
Values:	Assessed:	\$ 1,050
	Actual:	\$ 3,620
Address Ranges:		230 to 248 Papago Street (odd & even)
Special Districts:	Water:	Ute Water District
	Sewer:	Orchard Mesa Sanitation District
	Fire:	Grand Junction Rural Fire District
	Irrigation/ Drainage:	Orchard Mesa Irrigation & Drainage
	School:	District 51
	Pest:	N/A

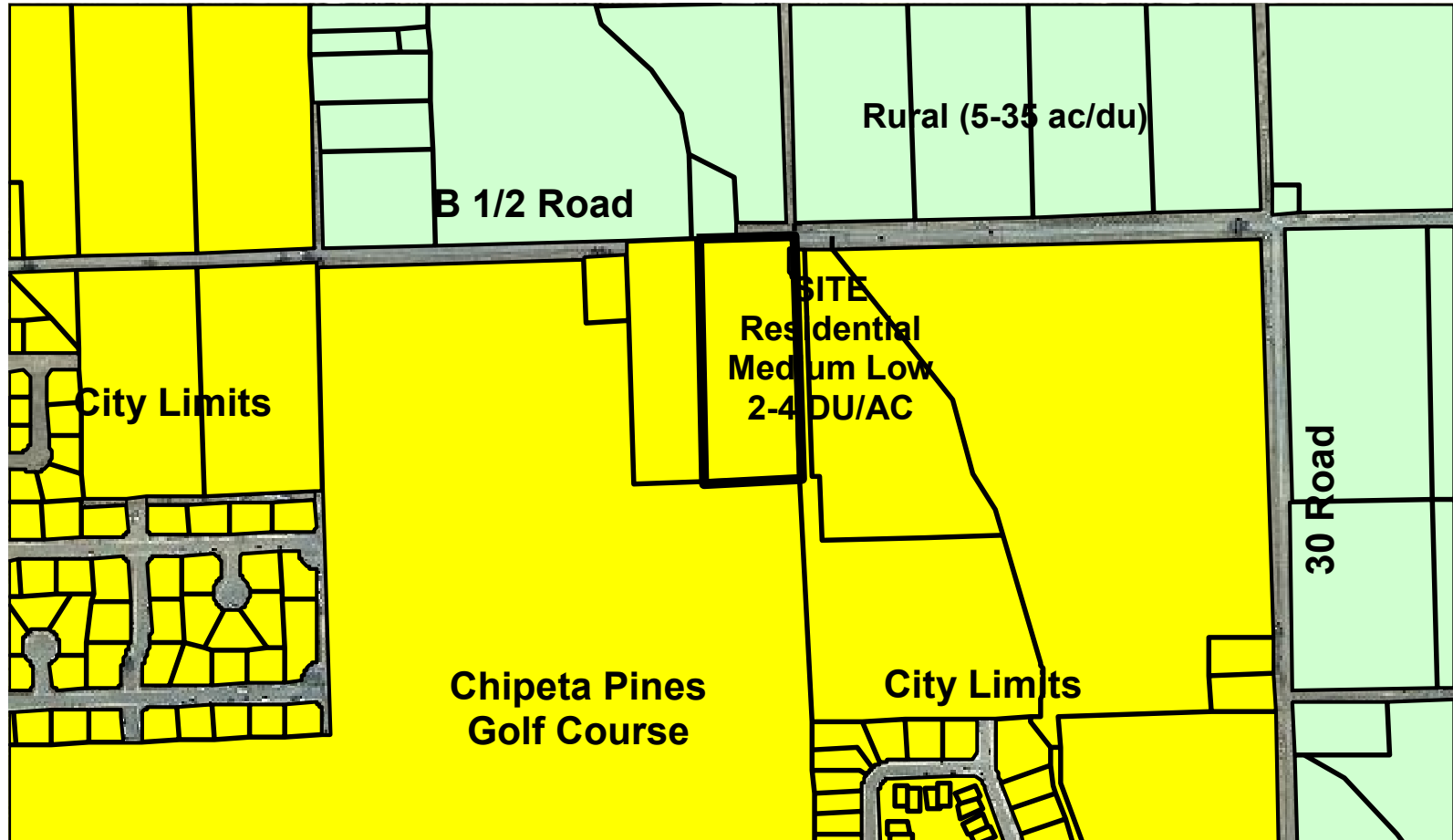
Aerial Photo Map

Figure 2



Future Land Use Map

Figure 3



Existing City and County Zoning

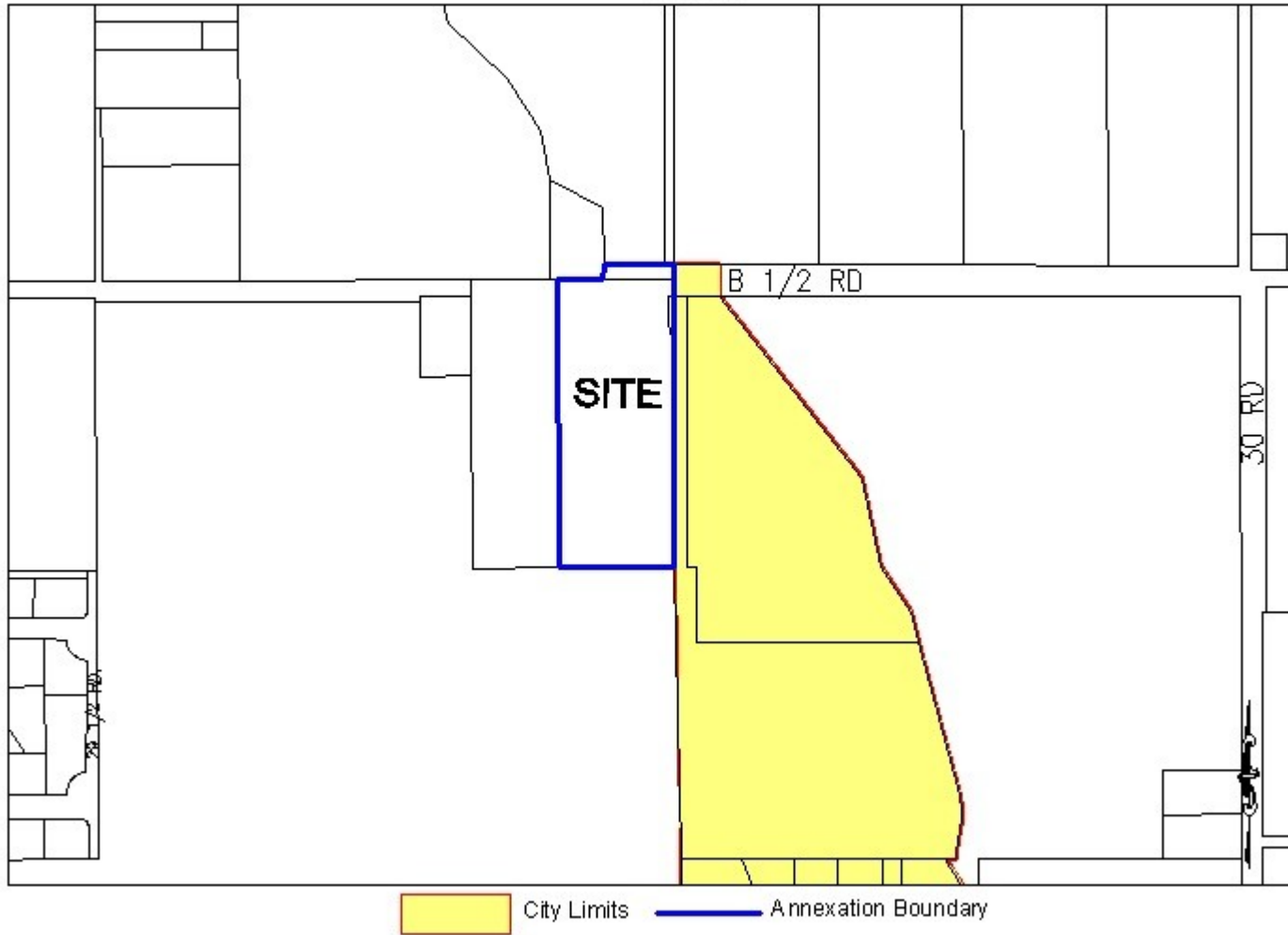
Figure 4



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."

Griffith 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 1st of December, 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**

GRIFFITH ANNEXATION

**LOCATED AT 2969 B 1/2 ROAD AND INCLUDING A PORTION OF
B 1/2 ROAD RIGHT-OF-WAY**

WHEREAS, on the 1st day of December, 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:

GRIFFITH ANNEXATION

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:

BEGINNING at the Northeast corner of the NW 1/4 SE 1/4 of said Section 29 and assuming the East line of the NW 1/4 SE 1/4 of said Section 29 bears S 00°06'50" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 00°06'50" E along the East line of the NW 1/4 SE 1/4 of said Section 29, a distance of 658.34 feet; thence S 89°52'02" W along the North line of Chipeta Golf Course, as same is recorded in Plat Book 15, Pages 197 and 198, Public Records of Mesa County, Colorado, a distance of 264.00 feet; thence N 00°06'50" W a distance of 658.32 feet, more or less, to a point on the North line of the NW 1/4 SE 1/4 of said Section 29; thence N 89°51'47" E along the North line of the NW 1/4 SE 1/4 of said Section 29, a distance of 99.00 feet; thence N 00°08'13" W a distance of 40.00 feet; thence N 89°51'47" E along the South line of Pine Glen Subdivision, as same is recorded in Plat Book 14, Page 359, Public Records of Mesa County, Colorado, a distance of 165.02 feet, more or less, to a point on the East line of the SW 1/4 NE 1/4 of said Section 29; thence S 00°06'06" E along the East line of the SW 1/4 NE 1/4 of said Section 29, a distance of 40.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.141 Acres (180,400 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 5th day of January, 2005, 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 1st day of December, 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>
December 3, 2004
December 10, 2004
December 17, 2004
December 24, 2004

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

GRIFFITH ANNEXATION

APPROXIMATELY 4.141 ACRES

**LOCATED AT 2969 B 1/2 ROAD AND INCLUDING A PORTION OF
B 1/2 ROAD RIGHT-OF-WAY**

WHEREAS, on the 1st day of December, 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 5th day of January, 2005; and

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

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

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

A certain parcel of land lying in the 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:

BEGINNING at the Northeast corner of the NW 1/4 SE 1/4 of said Section 29 and assuming the East line of the NW 1/4 SE 1/4 of said Section 29 bears S 00°06'50" E with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 00°06'50" E along the East line of the NW 1/4 SE 1/4 of said Section 29, a distance of 658.34 feet; thence S 89°52'02" W along the North line of Chipeta Golf Course, as same is recorded in Plat Book 15, Pages 197 and 198, Public Records of Mesa County, Colorado, a distance of 264.00 feet; thence N 00°06'50" W a distance of 658.32 feet, more or less, to a point on the North line of the NW 1/4 SE 1/4 of said

Section 29; thence N 89°51'47" E along the North line of the NW 1/4 SE 1/4 of said Section 29, a distance of 99.00 feet; thence N 00°08'13" W a distance of 40.00 feet; thence N 89°51'47" E along the South line of Pine Glen Subdivision, as same is recorded in Plat Book 14, Page 359, Public Records of Mesa County, Colorado, a distance of 165.02 feet, more or less, to a point on the East line of the SW 1/4 NE 1/4 of said Section 29; thence S 00°06'06" E along the East line of the SW 1/4 NE 1/4 of said Section 29, a distance of 40.00 feet, more or less, to the Point of Beginning.

CONTAINING 4.141 Acres (180,400 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 1st day of December, 2004 and ordered published.

ADOPTED on second reading this _____ day of _____, 2005.

Attest:

President of the Council

City Clerk

Attach 5

Setting a Hearing Summit View Meadows Filing #2 Annexation Located at 3140 D 1/2 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Setting a hearing for the Summit View Meadows Filing #2 Annexation located at 3140 D 1/2 Road					
Meeting Date	December 1, 2004					
Date Prepared	November 12, 2004			File #ANX-2004-256		
Author	Ronnie Edwards		Associate Planner			
Presenter Name	Ronnie Edwards		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Resolution referring a petition for annexation and introduction of a proposed ordinance. The 4.9409 acre Summit View Meadows Filing #2 Annexation consists of one parcel of land. It is in conjunction with a proposed preliminary plan for Summit View Meadows Filing #2 Subdivision.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Summit View Meadows Filing #2 Annexation petition and introduce the proposed Summit View Meadows Filing #2 Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for January 5, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

- 7. Aerial Photo
- 8. Growth Plan Map
- 9. Zoning Map
- 10. Annexation map
- 11. Resolution Referring Petition
- 12. Annexation Ordinance

STAFF REPORT / BACKGROUND INFORMATION					
Location:		3140 D 1/2 Road			
Applicants:		Mansel Zeck			
Existing Land Use:		Residential/Agricultural			
Proposed Land Use:		Residential Single Family Subdivision			
Surrounding Land Use:	North	Residential Single Family			
	South	Residential Single Family			
	East	Residential Single Family			
	West	Residential Single Family			
Existing Zoning:		County RSF-R			
Proposed Zoning:		City RMF-8			
Surrounding Zoning:	North	County PUD			
	South	County PUD/RSF-R			
	East	City RMF-8			
	West	City RMF-5			
Growth Plan Designation:		Residential Medium (4-8 du/ac)			
Zoning within density range?		X	Yes		No

Staff Analysis:

ANNEXATION:

This annexation area consists of 4.9409 acres of land and is comprised of one parcel of land. The property owner has requested annexation into the City in conjunction with the development of the property to create a 28-lot residential subdivision. Under the 1998 Persigo Agreement all development requires 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 Summit View Meadows Filing #2 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><u>ANNEXATION SCHEDULE</u></i>	
December 1, 2004	Referral of petition (30 Day Notice), introduction of a proposed ordinance, exercising land use
December 14, 2004	Planning Commission considers zone of annexation
December 15, 2004	Introduction of a proposed ordinance on zoning by City Council
January 5, 2005	Acceptance of petition and public hearing on annexation and zoning by City Council
February 6, 2005	Effective date of annexation and zoning

SUMMIT VIEW MEADOWS FILING #2 ANNEXATION SUMMARY

File Number:		ANX-2004-256
Location:		2969 B 1/2 Road
Tax ID Number:		2943-294-00-038
Parcels:		One
Estimated Population:		2
# of Parcels (owner occupied):		0
# of Dwelling Units:		1
Acres land annexed:		4.9409 acres for annexation area
Developable Acres Remaining:		4.9409 acres
Right-of-way in Annexation:		N/A (See Map)
Previous County Zoning:		RSF-R
Proposed City Zoning:		RMF-8
Current Land Use:		Residential Single Family
Future Land Use:		Residential Single Family
Values:	Assessed:	\$ 11,970
	Actual:	\$ 145,400
Address Ranges:		3136 to 3141 Ute Canyon Land, Cross Canyon Lane, Summit Meadows Court and 450 to 467 Open Meadows Court (odd & even)
Special Districts:	Water:	Ute Water/Clifton Water Districts
	Sewer:	Central Grand Valley Sanitation
	Fire:	Clifton Fire District
	Irrigation/ Drainage:	Grand Junction Drainage & Grand Valley Irrigation
	School:	District 51
	Pest:	Upper Valley Pest

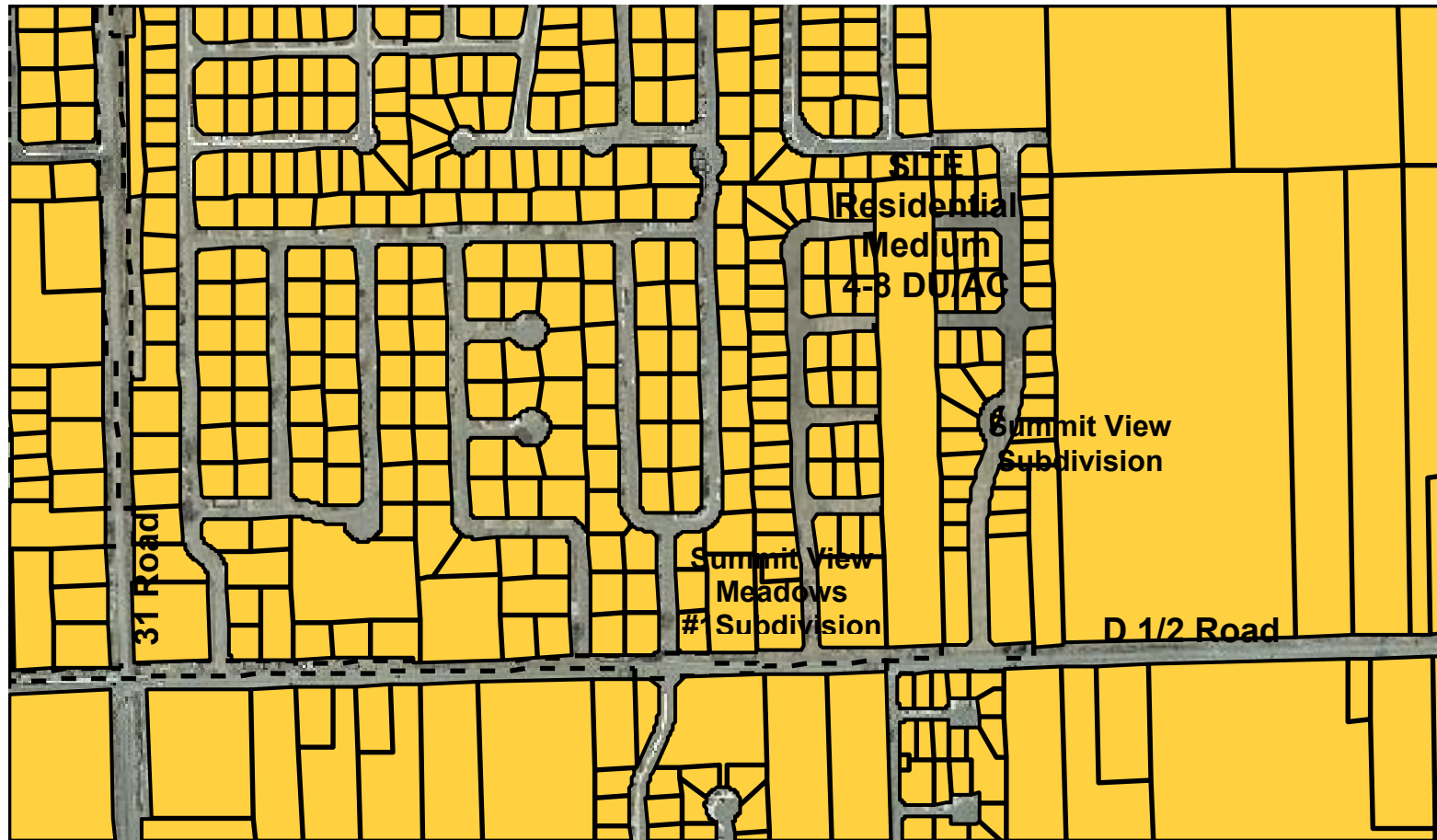
Aerial Photo Map

Figure 2



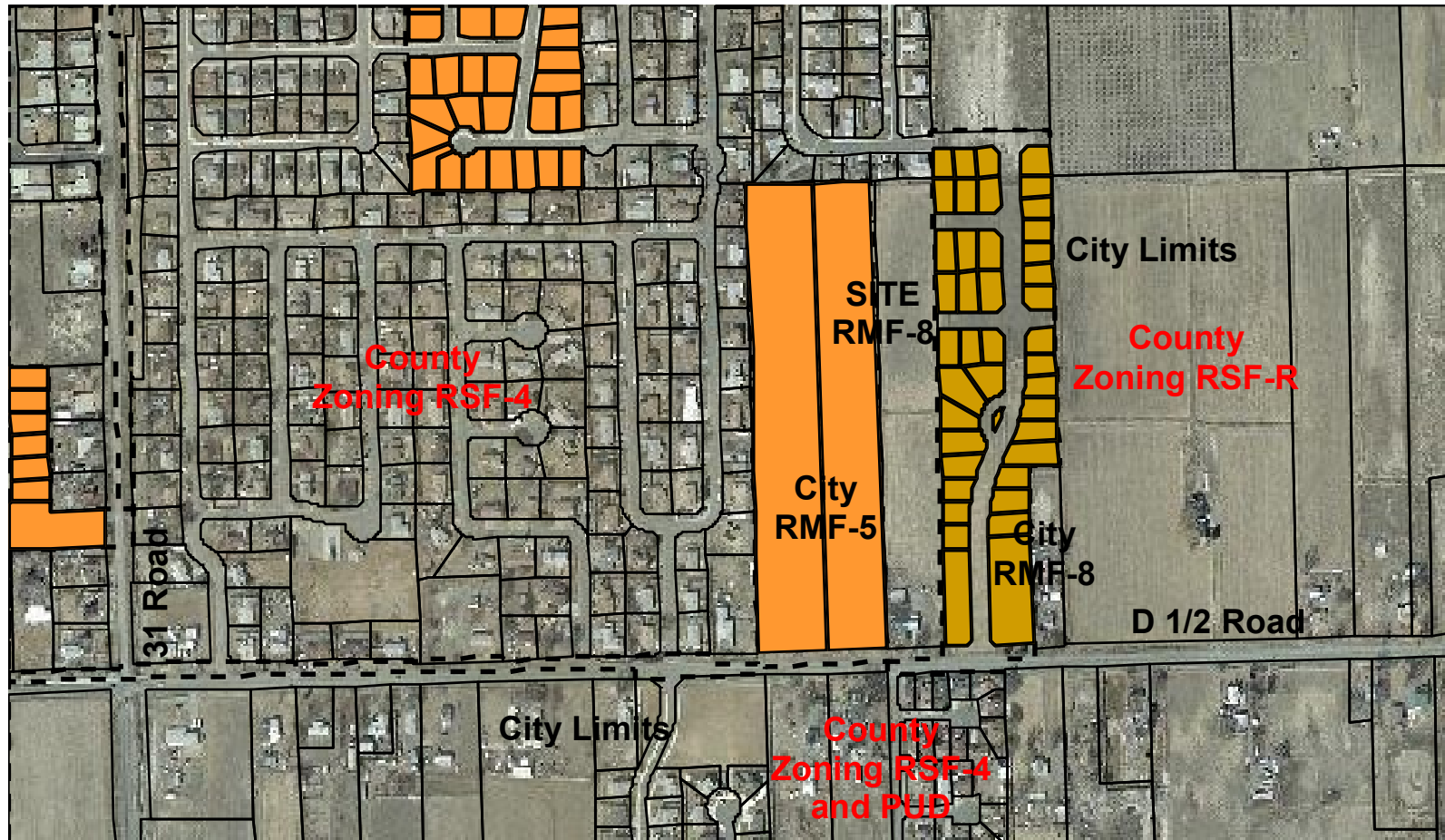
Future Land Use Map

Figure 3



Existing City and County Zoning

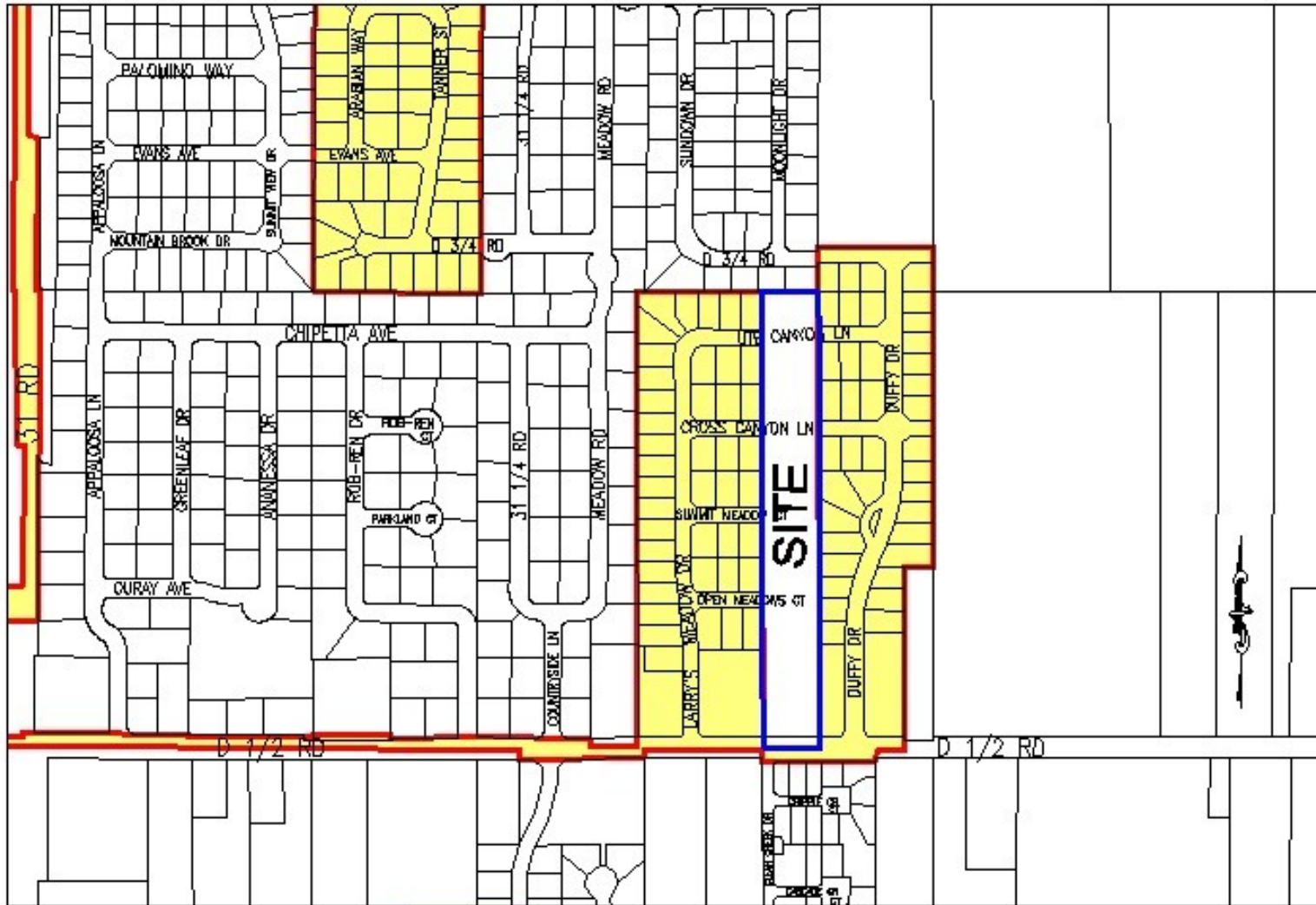
Figure 4



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."

Summit View Meadows Filing Two Annexation

Figure 5



 City Limits  Annexation Boundary

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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 1st of December, 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**

SUMMIT VIEW MEADOWS FILING #2 ANNEXATION

LOCATED AT 3140 D 1/2 ROAD

WHEREAS, on the 1st day of December, 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
SUMMIT VIEW MEADOWS FILING TWO ANNEXATION**

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 15, 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 Southeast corner of the Northwest Quarter (NW 1/4) of said Section 15 and assuming the South line of the SE 1/4 NW 1/4 of said Section 15 bears N 89°57'40" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°57'40" W along the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 327.50 feet to the intersection with the Southerly projection of the West line of Summit View Meadows, as same is recorded in Plat Book 19, Pages 323 and 324, Public Records of Mesa County, Colorado; thence N 00°01'52" W along said Southerly projection, a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°57'40" W along a line 5.00 feet North of and parallel with, the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 163.69 feet to the intersection with the Southerly projection of the East line of Summit Meadows West, as same is recorded in Plat Book 20, Pages 55 and 56, Public Records of Mesa County, Colorado; thence N 00°02'46" W along the West line of said Summit Meadows West, a distance of 1313.54 feet to the North line of the SE 1/4 NW 1/4 of said Section 15; thence S 89°55'16" E along the North line of the SE 1/4 NW 1/4 of said Section 15, a distance of 164.03 feet to the West line

of said Summit View Meadows; thence S 00°01'52" E along the West line of said Summit View Meadows, a distance of 1313.42 feet, more or less, to the Point of Beginning.

CONTAINING 4.9409 Acres (215,244 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:

3. That a hearing will be held on the 5th day of January, 2005, 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.
4. 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 1st day of December, 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>
December 3, 2004
December 10, 2004
December 17, 2004
December 24, 2004

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

SUMMIT VIEW MEADOWS FILING #2 ANNEXATION

LOCATED AT 3140 D 1/2 ROAD

APPROXIMATELY 4.9409 ACRES

WHEREAS, on the 1st day of December, 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 5th day of January, 2005; and

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

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

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

A certain parcel of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 15, 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 Southeast corner of the Northwest Quarter (NW 1/4) of said Section 15 and assuming the South line of the SE 1/4 NW 1/4 of said Section 15 bears N 89°57'40" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 89°57'40" W along the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 327.50 feet to the intersection with the Southerly projection of the West line of Summit View Meadows, as same is recorded in Plat Book 19, Pages 323 and 324, Public Records of Mesa County, Colorado; thence N 00°01'52" W along said Southerly projection, a distance of 5.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 89°57'40"

W along a line 5.00 feet North of and parallel with, the South line of the SE 1/4 NW 1/4 of said Section 15, a distance of 163.69 feet to the intersection with the Southerly projection of the East line of Summit Meadows West, as same is recorded in Plat Book 20, Pages 55 and 56, Public Records of Mesa County, Colorado; thence N 00°02'46" W along the West line of said Summit Meadows West, a distance of 1313.54 feet to the North line of the SE 1/4 NW 1/4 of said Section 15; thence S 89°55'16" E along the North line of the SE 1/4 NW 1/4 of said Section 15, a distance of 164.03 feet to the West line of said Summit View Meadows; thence S 00°01'52" E along the West line of said Summit View Meadows, a distance of 1313.42 feet, more or less, to the Point of Beginning.

CONTAINING 4.9409 Acres (215,244 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 1st day of December, 2004 and ordered published.

ADOPTED on second reading this _____ day of _____, 2005.

Attest:

President of the Council

City Clerk

Attach 6

Setting a Hearing Summit Annexation Located 280 29 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a hearing for the Summit Annexation located at 280 29 Road						
Meeting Date	December 1, 2004						
Date Prepared	November 23, 2004				File #ANX-2004-242		
Author	Faye Hall			Planning Technician			
Presenter Name	Faye Hall			Planning Technician			
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 29.435 acre Summit Annexation consists of two parcels of land and portions of the B 1/2 & 29 Road rights-of-way.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Summit Annexation petition and introduce the proposed Summit Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for January 5, 2005.

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:		280 29 Road	
Applicants:		Owner: Stephen Nieslanik Developer/Representative: Sonshine Construction II – John Slothower	
Existing Land Use:		Agricultural / Vacant	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Single Family Residential / Colorado River	
	South	Single Family Residential / Agricultural	
	East	Single Family Residential / Agricultural	
	West	Single Family Residential / Orchard	
Existing Zoning:		County RSF-4 & RSF-R	
Proposed Zoning:		RSF-4	
Surrounding Zoning:	North	County RSF-R	
	South	County RSF-4 & RSF-R	
	East	County RSF-R	
	West	County RSF-4	
Growth Plan Designation:		Residential Medium Low 2-4 du/ac	
Zoning within density range?	X	Yes	No

Staff Analysis:

ANNEXATION:

This annexation area consists of 29.435 acres of land and is comprised of two parcels and portions of the B 1/2 & 29 Road rights-of-way. The property owners have requested annexation into the City as the result of a request to subdivide in the County. Under the 1998 Persigo Agreement all subdivisions 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 Summit 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.

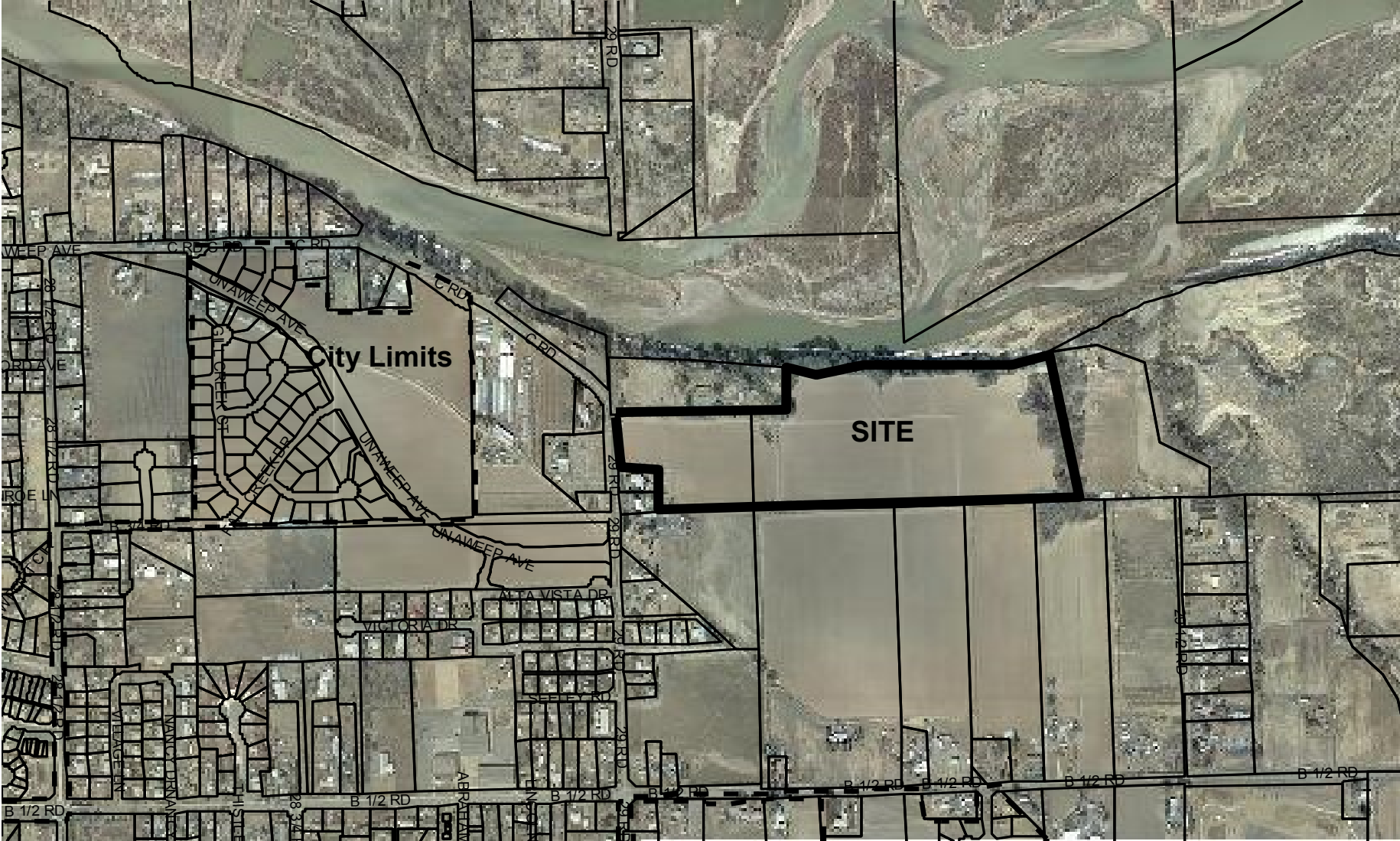
<i>ANNEXATION SCHEDULE</i>	
December 1, 2004	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
December 14, 2004	Planning Commission considers Zone of Annexation
December 15, 2004	Introduction Of A Proposed Ordinance on Zoning by City Council
January 5, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
February 6, 2005	Effective date of Annexation and Zoning

SUMMIT ANNEXATION SUMMARY

File Number:	ANX-2004-242	
Location:	280 29 Road	
Tax ID Number:	2943-292-00-113 & 112	
Parcels:	2	
Estimated Population:	0	
# of Parcels (owner occupied):	0	
# of Dwelling Units:	0	
Acres land annexed:	29.435	
Developable Acres Remaining:	27.06	
Right-of-way in Annexation:	103,237 sq ft (2.37 acres)	
Previous County Zoning:	RSF-4 & RSF-R	
Proposed City Zoning:	RSF-4	
Current Land Use:	Vacant / Agricultural	
Future Land Use:	Single Family Residential	
Values:	Assessed:	\$3100
	Actual:	\$10,660
Census Tract:	N/A	
Address Ranges:	280 & 282 29 Road	
Special Districts:	Water:	Ute
	Sewer:	Orchard Mesa Sanitation
	Fire:	Grand Junction Rural Fire
	Irrigation/ Drainage:	Orchard Mesa Irrigation
	School:	School District 51
	Pest:	N/A

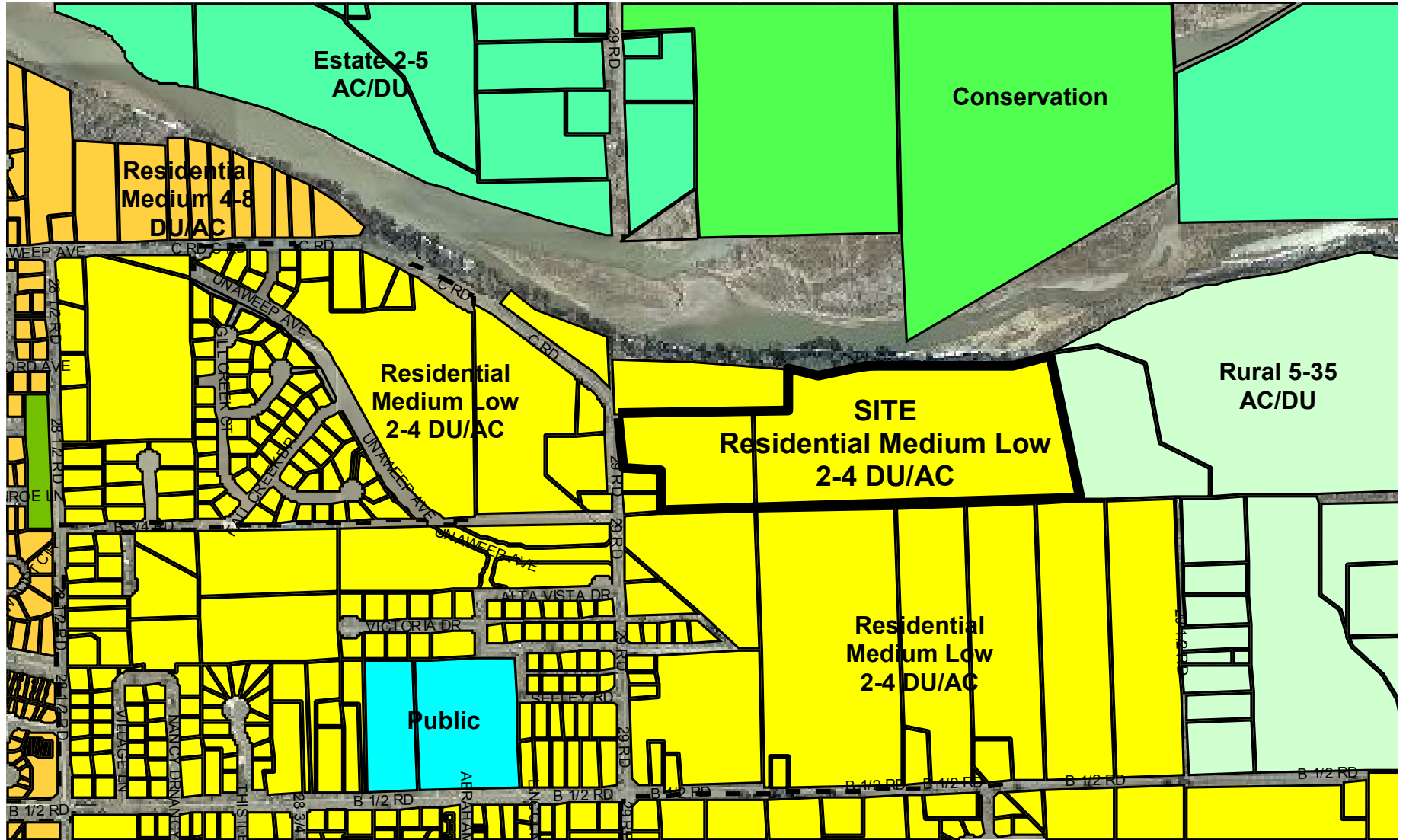
Aerial Photo Map

Figure 1



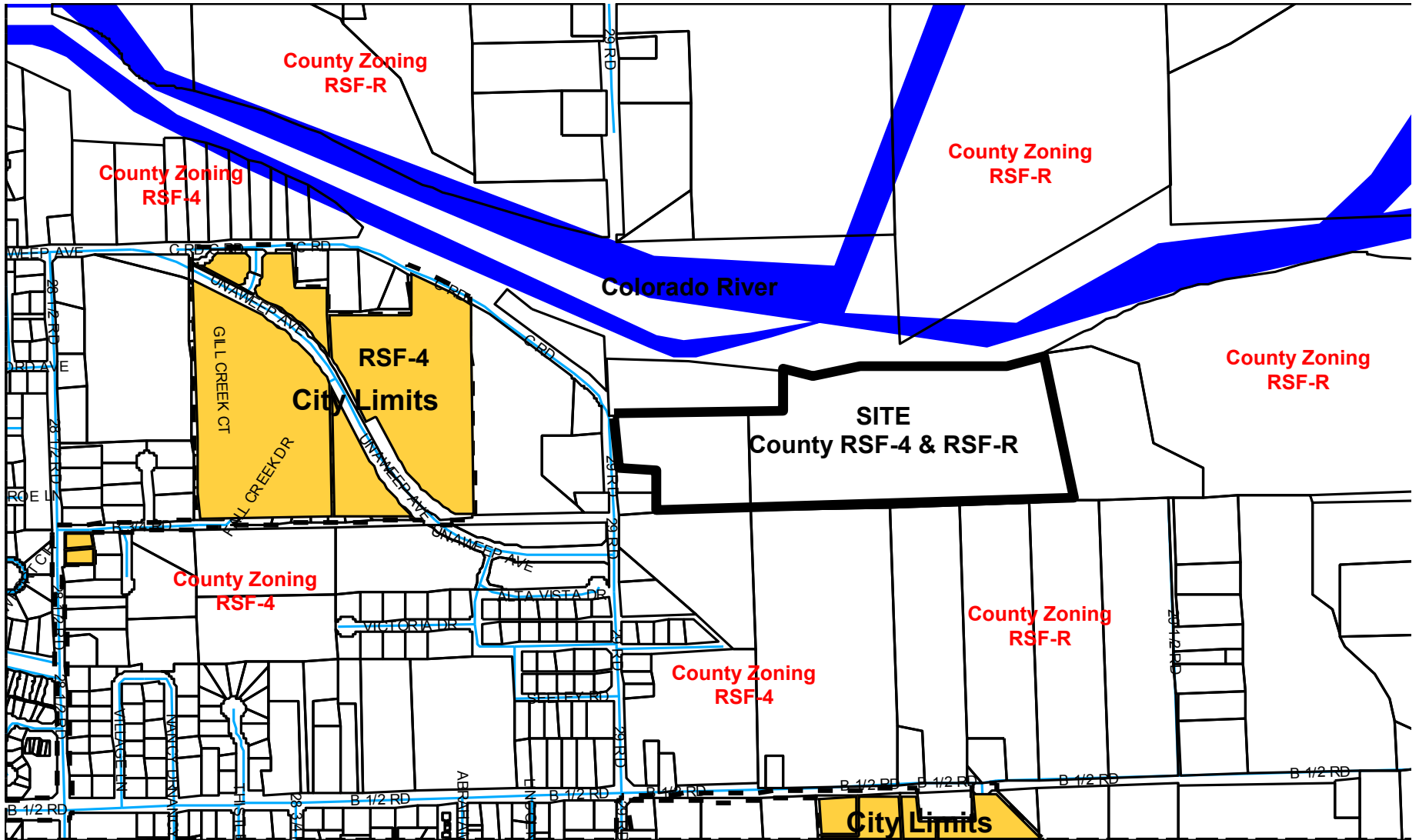
Future Land Use Map

Figure 2



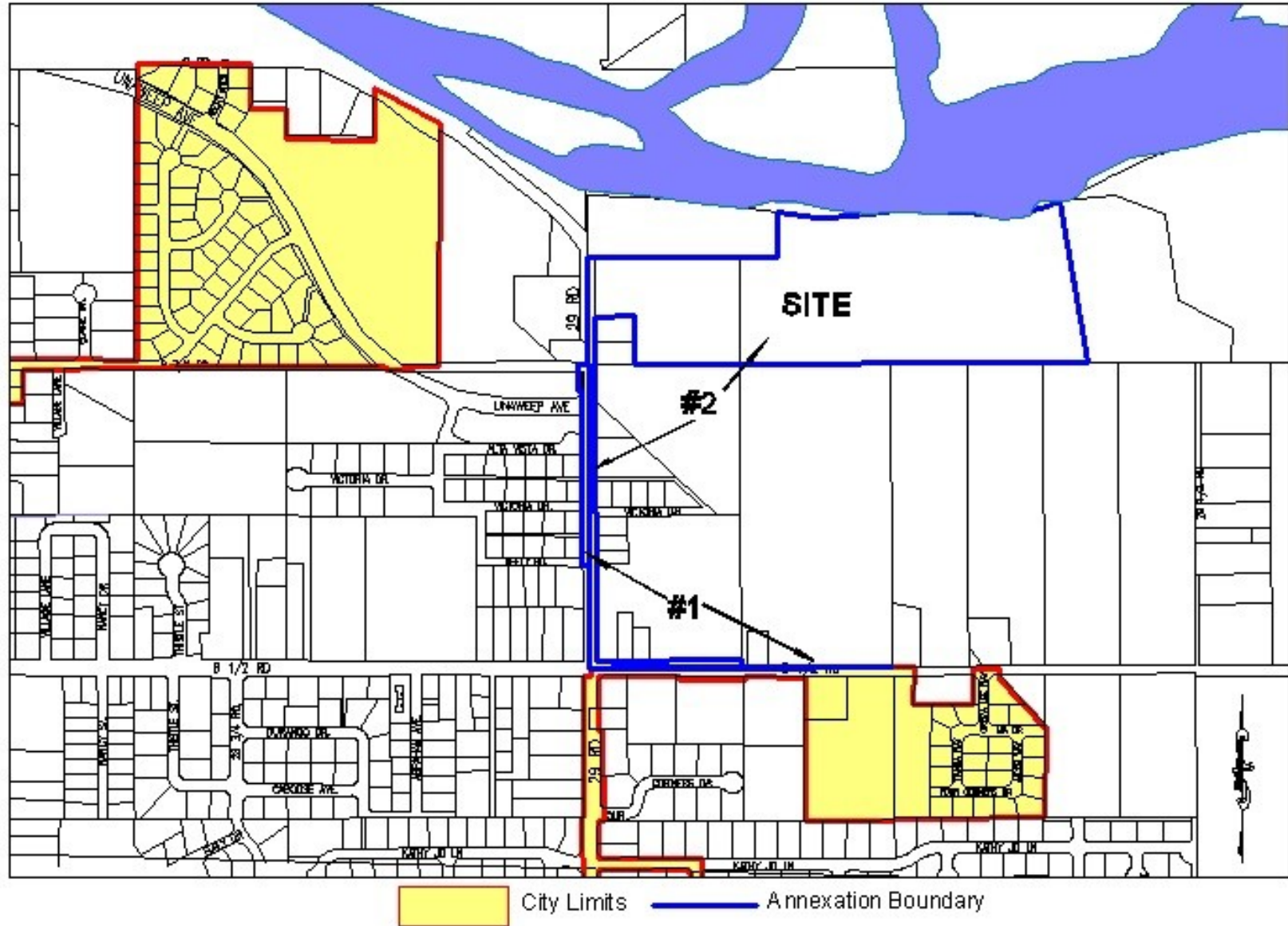
Existing City and County Zoning

Figure 3



Summit Annexation #1 & #2

Figure 5



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

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Grand Junction, Colorado, held on the 1st of December, 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**

THE SUMMIT ANNEXATION

LOCATED at 280 29 ROAD, INCLUDING 29 & B 1/2 ROAD RIGHTS-OF-WAY

WHEREAS, on the 1st day of December, 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:

THE SUMMIT ANNEXATION

SUMMIT ANNEXATION NO. 1

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 29 and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 30, all in 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 Southeast corner of the SW 1/4 NW 1/4 of said Section 29 and assuming the South line of the SW 1/4 NW 1/4 of said Section 29 bears S 89°49'20" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°49'20" W along the South line of the SW 1/4 NW 1/4 of said Section 29, a distance of 1319.58 feet to the Southwest corner of the SW 1/4 NW 1/4 of said Section 29; thence N 00°12'04" W along the West line of the SW 1/4 NW 1/4 of said Section 29, a distance of 443.40 feet; thence S 89°56'51" W a distance of 30.00 feet; thence N 00°12'04" W along the West right of way for 29 Road and the East line of Lincoln Heights Subdivision, as same is recorded in Plat Book 8, Page 16, Public Records of Mesa County, Colorado, a distance of 766.15 feet; thence S 89°47'56" W a distance of 11.99 feet; thence N 00°16'00" E a distance of 110.73 feet to a point on the SE 1/4 NE 1/4 of said Section 30; thence N 89°58'04" E along the North line of the SE 1/4 NE 1/4 of said Section 30, a distance of 41.09 feet to the Northwest corner of the SW 1/4 NW 1/4 of said Section 29; thence N 89°51'18" E along the South line of the North half (N 1/2) of the Northwest Quarter (NW 1/4) of said Section 29, a distance of 5.00 feet; thence S 00°12'04" E along a line 5.00 feet East of and parallel with, the

West line of the SW 1/4 NW 1/4 of said Section 29, a distance of 1315.24 feet; thence N 89°49'20" E along a line 5.00 feet North of and parallel with, the South line of the SW 1/4 NW 1/4 of said Section 29, a distance of 1314.59 feet to a point on the East line of the SW 1/4 NW 1/4 of said Section 29; thence S 00°08'20" E along the East line of the SW 1/4 NW 1/4 of said Section 29, a distance of 5.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.9357 Acres (40,757.35 Sq. Ft.), more or less, as described.

SUMMIT ANNEXATION NO. 2

A certain parcel of land lying in the Northwest Quarter (NW 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 Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 29 and assuming the South line of the SW 1/4 NW 1/4 of said Section 29 bears S 89°49'20" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°13'00" W along the East line of the SW 1/4 NW 1/4 of said Section 29, a distance of 5.00 feet; thence S 89°49'20" W along a line 5.00 feet North of and parallel with, the South line of the SW 1/4 NW 1/4 of said Section 29, a distance of 659.58 feet to the POINT OF BEGINNING; thence from said Point of Beginning, N 00°10'40" W a distance of 25.00 feet to a point on the North right of way for B-1/2 Road; thence S 89°49'20" W along said North right of way, being a line 30.00 feet North of and parallel with, the South line of the SW 1/4 NW 1/4 of said Section 29, as shown on Weems Gardens, as same is recorded in Plat Book 7, page 14, Public Records of Mesa County, Colorado, a distance of 630.01 feet; thence N 00°12'04" W along the East right of way for 29 Road, being a line 30.00 feet East of and parallel with, the West line of the SW 1/4 NW 1/4 of said Section 29, a distance of 1290.22 feet to a point on the South line of the North half (N 1/2) of the NW 1/4 of said Section 29; thence N 00°11'59" W along said East right of way, being a line 30.00 feet East of and parallel with, the West line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 29, a distance of 210.00 feet; thence N 89°51'18" E a distance of 175.00 feet; thence S 00°11'59" E a distance of 210.00 feet; thence N 89°51'18" E along the South line of the N 1/2 of the NW 1/4 of said Section 29, a distance of 1,942.00 feet; thence N 11°15'42" W a distance of 666.00 feet, more or less, to a point on the South bank of the Colorado River; thence N 86°24'42" W along said South bank, a distance of 315.00 feet; thence continuing along said South bank, N 87°38'42" W a distance of 361.00 feet; thence continuing along said South bank, S 85°42'18" W a distance of 433.00 feet; thence continuing along said South bank, N 82°42'42" W a distance of 82.43 feet; thence S 00°08'42" E a distance of 202.09 feet; thence S 89°51'18" W a distance of 830.45 feet to a point on the West line of the NE 1/4 NW 1/4 of said Section 29; thence S 00°11'59" E along the West line of the NE 1/4 NW 1/4 of said Section 29, a distance of 467.00 feet to the Northwest corner of the SE 1/4 NW 1/4 of said Section 29; thence N

89°51'18" E along the South line of the N 1/2 of the NW 1/4 of said Section 29, a distance of 5.00 feet; thence S 00°12'04" E along a line 5.00 feet East of and parallel with, the West line of the SW 1/4 NW 1/4 of said Section 29, a distance of 1315.24 feet; thence N 89°49'20" E along a line 5.0 feet North of and parallel with, the South line of the SW 1/4 NW 1/4 of said Section 29, a distance of 655.00 feet, more or less, to the Point of Beginning.

CONTAINING 28.500 Acres (1,241,490.0 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 5th day of January, 2005, 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 _____ 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

<i>DATES PUBLISHED</i>
December 3, 2004
December 10, 2004
December 17, 2004
December 24, 2004

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

THE SUMMIT ANNEXATION #1

APPROXIMATELY .9357 ACRES

LOCATED WITHIN 29 & B 1/2 ROAD RIGHTS-OF-WAY

WHEREAS, on the 1st day of December, 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 5th day of January, 2005; 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:

SUMMIT ANNEXATION NO. 1

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 29 and the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section 30, all in 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 Southeast corner of the SW 1/4 NW 1/4 of said Section 29 and assuming the South line of the SW 1/4 NW 1/4 of said Section 29 bears S 89°49'20" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°49'20" W along the South line of the SW 1/4 NW 1/4 of said Section 29, a distance of 1319.58 feet to the Southwest corner of the SW 1/4 NW 1/4 of said

Section 29; thence N 00°12'04" W along the West line of the SW 1/4 NW 1/4 of said Section 29, a distance of 443.40 feet; thence S 89°56'51" W a distance of 30.00 feet; thence N 00°12'04" W along the West right of way for 29 Road and the East line of Lincoln Heights Subdivision, as same is recorded in Plat Book 8, Page 16, Public Records of Mesa County, Colorado, a distance of 766.15 feet; thence S 89°47'56" W a distance of 11.99 feet; thence N 00°16'00" E a distance of 110.73 feet to a point on the SE 1/4 NE 1/4 of said Section 30; thence N 89°58'04" E along the North line of the SE 1/4 NE 1/4 of said Section 30, a distance of 41.09 feet to the Northwest corner of the SW 1/4 NW 1/4 of said Section 29; thence N 89°51'18" E along the South line of the North half (N 1/2) of the Northwest Quarter (NW 1/4) of said Section 29, a distance of 5.00 feet; thence S 00°12'04" E along a line 5.00 feet East of and parallel with, the West line of the SW 1/4 NW 1/4 of said Section 29, a distance of 1315.24 feet; thence N 89°49'20" E along a line 5.00 feet North of and parallel with, the South line of the SW 1/4 NW 1/4 of said Section 29, a distance of 1314.59 feet to a point on the East line of the SW 1/4 NW 1/4 of said Section 29; thence S 00°08'20" E along the East line of the SW 1/4 NW 1/4 of said Section 29, a distance of 5.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.9357 Acres (40,757.35 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 1st day of December, 2004 and ordered published.

ADOPTED on second reading this _____ day of _____, 2005.

Attest:

President of the Council

City Clerk

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

THE SUMMIT ANNEXATION #2

APPROXIMATELY 28.50 ACRES

**LOCATED AT 280 29 ROAD & PORTIONS OF THE 29 & B 1/2 ROAD RIGHTS-OF-
WAY**

WHEREAS, on the 1st day of December, 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 5th day of January, 2005; 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:

SUMMIT ANNEXATION NO. 2

A certain parcel of land lying in the Northwest Quarter (NW 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 Southeast corner of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of said Section 29 and assuming the South line of the SW 1/4 NW 1/4 of said Section 29 bears S 89°49'20" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°13'00' W along the East line of the SW 1/4 NW 1/4 of said Section 29, a distance of 5.00 feet; thence S 89°49'20" W along a line 5.00 feet North of and parallel with, the South line of the SW 1/4 NW 1/4 of said Section 29, a distance of 659.58 feet to the POINT OF

BEGINNING; thence from said Point of Beginning, N 00°10'40" W a distance of 25.00 feet to a point on the North right of way for B-1/2 Road; thence S 89°49'20" W along said North right of way, being a line 30.00 feet North of and parallel with, the South line of the SW 1/4 NW 1/4 of said Section 29, as shown on Weems Gardens, as same is recorded in Plat Book 7, page 14, Public Records of Mesa County, Colorado, a distance of 630.01 feet; thence N 00°12'04" W along the East right of way for 29 Road, being a line 30.00 feet East of and parallel with, the West line of the SW 1/4 NW 1/4 of said Section 29, a distance of 1290.22 feet to a point on the South line of the North half (N 1/2) of the NW 1/4 of said Section 29; thence N 00°11'59" W along said East right of way, being a line 30.00 feet East of and parallel with, the West line of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of said Section 29, a distance of 210.00 feet; thence N 89°51'18" E a distance of 175.00 feet; thence S 00°11'59" E a distance of 210.00 feet; thence N 89°51'18" E along the South line of the N 1/2 of the NW 1/4 of said Section 29, a distance of 1,942.00 feet; thence N 11°15'42" W a distance of 666.00 feet, more or less, to a point on the South bank of the Colorado River; thence N 86°24'42" W along said South bank, a distance of 315.00 feet; thence continuing along said South bank, N 87°38'42" W a distance of 361.00 feet; thence continuing along said South bank, S 85°42'18" W a distance of 433.00 feet; thence continuing along said South bank, N 82°42'42" W a distance of 82.43 feet; thence S 00°08'42" E a distance of 202.09 feet; thence S 89°51'18" W a distance of 830.45 feet to a point on the West line of the NE 1/4 NW 1/4 of said Section 29; thence S 00°11'59" E along the West line of the NE 1/4 NW 1/4 of said Section 29, a distance of 467.00 feet to the Northwest corner of the SE 1/4 NW 1/4 of said Section 29; thence N 89°51'18" E along the South line of the N 1/2 of the NW 1/4 of said Section 29, a distance of 5.00 feet; thence S 00°12'04" E along a line 5.00 feet East of and parallel with, the West line of the SW 1/4 NW 1/4 of said Section 29, a distance of 1315.24 feet; thence N 89°49'20" E along a line 5.0 feet North of and parallel with, the South line of the SW 1/4 NW 1/4 of said Section 29, a distance of 655.00 feet, more or less, to the Point of Beginning.

CONTAINING 28.500 Acres (1,241,490.0 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 1st day of December, 2004 and ordered published.

ADOPTED on second reading this _____ day of _____, 2005.

Attest:

President of the Council

City Clerk

Attach 7

Setting a Hearing on Zoning the Reece/Ice Skating Annexation Located along the Colorado River, 2499 River Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Setting a Hearing for Zoning the Reece/Ice Skating Inc. Annexation located along the Colorado River, 2499 River Road					
Meeting Date	December 1, 2004					
Date Prepared	November 19, 2004			File #ANX-2004-240		
Author	Scott D. Peterson		Associate Planner			
Presenter Name	Scott D. Peterson		Associate Planner			
Report results back to Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When	
Citizen Presentation		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Workshop		Formal Agenda		Consent	Individual Consideration

Summary: Introduction of a proposed zoning ordinance to zone the Reece/Ice Skating Inc. Annexation, CSR, Community Services & Recreation, located at 2499 River Road. The Annexation consists of 75.3 acres and consists of three (3) parcels of Unplatted land located along the Colorado River.

Budget: N/A

Action Requested/Recommendation: Introduce and approve a proposed zoning ordinance on First Reading to zone the Reece/Ice Skating Inc. Annexation, CSR, Community Services & Recreation and set a public hearing for December 15, 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. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
Location:		Along the Colorado River – 2499 River Road		
Applicants:		Dale Reece, etal, Owners		
Existing Land Use:		Vacant land along Colorado River		
Proposed Land Use:		26.6 acres of the 75.3 acres to be donated to Ice Skating Inc. in the development of their site		
Surrounding Land Use:	North	Colorado River		
	South	Single-Family Residential & Colorado River		
	East	Vacant land – Future home of Ice Skating Inc.		
	West	Colorado River		
Existing Zoning:		RSF-R, Residential Single Family – Rural (County)		
Proposed Zoning:		CSR, Community Services & Recreation		
Surrounding Zoning:	North	CSR, Community Services & Recreation (City) & RSF-R, Residential Single-Family – Rural (County)		
	South	RSF-R, Residential Single Family – Rural (County)		
	East	CSR, Community Services & Recreation		
	West	CSR, Community Services & Recreation		
Growth Plan Designation:		Conservation		
Zoning within density range?		N/A	Yes	No

Staff Analysis:

ZONE OF ANNEXATION:

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City's Growth Plan Future Land Use Map. The proposed zone district of CSR, Community Services & Recreation would be in keeping with the Persigo Agreement and the Growth Plan Future Land Use Map.

CSR ZONE DISTRICT

- The proposed Community Services & Recreation (CSR) is consistent with the Growth Plan Future Land Use Map for this area. Currently, the Growth Plan Future Land Use Map indicates this area along the Colorado River to Conservation in character.
- Zoning this annexation as Community Services & Recreation (CSR) meets the criteria found in Section 2.14 F. and 2.6 A. of the Grand Junction Zoning & Development Code.

ZONING AND DEVELOPMENT CODE CRITERIA:

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

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

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

N/A. The proposed zoning of CSR upon annexation is consistent with the Growth Plan Future Land Use Map.

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

The three (3) properties are located along the Colorado River and have no development potential with the exception of a few acres that will be utilized by Ice Skating Inc. in the future development of their site.

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

The proposed zoning of CSR 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. The Planning Commission has determined that public infrastructure can address the impacts of any development consistent with the CSR zone district, therefore this criterion is met.

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

The proposed zoning is in conformance with the Growth Plan and was created specifically for environmental open space areas with limited development.

- 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 CSR zone district.

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

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

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

The existing parcels of land are located along the Colorado River and have no development potential with the exception of a few acres that will be utilized by Ice Skating Inc. The proposed CSR zoning is the most appropriate zone for this type of area as it will preserve open space and environmental areas.

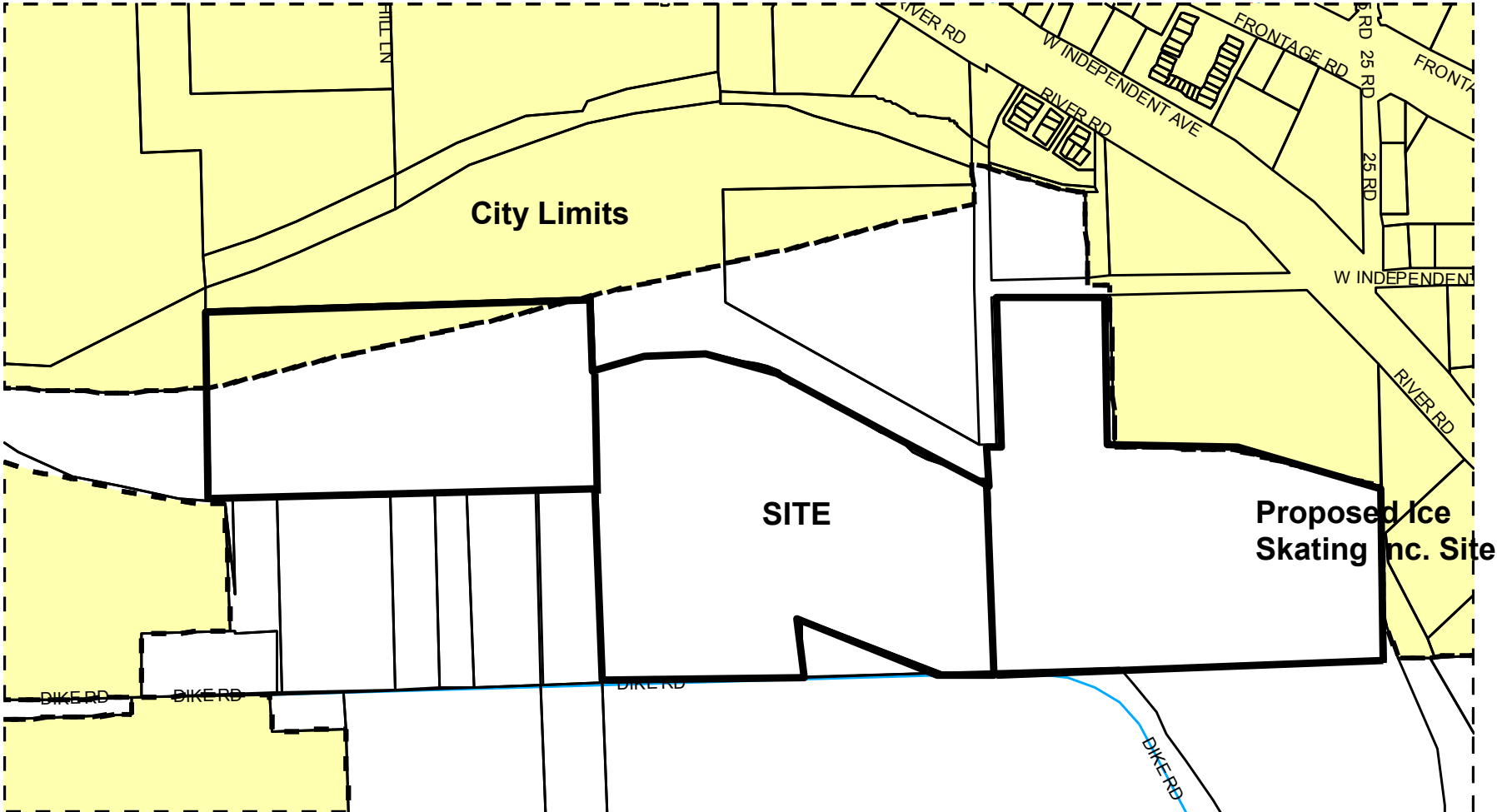
FINDINGS AND CONCLUSIONS:

1. The requested zoning is consistent with the Growth Plan Future Land Use Map.
2. The zone of annexation is consistent with Section 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, Community Services & Recreation district to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

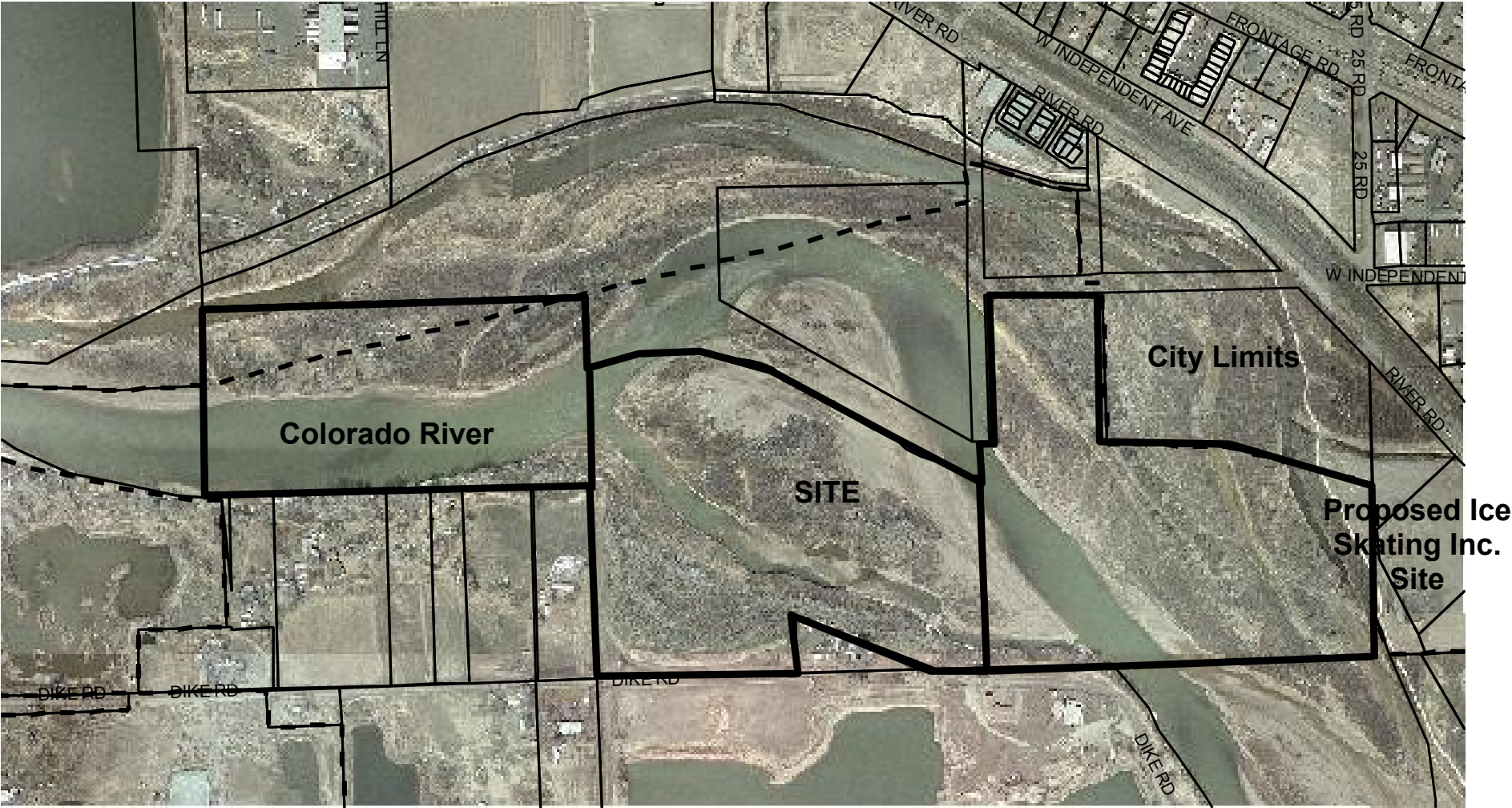
Site Location Map – Reece/Ice Skating Inc. Annexation

Figure 1



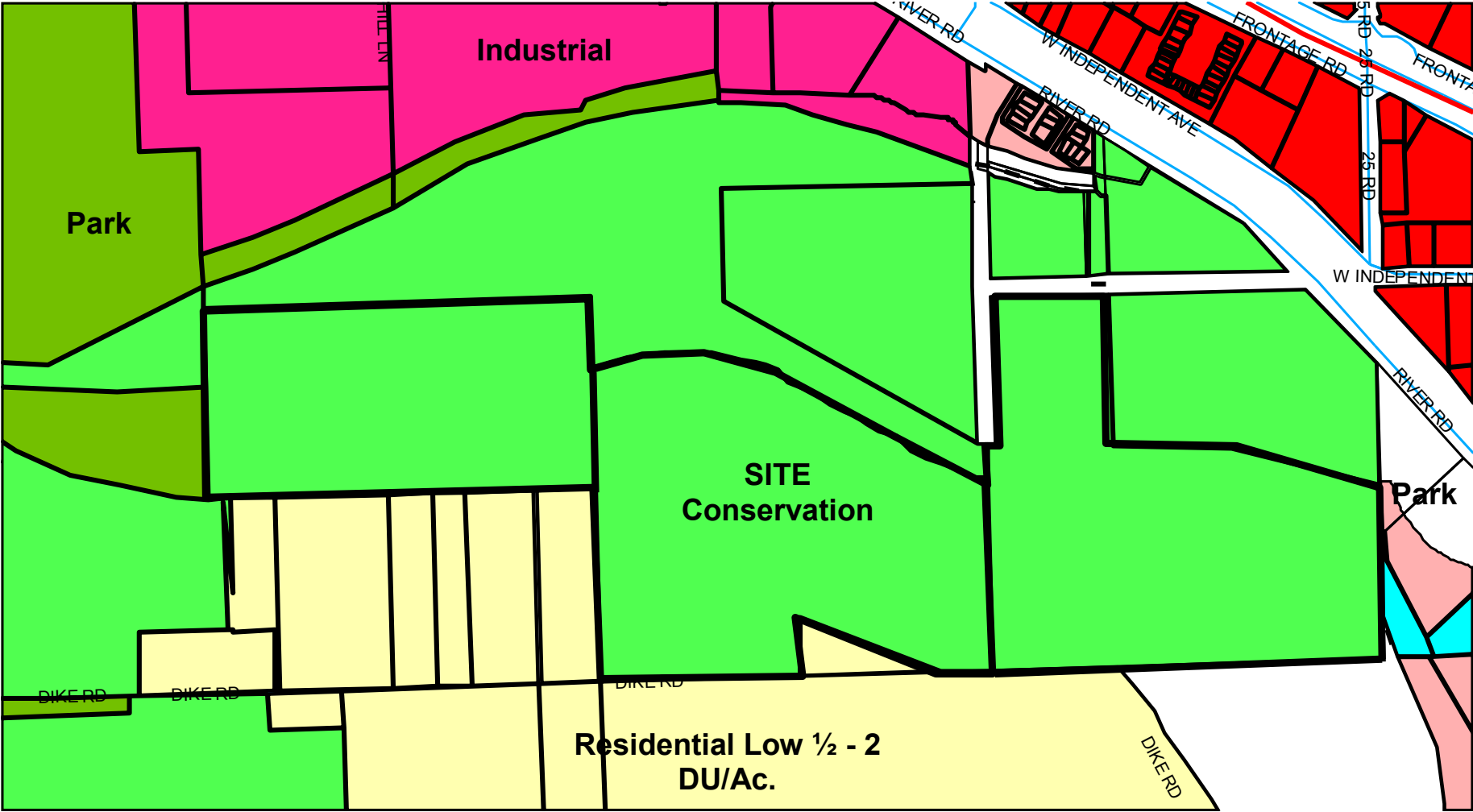
Aerial Photo Map – Reece/Ice Skating Inc. Annexation

Figure 2



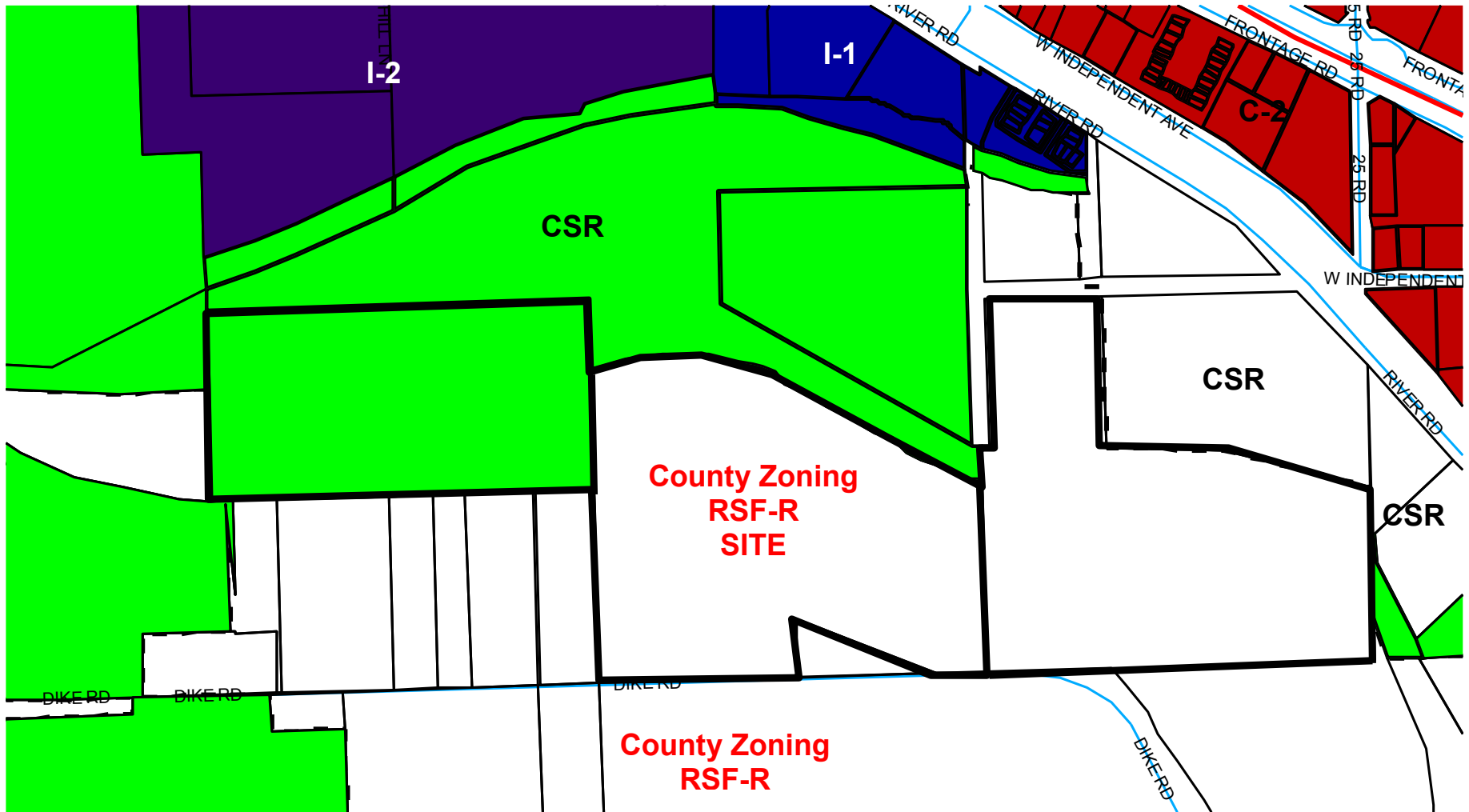
Future Land Use Map – Reece/Ice Skating Inc. Annexation

Figure 3



Existing City and County Zoning – Reece/Ice Skating Inc.

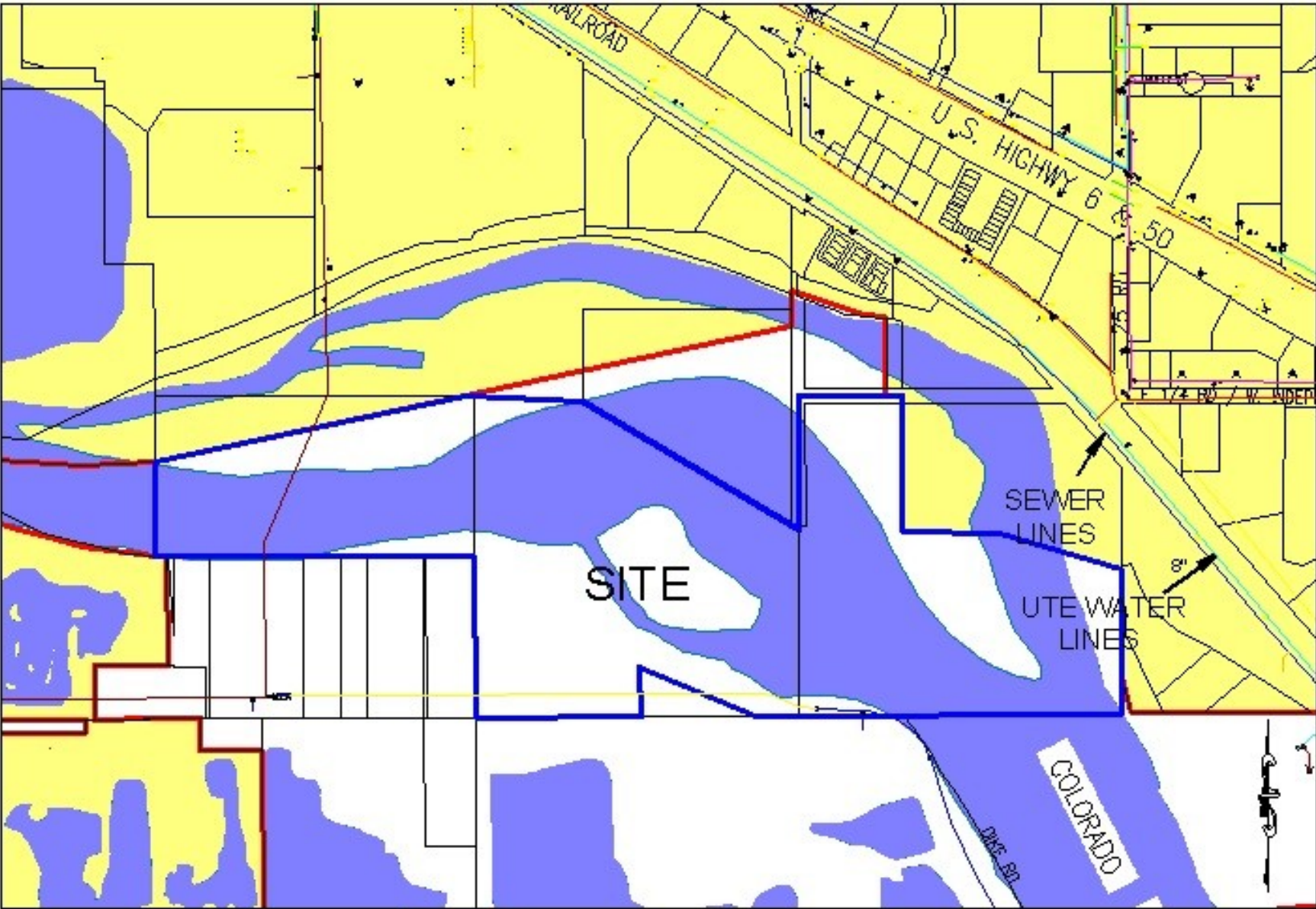
Figure 4



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."

Reece/Ice Skating Inc. Annexation

Figure 5



City Limits Annexation Boundary

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE ZONING THE REECE/ICE SKATING INC. ANNEXATION
TO COMMUNITY SERVICES & RECREATION (CSR)**

LOCATED AT 2499 River Road

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of applying a CSR, Community Services & Recreation 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, Community Services & Recreation zone district be established.

The Planning Commission and City Council find that the CSR, Community Services & Recreation 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 Community Services & Recreation (CSR).

PERIMETER BOUNDARY LEGAL DESCRIPTION

REECE / ICE SKATING INC. ANNEXATION

A certain parcel of land lying in the South-half (S 1/2) of the Southeast Quarter (SE 1/4) and the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 9, 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 Southeast corner of said Section 9 and assuming the East line of the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of said Section 9 bears N 00°08'47" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, N 00°08'47" W along the East line of the SE 1/4 SE 1/4 of said Section 9, a portion of said line being the West line of Redco Industrial Subdivision, as same is recorded in Plat Book 13, Page 16, Public Records of Mesa County, Colorado and being the West line of the C & K Annexation, City of Grand Junction Ordinance No. 3352, a distance of 550.47 feet to the Southeast corner of Lot 11, Riverside Subdivision, as same is recorded in Plat Book 1, Page 28, Public Records of Mesa County, Colorado; thence N 70°25'29" W along the South line of said Lot 11 and the South line of Blue Heron II Annexation, City of Grand Junction Ordinance No. 2685, a distance of 532.89 feet to a point being the Southeast corner of Lot 12 of said Riverside Subdivision; thence N 87°45'37" W along the South line of said Lot 12 and the South line of said Blue Heron II Annexation, a distance of 400.29 feet to a point being the Southwest corner of said Lot 12; thence N 00°03'11" E along the West line of said Lot 12 and the West line of said Blue Heron II Annexation, a distance of 550.00 feet to a point on the North line of the SE 1/4 SE 1/4 of said Section 9; thence N 89°54'28" W along said North line, a distance of 425.00 feet to a point being the Northwest corner of the SE 1/4 SE 1/4 of said Section 9; thence S 00°07'10" E along the West line of the SE 1/4 SE 1/4 of said Section 9, a distance of 545.55 feet; thence N 52°16'39" W, along the Southerly line of Lot 14 of said Riverside Subdivision, a distance of 893.52 feet to its intersection with the North line of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of said Section 9; thence N 89°54'28" W along said North line, a distance of 476.11 feet, more or less, to its intersection with the South line of the Blue Heron Annexation, City of Grand Junction Ordinance No. 2549; thence S 78°15'24" W along the South line of said Blue Heron Annexation, a distance of 1482.36 feet, more or less, to a point on the West line of the Southeast Quarter of the Southwest Quarter of said Section 9; thence S 00°03'42" E along said West line, a distance of 357.54 feet to a point on the North line of the Grand Valley Audubon Annexation No. 1, City of Grand Junction Ordinance No. 3630; thence S 87°58'03" E along said North line, a distance of 67.90 feet; thence N 83°03'38" E a distance of 156.08 feet; thence N 89°50'12" E a distance of 1087.53 feet to a point on the East line of the SE 1/4 SW 1/4 of said Section 9; thence S 00°00'55" W along said East line, a distance of 670.00 feet to a point being the Southeast corner of the SE 1/4 SW 1/4 of said Section 9; thence N 89°43'50" E along the South line of the Southeast Quarter (SE 1/4) of said Section 9, a distance of 676.00 feet; thence N 00°16'10" W a distance of 200.00 feet; thence S 67°15'43" E a distance of 511.70 feet to a point on the South line of the SE 1/4 of said Section 9; thence N 89°43'50" E along the South line of the SE 1/4 of said Section 9, a distance of 1503.55 feet, more or less, to the Point of Beginning.

CONTAINING 75.3433 Acres (3,281,952 Sq. Ft.), more or less, as described.

Introduced on first reading this 1st day of December, 2004 and ordered published.

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

Mayor

ATTEST:

City Clerk

Attach 8

Extension of the Applicability of the Prior Zoning & Development Code for Redlands Mesa

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Extension Of The Applicability Of The Prior Zoning And Development Code						
Meeting Date	December 1, 2004						
Date Prepared	November 19, 2004				File # MSC-2004-261		
Author	Bob Blanchard		Community Development Director				
Presenter Name	Bob Blanchard		Community Development 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: This is a request to extend the applicability of the pre-2000 Zoning and Development Code ("prior Code") until December 31, 2012 for the remaining filings of Redlands Mesa

Budget: N/A

Action Requested/Recommendation: Approval of the requested extension.

Attachments:

Letter and Planned Development Schedule for Redlands Mesa from Ronald Austin

Background Information:

The 2000 Zoning and Development Code was developed to implement the City's Growth Plan which had been adopted in 1996. The Code was adopted March 7, 2000 and became effective April 22, 2000. The new Code was to apply to all applications made after July 26, 2000 and all developments approved after August 7, 2000. The former Code would continue to apply to:

1. Any development that had received final approval on or before July 19, 2000;
2. Any development that had been approved as a site specific development plan under the former Code on or before January 31, 2001;
3. Any development for which a pre-application conference had occurred prior to the effective date of the Code provided:
 - i. The development application was submitted within six months of the date of the pre-application meeting; and,
 - ii. The development received preliminary approval by January 31, 2004.
4. Any development that had received preliminary approval by January 31, 2004.

Section 1.18.C of the Zoning and Development Code indicates that the prior Code will expire December 31, 2004 unless a development schedule is specifically extended. The Code provides opportunity for the Planning Commission to recommend and the City Council to extend a development schedule under the former Code upon a satisfactory showing that:

1. The developer has installed or will install during the term of the development schedule adequate, contemporary infrastructure. Adequate, contemporary

infrastructure means that all infrastructure/facilities are/will be constructed to then existing standards;

2. The general scale, density/intensity of the development is consistent with then established community standards and development trends; and,
3. That no compromise, modification or amendment of the Code other than to one or more bulk standard is proposed with or as part of the extension of the former Code.

Redlands Mesa is the only project approved under the prior Code that remains in the development review process and has future filings that they request continue under the prior Code (see attached).

The Redlands Mesa Outline Development Plan was approved in 1998. To date, three phases have been completed or are in the review process. Their request is to extend the applicability of the prior Code to their project through their expected completion in 2012.

This request meets all three of the review criteria: the developer will continue to install adequate, contemporary infrastructure; the general scale, density and intensity of the development is consistent with community standards and development trends and there was no request for any modification or amendment of the Code with this extension request.

FINDINGS OF FACT/CONCLUSIONS

After reviewing Redlands Mesa's request to extend the applicability of the prior Zoning and Development Code, file number MSC-2004-261, staff makes the following findings of fact and conclusions:

3. The request meets the review criteria of Section 1.18.C.1 of the Zoning and Development Code.

PLANNING COMMISSION RECOMMENDATION

On November 23, 2004, the Planning Commission unanimously recommended that the City Council approve the request to extend the applicability of the prior Code until December 31, 2012 for the remaining phases of Redlands Mesa.



REDLANDS MESA

October 7, 2004

Kathy Portner, Planning Manager
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

Dear Kathy:

It is our current plan at Redlands Mesa to bypass Parcels 13A and 13B, which have Preliminary Plan approval, and our next phase will be Parcels 16 and 17.

As we continue to develop under the pre-2000 development code, we are asking for three things:

1. An extension of our Preliminary Plan approval for Parcels 13A and 13B, for five years;
2. An approval of our phasing plan continuing to give us maximum flexibility. As you know it is difficult to be precise, but our intentions are on the Phasing Schedule accompanying this letter;
3. An extension of the application of the pre-2000 development code to our ongoing project. With respect to Section 1.18 of the Zoning and Development code, I would say that B1., B4., C1.a. and c. all apply to us.

Please take whatever action is necessary to allow us to accomplish these goals. Thank you.

Sincerely,

REDLANDS MESA, LLC

by: 

Ronald D. Austin, Manager

Enc.

cc: Eric Hahn
Doug Thies
Craig Roberts

600 E. HOPKINS AVENUE SUITE 205
ASPEN, COLORADO 81611
PHONE: 970.925.2600
FAX: 970.925.4720


RONALD D. AUSTIN, MANAGER

2290 WEST RIDGES BOULEVARD
GRAND JUNCTION, COLORADO 81503
PHONE: 970.255.7400
FAX: 970.245.6055

**REDLANDS MESA PLANNED DEVELOPMENT
ANTICIPATED PHASING SCHEDULE FOR DEVELOPMENT**

The City of Grand Junction has asked for our planned phasing schedule for the development of the remainder of Redlands Mesa. It is difficult to be precise due to market conditions, the high cost of construction at Redlands Mesa, the high carrying costs of inventory lots, such as real estate taxes, and the like. We hope the City will continue to be flexible with us. At present, our plan is as follows:

Phase 4 - Parcels 16 & 17	-	2005
Phase 5 - Parcel 9	-	2005
Phase 6 - Parcels 15A & B	-	2006
Phase 7 - Parcel 4	-	2006
Phase 8 - Parcels 13A & B	-	2007/2008
Phase 9 - Parcel 1	-	2008/2009
Phase 10 - Parcel 14	-	2010
Phase 11 - Parcel 3	-	2011/2012

Some of these parcels may be switched, or the timing changed depending upon demand.

Attach 9

Use of Parking Garage by the Public December 4, 2004

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Use of the City/County Parking Garage by the public attending the Parade of Lights on Saturday, December 4, 2004					
Meeting Date	December 1, 2004					
Date Prepared	November 23, 2004				File #	
Author	Tim Moore			Public Works Manager		
Presenter Name	Mark Relph			Public Works & Utilities Director		
Report results back to Council		No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary:

Council will consider a request by the Downtown Association for the use of the City/County Parking Garage by the public attending the Parade of Lights on Saturday, December 4, 2004 from 4:30 p.m. to 10:00 p.m.

Budget:

NA

Action Requested/Recommendation: Approve Request.

Attachments: N/A

Background Information:

The Downtown Association is attempting to relieve parking availability associated with the Annual Parade of Lights. The City/County Parking Garage could offer additional public parking during this one day event. The parking gates would be open at 4:30 p.m. and locked at 10:00 p.m. Staff recommends that a parking attendant be on hand during these open hours to monitor vehicle activity. The Downtown Association agrees and will have an attendant stationed at the parking garage during the entire open period. This request is recommended for approval and shall be formally considered by the County at their County Commissioner's meeting on November 29.

The Parking Garage operations and maintenance agreement, which was approved at the City Council meeting of November 17 and at the County Commissioners meeting on November 15 states that amendments shall be in writing and shall not be effective until approved by both the Board of County Commissioners of the County of Mesa and the City of Grand Junction.

Attach 10

School Land Dedication Fee Extension Letter

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Land Dedication fee letter to School District 51					
Meeting Date	December 1, 2004					
Date Prepared	November 22, 2004					
Author	Kelly Arnold			City Manager		
Presenter Name	Kelly Arnold			City Manager		
Report results back to Council		No	X	Yes	When	April/May, 2005
Citizen Presentation		Yes	X	No	Name	
	Workshop	X		Formal Agenda	x	Consent
						Individual Consideration

Summary: At the November 15, 2004 workshop, the City Council and School District No. 51 Board discussed the School Land Dedication Fee that was adopted by Resolution No. 119-00. The date established by the resolution for the Fee expiration is January 1, 2005 unless the fee is extended, amended, or under review. The letter from the Mayor Pro-Tem to the School Board acknowledges that the Fee is under review and that it will be extended until June 1, 2005 unless it is modified before that date.

Budget: For the past two years, just over \$200,000 a year has been collected by the City through the development review process when the plats are filed. This fee is then sent to the School District on annual basis usually around May, 1st.

Action Requested/Recommendation: Authorize Mayor Pro-tem Palmer to sign the letter and send it to Ron Rowley, School Board President.

Attachments: Letter from Mayor Pro-tem Palmer and a copy of Resolution 119-00.

Background Information: Letter explains that the School District staff will lead the review of the Fee using the previous formula with City staff assistance. A report will be generated first quarter of 2005 that will be sent to both governing bodies regarding the fee. On or before June 1, 2005, both the City Council and the School Board will formally consider the Fee.

December 4, 2004

Mr. Ron Rowley
President
Mesa County School District 51
2115 Grand Avenue
Grand Junction, CO 81501

Dear Ron,

This letter confirms the discussion between the Grand Junction City Council and Mesa County School District 51 Board regarding the existing School Land Dedication Fee. At that meeting we agreed to extend the current fee while it is under review. As presented at the meeting, we understand it will be reviewed by both the City Council and School District Board sometime in late first quarter of 2005. Therefore, the Grand Junction City Council proposes that this letter confirms our intent to extend the current fee until at least June 1, 2005 unless both bodies agree to amend the current fee prior to that date.

Attached is a copy of Resolution 119-00 for reference. We understand that the School District staff will take the lead, with assistance of City staff, of reviewing the fee based upon the original fee formula. In addition, we encourage the review to include the possibility of an automatic rate review and renewal at a more frequent rate than five years.

Again, we appreciate the School District's partnership in building a great community together.

Sincerely,

Gregg Palmer
Mayor Pro-tem

Cc: Mesa County Commissioners and Administrator

RESOLUTION NO. 119-00

A Resolution Continuing the School Land Dedication Fee

Recitals. Nearly five years ago, the City Council adopted what is now section 6.4 of the Zoning and Development Code, at the request of Mesa County School District 51. Since then, the City has collected school impact fees pursuant to that section along with Mesa County and the City of Fruita. These fees are to be used by District 51 exclusively to acquire future school sites and lands, pursuant to the City's home rule powers and specifically as authorized by 30-28-133(4), C.R.S.

When it adopted the ordinance authorizing the collection of the school impact fee, the City Council provided that the dollar amount of the impact fee would be reviewed every five years, based on data obtained by and the recommendation of the Board of Education of School District 51.

Mesa County adopted a similar review provision, and has recently reviewed District 51's impact fee. See, the County's resolution 83-206(h). At the request of District 51, Mesa County has renewed the impact fee at the same dollar amount.

District 51 has studied the need or demand for school lands generated by proposed developments and/or anticipated population growth in the City, and in the Urban Growth boundary where the City is expected to annex as development occurs. District 51 has reviewed its data about the average cost per acre of suitable school lands. The study which supported the original adoption of the school impact fee was dated January 5, 1996 and titled *Sales Research Summary Report* and June 20, 1995 and titled *Site and Facility Needs 1995-2000 Report to the Board of Education*.

As indicated by the District's supporting documents, the District has reviewed its data, its capital needs, and other relevant information. The District has concluded that the dollar amount of the City's school land dedication fees is fair and adequate to meet the District's needs for the next five years. The City's code section, section 6.4B., requires a public hearing if the dollar amount of

the impact fee is recommended to change, however, since no such change is proposed, the City Council determines to continue said school impact fee without the need for a public hearing, unless a need for such public consideration becomes evident at any time.

District 51 has waived the City Code requirement of sixty days advance written notice.

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

1. The dollar amount of the school impact fee authorized by Zoning and Development Code section 6.4 shall remain the same, based on the evidence supplied by School District 51 and submitted to the City Clerk. The City Council incorporates by this reference the evidence and supporting documentation supplied by the District to the County Commissioners and on which the Board relied in its adoption of its resolution continuing the County's analogue to this impact fee.
2. Unless the City Council renews, amends or reviews the dollar amount of the school district impact fee, pursuant to the Zoning and Development Code section 6.4B on or before January 1, 2005, the said fee shall not be collected after January 1, 2005 until the City Council renews, amends or reviews the dollar amount of the said impact fee.
3. The school district impact fee collected pursuant to the City's Zoning and Development Code section 6.4 is and continues to be until changed \$292.00.
4. The City Council adopts, confirms and ratifies the actions taken when it approved Ordinance 3240 and that the same shall to the extent necessary or required amend, continue and extend the ordinance first adopting the school land fee.

PASSED and ADOPTED this 15th day of November 2000.

Attest:

/s/ Stephanie Nye
City Clerk

/s/ Gene Kinsey
President of the Council

Attach 11

Special Event Funding Recommendations from VCB

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Special Event Funding Recommendations					
Meeting Date	December 1, 2004					
Date Prepared	November 15, 2004				File #	
Author	Debbie Kovalik			Executive Director		
Presenter Name	Debbie Kovalik			Executive 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: Fourteen applications for Special Event funding were received by the November 2 deadline; funding requests totaled \$66,600. The Board recommends awarding a total of \$15,000 for out of town advertising to the following six events:

\$2,000	Grand Junction Air Show
\$3,000	Grand Valley Bicycle Classic (must provide documentation of matching funds from other sources by 2/1/05)
\$2,000	Wells Fargo Art & Jazz Festival
\$2,000	Fruita Fat Tire Festival (contingent on receiving matching funds from City of Fruita)
\$3,000	Fuoco Downtown Car Show
\$3,000	Colorado Mountain Winefest (for marketing in Colorado Springs)
\$15,000	Total Funding Recommendation

Budget: \$25,000 is budgeted in 2005

Action Requested/Recommendation: Approve funding awards as recommended.

Attachments: None

Background Information: The Special Events funding process has been in place since 1991 and over \$225,000 has been awarded to promote local events. The main

mission of Special Event funding is to market an event outside the Grand Junction area, which will encourage overnight stays in local lodging properties.

Funding applications are accepted once per year. Board members review the applications then meet in workshop to discuss how each event meets the policy criteria. Applications for 2005 were reviewed and funding recommendations approved on November 9.

Attach 12

Annual Renewal of VCB Advertising Services Contract

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Advertising Services Contract Annual Renewal					
Meeting Date	December 1, 2004					
Date Prepared	November 19, 2004				File #	
Author	Debbie Kovalik			Executive Director		
Presenter Name	Debbie Kovalik			Executive Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	x	Formal Agenda		Consent	X Individual Consideration

Summary: This is the final year of a 5-year annually renewable contract with Hill & Company Integrated Marketing and Advertising to provide advertising services to the VCB.

Budget: \$375,000 is budgeted in 2005

Action Requested/Recommendation: Authorize the City Manager to sign a contract with Hill & Company Integrated Marketing and Advertising in the amount of \$375,000.00 for the period January 1 – December 31, 2005.

Attachments: None

Background Information: The most recent RFQ/RFP for advertising services, issued in 2000, was sent to 56 agencies in Colorado. Four responses were received and three of those respondents were invited to make an oral presentation. A review panel consisting of VCB Board members, the City Purchasing Manager and three staff rated each agency on a set of 12 criteria. Hill & Co. received the highest ratings and was the unanimous selection of the panel. This is the final year of the contract that was originally approved by Council October 18, 2000.

An RFQ/RFP will again be issued in the Spring of 2005 and selected qualifying agencies will be invited to make formal presentations. Staff will work with the Purchasing Division to develop a timetable for this process.

At the November 9 meeting, the Board voted unanimously to recommend renewal of this contract for 2005.

Attach 13

Construction Contract for Concrete Walkways at Westlake, Darla Jean and Paradise Hills Parks

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Concrete Walkways at Westlake, Darla Jean and Paradise Hills Parks					
Meeting Date	December 1, 2004					
Date Prepared	November 19, 2004				File #	
Author	Rex Sellers		Senior Buyer			
Presenter Name	Joe Stevens		Parks & Recreation Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X		Formal Agenda		Consent X Individual Consideration

Summary: Preparing and placement of approximately 9,900 square feet of new concrete walkways at Westlake, 200 square feet at Darla Jean and 11,064 square feet, (includes a shelter foundation), at Paradise Hills Parks.

Budget: Funds are available from the 2004 CIP budget.

Westlake Park	2011-711-82400-40-G16800
Paradise Hills Park	2011-711-82400-40-G15900
Darla Jean Park	2011-711-82400-40-G19600

Action Requested/Recommendation: Authorize the City Manager to execute a contract with Reyes Construction Inc. for the preparing and placement of concrete at Westlake, Darla Jean and Paradise Hills Parks for a total price of \$69,954.28.

Attachments: N/A

Background Information: The improvements being installed with this project were originated from meetings in the neighborhoods in discussions with the residents as to their perceived needs and wants in the parks. The project will complete the trail loop system at Westlake Park and create a safer paved access for the students of West Middle School to traverse the park. Paradise Hills Park will also get a loop trail system and a picnic/shade shelter near the playground. Darla Jean Park's trail across the park will get a few minor repairs to the existing concrete to repair several breaks and heaves.

This solicitation was advertised in the Daily Sentinel. Electronic solicitation notifications were sent to 115 contractors. A bidders briefing/site visit was conducted. There were six (6) responsive and responsible bids received.

Reyes Construction	Grand Junction	\$69,954.28
BPS Concrete		\$70,410.00
Alpine Construction		\$70,827.36
Vista Paving		\$75,531.16
Mays Concrete		\$93,662.20
Skyline Contracting		\$110,408.00

Attach 14

Watershed MOU between City of Grand Junction and Mesa County

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Watershed MOU between City of Grand Junction and Mesa County Colorado					
Meeting Date	December 1, 2004					
Date Prepared	November 23 ,2004				File #	
Author	Greg Trainor			Utility Manager		
Presenter Name	Kelly Arnold John Shaver			City Manager City Attorney		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary:

Adoption by resolution of a Memorandum of Understanding between the City of Grand Junction and Mesa County Colorado relative to County land use decisions within the City watershed areas.

Budget:

NA

Action Requested/Recommendation:

Adoption by resolution of a Memorandum of Understanding between the City of Grand Junction and Mesa County Colorado relative to County land use decisions within the City watershed areas.

Attachments:

Resolution, including the Memorandum of Understanding and Map Labeled Exhibit A

Background Information:

In the summer of 2003, the City of Grand Junction proposed a watershed protection ordinance to protect the City's drinking water supply in the Kannah Creek, North Fork of Kannah Creek and the Whitewater Creek basins. However, at the invitation of Mesa County, the United States Forest Service, the Bureau of Land Management and many

of the residents in the watershed area, the City of Grand Junction, in lieu of the watershed protection ordinance, undertook a series of negotiations with the Forest Service, the BLM and Mesa County.

An understanding was reached with Mesa County and is detailed in a memorandum which is the subject of this staff report. This memorandum is the product of a partnership effort, undertaken over the last six months, among a team of County Commissioners, City Council members, and City and County staff. The memorandum outlines a cooperative City-County effort in land-use decision making and planning by consulting about land use decisions and preparation of land-use plans for areas under County jurisdiction that are located in the City's Watershed Area.

The memorandum also provides for advance notice, an opportunity to review and meaningfully comment on proposed plans and activities, and the incorporation of appropriate protective stipulations and agreements into plans, decisions and programs.

Examples of actions when consultation will be required include, but are not limited to, road construction, a determination of existing and future land uses and development, as defined by the County code, which includes but is not limited to energy and mineral development and planning and construction of rights-of-ways and facilities to support or in service of extractive uses or other development.

Mesa County approved this proposed MOU at their Mesa County Commissioner's meeting on Monday, November 22, 2004.

RESOLUTION NO. ____

A RESOLUTION OF THE CITY OF GRAND JUNCTION CONCERNING ADOPTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF GRAND JUNCTION AND MESA COUNTY (WATERSHED MOU)

WHEREAS, The City and County wish to cooperate in land use decision making and planning by consulting about land use decisions for areas that are located in the City's watershed areas; and,

WHEREAS, the City and County have reached an agreement to effect this cooperation effort;

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

That the Memorandum of Understanding between the City of Grand Junction and Mesa County, Colorado, hereto attached, is adopted by the City Council of the City of Grand Junction, Colorado on December 1, 2004.

CITY OF GRAND JUNCTION

Bruce Hill, Mayor
Grand Junction City Council

Attest:

Stephanie Tuin
City Clerk

**Memorandum of Understanding
Between The City of Grand Junction
And
Mesa County Colorado**

This MEMORANDUM OF UNDERSTANDING (MOU) is made and entered into by and between the City of Grand Junction, hereinafter referred to as the City and Mesa County, hereinafter referred to as the County, as political subdivisions of the State of Colorado.

RECITALS:

The purpose of this MOU is to establish a mechanism for effective consultation in the processes and practices of making and implementing land use decisions by the County in the Grand Junction Watershed Area outlined on the Map ("City of Grand Junction Watershed Area,") dated November 22, 2004 – Map Labeled Exhibit A attached hereto and made a part hereof by this reference, by providing for appropriate involvement by the City in the review of development applications in the Watershed Area.

This MOU is entered into under the authority of 29-4-101 C.R.S. et seq. Article XIV, Section 18 of the Colorado Constitution and legislation pursuant thereto; namely, C.R.S., §29-1-201, et seq. Article XX, Section 10 of the Colorado Constitution to providing for Home Rule and the City's Charter. Local Government Land Use Enabling Act, C.R.S., §29-20-105, et seq. Title 31 of the Colorado Revised Statutes.

IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT THE CITY AND THE COUNTY WILL:

1. Cooperate in land-use decision making and planning by consulting about land use decisions and preparation of land-use plans for areas under County jurisdiction that are located in the City's Watershed Area.
2. Consultation includes providing advance notice, an opportunity to review and meaningfully comment on proposed plans and activities, and the incorporation of appropriate protective stipulations and agreements into plans, decisions and programs. Examples of actions when consultation will be required include, but are not limited to, road construction, a determination of existing and future land uses, and development, as defined by the County code, which includes but is not limited to energy and mineral development and planning and construction of rights-of-ways and facilities to support or in service of extractive uses or other development.

The County will:

Amend, revise and enforce its plan(s) and to the extent necessary to protect the City's watersheds and water resources in the Watershed Area.

Prepare and maintain a current list of existing Codes, plans, agreements, licenses, permits and projects with respect to the land area that is the subject of this agreement.

Prepare and maintain a current list of future projects of mutual interest to the City and County.

Annually review with the City the preceding year's development activities and share information collected as part of the development review process (monitoring data and analysis, site inspection reports, traffic counts and other data); and meet as required to discuss upcoming projects related to or that may impact the watershed.

Discussion topics include, but are not limited to:
Kannah Creek Water System Capacity
Septic tanks
Stormwater Authority/BMP's
Watershed Health Assessment

Discuss in advance any changes in the development information/application to be collected and/or changes to the County Code or review techniques to be utilized.

Participate with the City in strengthening the definition and implementation of best management practices (BMP) and the prescriptions of the same in the Watershed Area.

Allow the City to collect additional information about the impact of development on/within the watersheds as required by the City.

Prioritize road construction and identify maintenance practices/road improvement(s) within the watershed area based on a project's potential risk of adverse impacts to water quality.

Allow the City to post "Municipal Watershed Boundary" and other advisory or regulatory signs along roads as necessary to assist in the management of the watershed and to help protect water and land quality. The location of all signs will be approved by the County prior to installation.

Provide the City with advance notice of all project activities or proposals within the Watershed Area.

Unless an applicant establishes from verifiable data that the risks to water quality in the Watershed Area are speculative or insubstantial, the County shall deny requests for surface occupancy for mineral and/or oil/gas exploration and/or production.

Stipulate in development approvals that approved uses shall comply with all requirements of the County's codes.

The City will:

Provide for meaningful involvement of the County in designation of the City's Watershed Area and any City effort to require best management practices of those operating or acting within the City's watersheds.

Discussion topics:

Stormwater BMP's

Grazing BMP's

**Kannah Creek-Whitewater Creek management BMP's
(cooperative use/reuse *i.e., Massey, Lumbardy et. al.*)**

Oil and gas development

The County's involvement in activities that may affect the City watershed includes:

- a) coordination and sharing of land and related inventories, studies and data;
- b) working with the County to resolve misunderstandings between City and County plans.

Make available to the County, City data that may be necessary to County operations, plans or activities in or upon the Watershed Area.

Make City expertise and/or personnel available for data gathering, environmental studies and land-use planning which would be mutually beneficial, subject to the City's financial and personnel constraints.

Other:

Any information furnished to the County or the City under this agreement is subject to the Colorado Open Records Act, 24-72-101 et. seq. C.R.S. (2004).

This agreement in no way restricts the County or the City from participating in similar activities with other public or private agencies, organizations and individuals.

The County and the City will budget and expend their own funds in pursuing the objectives of this agreement. The City and the County may by separate agreement agree to a joint project/expenditure of funds to further the purposes of the agreement.

The following named people represent the principal contacts for this agreement and they and their designees have the authority to speak for their respective agencies for the purposes of this agreement.

County
c/o County Administrator
Telephone: (970)244-1800
Fax: (970)244-1639
E-mail: mcadmin@co.mesa.co.us

City
c/o City Manager
Telephone: (970)244-1503
Fax: (970)244-1456
E-mail: kellya@gjcity.org

In general, the designees or appropriate staff of the City and the County may contact one another, as necessary, subject to this agreement to fulfill the purposes of the agreement.

Amendments or supplements to this agreement or the map may be proposed by either party and shall become effective only upon written approval of both parties.

Nothing in this agreement will be construed as limiting or affecting in any way the authority or legal responsibility of either party or as binding either the City or the County Service to perform beyond the respective authority of each or as requiring either party to assume liability for or to expend any sum in the excess of annual appropriations authorized by law and made available for this work.

This agreement shall become effective when signed by the parties hereto. Either the County or the City may terminate this MOU with a 180 day written notice to the other. Each and every provision of this Memorandum of Understanding is subject to the laws of the Mesa County, the City of Grand Junction and the State of Colorado.

This MOU is not intended to and does not create specific rights or benefits that are enforceable in law or in equity by one party against the other.

In Witness Whereof, the parties herein have caused this document to be executed, as of the date of the last signature shown below.

Mesa County

Doralyn B. Genova Date
Chair, Mesa County Board of County Commissioners
Attest:

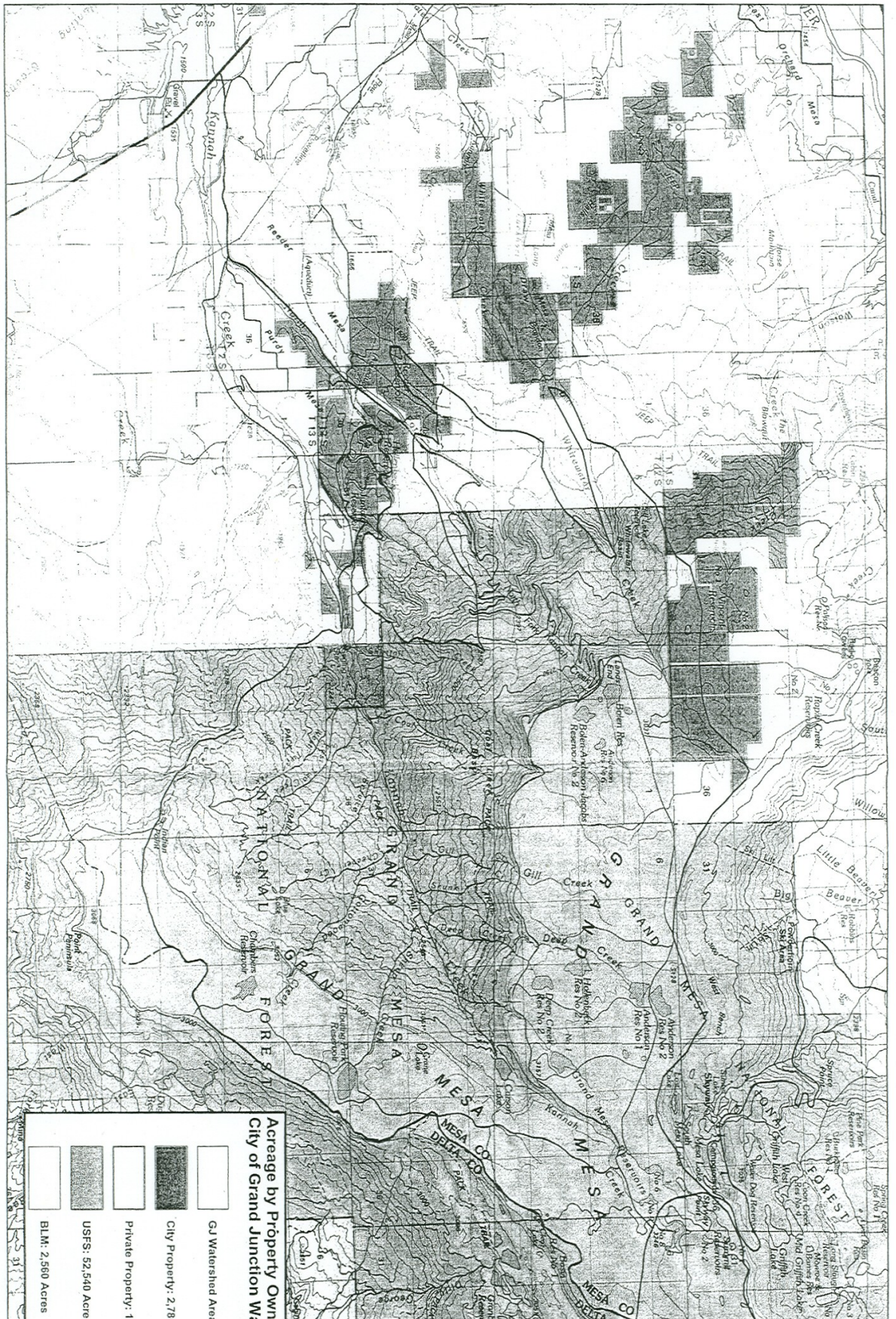
Janice Ward
Mesa County Clerk and Recorder

CITY OF GRAND JUNCTION

Bruce Hill Date
Mayor, Grand Junction City Council
Attest:

Stephanie Tuin
City Clerk

Exhibit
A



Attach 15

Public Hearing Regulating Newsboxes in the Downtown Shopping Park

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject		Regulating Newsboxes in the Downtown Shopping Park					
Meeting Date		December 1, 2004					
Date Prepared		November 5, 2004			File #		
Author		Harold Stalf		Executive Director, DDA			
Presenter Name		Harold Stalf		Executive Director, DDA			
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 number of newsboxes that have been placed downtown has proliferated in recent months. The newsboxes have been augmented by commercial advertising pieces resulting in as many as 15 boxes in several locations. This ordinance has been developed to address the issue in a manner common to other communities in Colorado by developing a bank of racks that will be made available for lease to newspapers. The goal is to clean up the visual pollution resulting from this rapid spread of boxes and tidying up the appearance of downtown.

Budget: The DDA will fund the purchase and installation of the boxes and lease space with individual machines purchased and by the vendors. Estimated cost of the initial installation is \$10,000.

Action Requested/Recommendation: Approval of ordinance and policy of limiting boxes in the downtown area to approved locations with standardized equipment.

Attachments: Ordinance.

Background Information: Informational meetings have been held with representatives of The Daily Sentinel, Free Press, Denver Newspaper Agency (Post & News), USA Today and the Wall Street Journal.

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART OF CHAPTER 32 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO COMMERCIAL ACTIVITIES IN THE DOWNTOWN AND AUTHORIZING PUBLICATION IN PAMPHLET FORM

Recitals.

Newspaper distribution machines (often called newspaper vending machines or news boxes) on or adjacent to public sidewalks are a valuable method of distributing news and other information to the public; however, they constitute an obstruction on public property and their often indiscriminate location on sidewalks and elsewhere can obstruct pedestrians and other users of the sidewalk. Newspaper vending machines can be unsightly and can distract drivers. Furthermore, commercial activities should not claim a right to physical occupation of the public sidewalk by proprietary structures in an unregulated manner. Even public utilities which have a high degree of autonomy from local regulation still must not interfere with the primary functions of the streets and sidewalks for which they have easements.

In accordance with Chapter 32 of the Grand Junction Code of Ordinances the Downtown Development Authority (“DDA”) has been delegated authority over commercial activities occurring on the Downtown Shopping Park on Main Street. Because of the serpentine street, the trees, flowers and planters, sidewalk dining and other frequent use of Downtown for special events, the DDA has determined that the form, placement and other regulation of newspaper distribution machines in Downtown is an important and necessary step. This ordinance will serve to cause the newspaper vending machines to be placed in a few orderly and carefully chosen locations which will cause a balance to be struck between the competing needs of Main Street uses and those who would serve them with publications. The continued vitality of the City’s downtown area has made downtown sidewalks increasingly congested, and thus, attractive locations for those who wish to disseminate information through newspaper distribution machines. There are many instances where the unregulated placement of these machines, whether individually or grouped together have interfered with access to fire hydrants and parking meters, blocked access from vehicle parking to the sidewalk, interfered with bus stops, obstructed views in the corner sight triangle and added to the difficulties that persons with mobility problems face in navigating the sidewalk and sidewalks. Further, significant portions of the downtown are undergoing historic renovation and the unregulated placement and appearance of proprietary newspaper distribution machines interferes with the historic appearance of the area.

Because of the tipping danger, wind, vandalism and other forces that tend to move news boxes and other racks and devices serving a similar function in the distribution of publications, news boxes shall be required to be firmly affixed to the ground and have a suitable cover so that the materials are not scattered about. Permanent installation requires City ownership to allocate fairly the responsibilities and privileges to users of the right-of-way.

Accordingly, this ordinance is intended to regulate the design and placement of newspaper distribution machines within the sidewalk right-of-way in the downtown commercial area of the City. Because the amount of space which can be devoted to these machines is limited and thus of necessity, a method of allocating that space must be devised.

The City Council has carefully considered what the best method of allocating public property for newspaper distribution machines might be and has determined that the news box bank method best fits the circumstances of the downtown area, supplemented as needed with an additional joint use news box with multiple spaces for publications which are free and generally physically smaller.

The City Council has determined that joint use news boxes, which include individual slots or spaces, should be used in order to accommodate free publications whose publishers cannot afford a larger individual news box space.

The City Council has further determined that, at present, the problems caused by unregulated news boxes are most prevalent in the commercial area of downtown which for purposes of this ordinance has been defined as the boundary of the DDA.

The Council intends by its adoption of this ordinance and accordingly directs the DDA in its implementation of this ordinance, to avoid doing anything which could be construed as censorship of the content of the publications placed in news boxes or of vesting standardless or unreviewable discretion in any public official which could be used to affect the content of the publications that appear in these newspaper distribution machines or otherwise interfere with rights guaranteed under the First Amendment. This ordinance and any other provisions of the Code shall be interpreted so as to avoid any such unconstitutional application or effect.

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

As used in this ordinance the following terms have the following meanings unless the context requires otherwise:

“Director” means the executive director of the Grand Junction Downtown Development Authority (DDA).

“Joint use news box” means a separate structure designed to hold newspapers or other publications and protect them from the elements, that can be installed as part of a news box bank and that contains at least four (4) single slots for the distribution of several free publications, which materials may be obtained by opening a common door or doors without payment.

“News box” means one space in a news box bank designed to hold newspapers or other publications and protect them from the elements, which materials may be obtained by opening a door, whether after depositing money in a device which unlocks the door or without payment by

the customer, depending on the marketing of the publication. Where the context requires, news box also means a space in a joint use news box and is used to indicate rights and responsibilities which are common to lessees of either type of space.

“News box bank” or “bank” means a structure or group of structures in one location erected and owned by the DDA and firmly affixed to the ground with compartments which serve as a number of separate news boxes and which may include a joint use news box.

“Newspaper distribution machine” means a device designed to hold newspapers or other publications and from which publications may be obtained. Where depositing money in a device which unlocks a door is required, such machines are often called newspaper vending machines.

“Proprietary newspaper distribution machine” means such a machine placed or maintained on the public right-of-way within the Downtown Shopping Park (DDA boundary) by a person other than the DDA. Where prohibited, the term refers to the machine without regard for whether the publication contained in the machine is a “publication” within the meaning of this section, or even whether there is any printed or other material within the machine.

“Publication” means a periodical which:

- (a) Is published at least four times a year in different issues with sufficiently different content or format so each issue can be readily distinguished from previous or subsequent issues; and
- (b) Is formed of printed sheets. The sheets may be die cut or deckle-edged, and may be made of paper, cellophane, foil or other similar materials.¹

“Publisher” means the person who pays to have to have a publication printed or otherwise causes a publication to be printed or otherwise reproduced.

“Right-of-Way” means a public street from property line to property line and includes public alleys, paths and/or breezeways. It also includes an easement or other right which the City has acquired from the property owner for the purpose of locating news boxes.

“Space” means a full sized news box with a separate door, which may be coin operated, or a slot, either double sized or single sized, in a joint use news box, installed as part of a news box bank.

Sections 32-72 *et. seq.* are created to read as follows.
Location of News Box Banks.

¹ The requirements in this part of the definition are drawn from the United States Postal Service manual part of regulations which distinguish publications which are eligible for special mailing rates from those which are not. A deckle edge is a rough, untrimmed edge.

- (a) The City Council, in accordance with the authority given to the DDA for the administration of commercial activities in the downtown authorizes the Director of the DDA to survey the area within and the periphery of the Downtown Park to determine the locations of existing proprietary newspaper distribution machines, the locations which are suitable for news box banks and the appropriate size of each bank. The Director of the DDA shall use in evaluating each location criteria which include but shall not be limited to a determination of the effect on pedestrian and emergency access on, to and from streets and sidewalks, and public transportation, required maintenance of public facility infrastructure, vehicular safety and the effect of the location, mass and bulk of news box banks on the streetscape, aesthetics of each block and specifically the Director shall consider sidewalk width, sidewalk dining, parking (parking meter) access, including access by persons with disabilities, access to bicycle parking, access to fire hydrants, access to bus stops, access to benches and trash receptacles, maintenance access to street trees, planters, utility and signal poles, access generally from the street to the sidewalk and the sidewalk to the street, blocking of views at intersections, alleys and driveways, distance from intersections and driveways and alleys, distance from buildings and the visibility of public art. The Director shall determine the appropriate location for news box banks on each block after taking into consideration the current location and number of proprietary newspaper vending machines.
- (b) The Council has, after holding a public hearing, considered the determinations of the Director and hereby ratifies them and adopts them as reasonable place and manner regulations of news box bank locations. Those determinations are included in Appendix A to this ordinance.
- (c) Should any news box bank require temporary or permanent removal because of construction or reconfiguration of streets, sidewalks or other portions of the right-of-way, the Director is directed to provide a replacement(s) if the removal is reasonably expected to exceed 30 days, located as conveniently to the removed bank as is reasonably practical.
- (d) If leases for installed news boxes or slots in joint news boxes expire and no applicant enters into a new lease, the Director may remove the unused box, boxes or bank. If an application is received which could be satisfied by a removed box, the Director shall reinstall the removed box as promptly as is practical.

32-73 Installation of News Box Banks.

- (a) The Director shall install news box banks as funds are appropriated for the purpose so that the existing proprietary newspaper distribution machines can be removed. The Director shall install news box banks on a per location basis and no owner of an existing proprietary newspaper distribution machine within that location shall fail to

- remove it within fourteen calendar days thereafter. Any proprietary newspaper distribution machine within the right-of-way at that location is declared to be a public nuisance and may be summarily removed by the Director. The Director shall require full payment by the owner of the reasonable cost of removal and storage of the machine, plus fifteen percent for administration, before releasing the machine.
- (b) The Director shall install at least one joint use news box as part of each bank at the time of initial implementation of this ordinance.
 - (c) When installing news box banks the Director shall consult with the City Manager and shall in addition follow these standards:
 - (1) The linear footage of banks on any block shall not exceed five (5) percent of the linear footage of the block, measured from the property lines at each end of the block.
 - (2) No bank shall be longer than ten (10) linear feet.
 - (3) Except where vehicle parking or stopping is prohibited, no bank shall be installed within three (3) feet of the vertical face of the curb or of any other designated parking space or loading zone. No bank shall be installed so that the face of any box which opens is less than two (2) feet from the vertical face of the curb.
 - (4) No bank shall be closer than five (5) feet to a fire hydrant.
 - (5) No bank shall be closer than five (5) feet to a bus stop sign and no bank shall be installed in such a way as to interfere with access to buses at designated bus stops.
 - (6) No bank shall be closer than five (5) feet from a crosswalk.
 - (7) No bank shall be installed on or over a tree grate.
 - (8) No bank shall be closer than three (3) feet from any existing structure.
 - (9) No bank shall intrude into the intersection, alley, and driveway sight triangles.

32-74 News Box Use.

- (a) On and after April 15, 2005, no person shall install, use or maintain any proprietary newspaper distribution machine or similar device on the public right-of-way within the boundaries of the DDA other than in accordance with this ordinance in a news box bank provided by the DDA.
- (b) Spaces in the news box banks are available for use by lease as provided in this ordinance. Such leases shall be governed by the provisions of this ordinance and without reference to principles of landlord-tenant law.
- (c) A news box lease for an individual news box, a double sized slot in a joint use news box or a single slot in a joint use news box may be available to any publisher that desires to place that publisher's publication therein. A news box lease is available for any particular publication for only one space in each of the banks within the regulated area and only one publication may be placed within a space. In order to be eligible for a lease, the applicant

must be the publisher of the publication placed within a space or an agent of the publisher. Where the applicant is an agent, the applicant shall so indicate and the lease shall be valid only for the publication(s) of such publisher and may not be assigned or transferred.

- (d) At the discretion of the Director, a lessee may be required to install its own mechanical box designed to accommodate lessee's publication inside the shell of the DDA's news box.
- (e) The lessee may place a coin lock mechanism on an individual news box at the lessee's expense. Slots in joint use news box(es) shall contain only publications which are free².
- (f) The lessee shall not place anything on the exterior of the news box other than the City and/or Downtown Partnership logo(s) or other identifying wording and/or contact information.
- (g) If the box allows the user may place a copy of the publication found in the box vertically inside the face plate so that it is visible but may not place anything other than such publication in that location.
- (h) The Director shall not permit the placing of any other advertising on the outside of the news box banks. The City Manager may use any side of a news box bank other than the front face (where access to the publications is gained), at no cost, for designs or graphics designed to enhance the identity of the City or as a location for a directory or map showing where public and/or private services may be found. This exception shall not be construed to permit the City Manager to place or permit paid advertisements nor to cause the boxes or banks to become any kind of public forum for the purposes of exercising free speech.

32-75 Obligations of Users.

- (a) A news box lessee shall control and maintain the leased interior of the news box space and for individual news boxes, all mechanical workings of the individual box, including, without limitation, the window and face plate, the coin mechanism, the coin tray and the lock, if any.
- (b) The news box lessee may supply and affix its logo to its leased individual news box or leased portion of a joint news box. The identifying picture or wording shall be no larger than two inches high by fourteen inches wide for an individual news box or two inches high and five and one half inches wide for a slot in a joint use news box. The identification shall be white text on a black background and shall be attached by self-

² The configuration and design of the joint news boxes contemplated precludes coin or similar operation for a fee.

stick tape of a type approved by the Director considering its adhesiveness and ease of removal. Identification shall be affixed on the face or elsewhere on the front of the box specified by the Director for all such boxes.

- (c) The Director may revoke a news box lease when the machine is not stocked with the lessee's publication for a period of thirty days or if the user has failed to maintain the news box for thirty days. The Director shall not revoke a lease without notice to the user and an opportunity for a hearing. One seven-day opportunity to cure shall be extended in any calendar year prior to revocation.

32-76 Term, Expiration and Revocation.

- (a) A news box lease is valid for one calendar year unless prepaid in which case the lease shall be valid for up to three (3) years. A news box lease expires if not renewed before expiration. Except for emergencies, unanticipated construction, changes in the location of benches and/or transit stops and other situations in which relocation is necessary in the public interest, lease locations shall not be changed by the DDA during any calendar year but with notice on or before renewal a lessee(s) may be relocated during the following calendar year.
- (b) A lease may be prepaid for up to three years in advance, in which case no application for renewal shall be required during such period. If a lessee surrenders a lease to the DDA in writing, the Director shall refund the unused prepayment pro rata based on the number of whole calendar years remaining.
- (c) No lease may be assigned or transferred except incidental to the sale of the publication from one publisher to another and no lessee shall be deemed to possess any equity in the lease, although an existing lessee has priority in renewing. It shall be grounds for revocation of the lease for any lessee to attempt profit from the scarcity of sites for news boxes. No refund shall be made if a lease is revoked or expires.
- (d) Upon denial of renewal of a lease, revocation or expiration for failure to renew, the Director may remove the contents of any machine, change the locks, hold any contents and money as abandoned property and issue a new lease for the news box or joint use news box slot to another person.

32-77 Priority and Transition.

- (a) News box leases, other than renewals, are available on a first-come, first served basis based on date of receipt of the application during normal business hours at the place where this ordinance (DDA offices) is administered. The priority between any applications received by the Director on the same day shall be determined by lot.

- (b) Owners of proprietary newspaper vending machines within the boundary of the DDA as of the effective date of this ordinance shall be given preference for space.
- (c) The Director shall structure the waiting list so that it is for a specific location.

32-78 Inapplicability of Other Code Sections.

Given the First Amendment implications of this ordinance, the Zoning and Development Code and Section 127 of the Charter concerning Revocable Permits shall not have applicability to the installation and administration of news boxes by the Director pursuant to this ordinance.

32-79 Non-periodical Newspaper Vending Machines.

- (a) The Director shall designate one newspaper vending machine box in each bank for use by permitted purveyors of printed material which is not eligible for the periodicals mailing privileges of the United States Postal Service. Such non-periodical newspaper vending machine boxes shall contain only materials available free to the public and only one shelf of one box in each bank of boxes shall be available for use for any one such publication or other printed material. If the box(es) is configured to hold more than one publication, then the Director shall determine the maximum number of shelves in such box(es) and shall issue such permits on a per shelf basis.
- (b) The fee for permits to use such boxes shall be that set for periodical newspaper vending machine boxes, except that the Director shall prorate the fee based on the number of shelves covered by the particular permit.
- (c) In the event that there are unused periodicals news boxes in any bank, the Director may make the space available as temporary non-periodical newspaper vending machine boxes, except that temporary permits issued on this basis shall be revocable at any time that a new applicant for a regular news box receives approval of the application. Priority shall be given to periodical publications. In the case of a revocation based on this priority, the permittee displaced shall be entitled to a refund based on the number of full three-month periods paid but not used.

32-63 is amended by the addition of the following.

- (a) The fees for use of news boxes are set based on covering the DDA's administrative costs, the capital costs and installation cost for the box structures and the annual cost of exterior maintenance.
- (b) The capital and installation costs are figured based on an amortization schedule determined by the Director and may be adjusted, based on replacement cost and to accrue a fund therefor and to reflect actual installation costs.

- (c) The maintenance cost will be set based on actual cost for the previous year of operation (the maintenance cost component is estimated for the first year of operation), based on a projection at the time the fees are set and adjusted up or down depending on whether the maintenance fund has a shortfall or a surplus. The administrative costs are based, initially, on the DDA's experience with commercial activity permit administration and may be adjusted in future years.
- (d) The fee for a news box lease shall be specified annually by the DDA Board and must be submitted with the application for the lease or renewal of the lease if a box is immediately available at a location desired by the applicant. If such a box is not available, the applicant shall pay the waiting list fee. An applicant on a waiting list that is notified that a box is available shall pay the annual fee within ten days of the date of mailing by first class mail. The waiting list fee does not reduce the annual fee.

All other provisions of Chapter 32 shall remain in full force and effect.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON THE 17TH DAY OF NOVEMBER 2004.

PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM ON _____ DAY OF _____, 2004.

Bruce Hill
President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 16

Tax Exempt Private Activity Bonds for Action Bindery

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Inducement Resolution for Tax-Exempt Private Activity Bonds for Action Bindery					
Meeting Date	December 1, 2004					
Date Prepared	November 22, 2004				File #	
Author	Ron Lappi		Administrative Services Director			
Presenter Name	Ron Lappi		Administrative Services & Finance Director			
Report results back to Council	X	No		Yes	When	Periodically
Citizen Presentation	X	Yes		No	Name	Grady Busse
	Workshop	X		Formal Agenda		Consent X Individual Consideration

Summary: A Resolution setting forth the intention of the City of Grand Junction to issue adjustable rate revenue bonds to finance a manufacturing facility, as well as the acquisition of additional equipment for the benefit of Action Campus, LLC & Action Publishing, Inc. in the amount of \$1.75 million.

Budget: In 2005, the City will receive approximately \$1.80 million allocation of tax-exempt private activity bonds from the Department of Local Affairs.

Action Requested/Recommendation: Consider approval of the proposed Resolution.

Attachments: Letter from Action Publishing, Inc. requesting approval of this Resolution, and the Proposed Resolution.

Background Information: Action Campus, LLC is to be located at 2415 Blue Heron Road, within the boundaries of the City, and is a developer, manufacturer, and marketer of day planners, journals, and notebooks. They have requested the use of our private activity bond allocation for 2005, which should be approximately \$1.8 million. These bonds, if and when issued, are not a financed allocation of the City in any way. They are identical to what the City did for Pyramid Printing a couple of years ago. Passage of the Inducement Resolution does not bind the City to authorize the bonds, but does count against our allocation for that year unless subsequently rescinded or withdrawn.

November 3, 2004

Mr. Ron Lappi
Director of Administrative Services and Finance
City of Grand Junction
250 North 5th Avenue
Grand Junction, Colorado 81501-2688

Re: Request for Inducement Resolution for Tax-Exempt Industrial Revenue Bonds

Action Campus, LLC & Action Publishing, Inc.

Dear Ron:

Please accept this letter as Action Campus, LLC/Action Publishing, Inc.'s formal request to the City of Grand Junction for its tax-exempt allocation for FY 2005. We understand that the City receives approximately \$1.80 million of allocation annually and our project would require approximately \$1.75 million of this allocation for the construction of the new facility as well as the acquisition of additional equipment. In addition, Wells Fargo has forwarded a complete package of information to your attention with regards to the issuance of tax-exempt adjustable rate economic development revenue bonds.

We are ready to move forward quickly with this transaction and would be in position to issue this debt in January of 2005. However, we would like to start work immediately, and we are requesting that the City approve an Inducement Resolution as soon as possible so that we may proceed with the construction of the new facility and reimburse ourselves in the future with this tax-exempt issuance. A copy of the Inducement Resolution is included in the package forwarded to you by Wells Fargo.

The Company is a developer, manufacturer, and marketer of Day Planners, Journals and Notebooks within the City of Grand Junction.

If you have any questions or need additional information please feel free to call me at 970.242.1110. I look forward to meeting with the City regarding this inducement resolution.

Sincerely,



Grady Busse

RESOLUTION NO. _____-04

A RESOLUTION SETTING FORTH THE INTENTION OF THE CITY OF GRAND JUNCTION, COLORADO, TO ISSUE ADJUSTABLE RATE REVENUE BONDS TO FINANCE A MANUFACTURING FACILITY FOR THE BENEFIT OF ACTION CAMPUS, LLC, OR ITS SUCCESSORS OR ASSIGNS

RECITALS:

1. The City of Grand Junction , Colorado (the “City”) is authorized and empowered under the provisions of the County and Municipality Development Revenue Bond Act, Article 3 of Title 29, Colorado Revised Statutes, as amended (the “Act”), to issue revenue bonds to pay the costs of a project (as defined in the Act) and to loan the proceeds of said revenue bonds to others to provide for the financing, acquiring, equipping, and improving of such a project.
2. Action Campus, LLC, or its successors or assigns (the “Borrower” desires that the City finance acquisition, construction, equipping, and improving of real and personal property in connection with an approximately 15,000 square-foot manufacturing facility (the “Project”) to be located at 2415 Blue Heron Road within the boundaries of the City.
3. The City has received information that it considers reliable that the Project will qualify as a project within the meaning of the Act.
4. The City desires to indicate its intention to finance the costs of financing, acquiring, constructing, equipping, and improving the Project by the issuance of tax-exempt revenue bonds under the Act in a principal amount not to exceed \$1,750,000 (the “Bonds”), which Bonds will be payable solely out of revenues derived from the repayment by the Borrower of the loan from the City.
5. The Borrower intends to commence the Project prior to the issuance of the Bonds.
6. The City’s ability to issue tax-exempt revenue bonds to finance such improvements is subject to the limitations set forth in the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the “Bond Allocation Act”).
7. The Borrower desires that such financing, acquiring, constructing, equipping, and improving of the Project commence immediately.
8. The City Council of the City hereby determines that the financing of the Project will promote the public health, welfare, safety, convenience and prosperity, and

promote and develop trade or economic activity by inducing manufacturing facilities to locate, expand, or remain in the City and the State of Colorado.

9. The Internal Revenue Service has issued 1.150-2 of the Income Tax Regulations (the "Regulations") dealing with the issuance of bonds, all or a portion of the proceeds of which are to be used to reimburse project expenditures incurred prior to the date of issuance; the Regulations generally require that a prior declaration of official intent be made by the City as issuer if the Borrower intends to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued borrowing, that within 18 months of the payment of the expenditure or, if later, within 18 months of the date the project is placed in service, and that the expenditure be a capital expenditure or payment of costs of issuance; and the City as issuer and the Borrower desire to comply with the requirement of the Regulations with respect to the Project.

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

- a) The City expects that the Borrower will finance all or any part of the acquisition, construction, improvement, and equipping of the Project with moneys of the Borrower currently on hand.
- b) The City presently intends and reasonably expects to participate in a tax-exempt borrowing for the benefit of the Borrower within 18 months of the date of the expenditures of moneys on the Project or the date upon which the Project is placed in service, but in no event more than three years after the expenditure is made, whichever is later.
- c) This Resolution is the first resolution of the City concerning all or a portion of the Project described in paragraph 1 hereof.
- d) The City Council hereby finds that the assistance it may give will further the purposes set forth in the Act, and that the Project will create economic benefits for the City and its inhabitants.
- e) In order to induce the Borrower to construct the Project within the City, subject to the provisions hereof, the City shall take all necessary or advisable steps to effect the issuance of tax-exempt revenue bonds (the "Bonds") pursuant to the Act in the aggregate principal amount not to exceed \$1,750,000 or such other amount as shall be determined and agreed upon between the Borrower and the City, to finance the Project. The Bonds will not be general obligations of the City. Neither shall the Bonds, including interest thereon, constitute the debt, indebtedness, or multiple-fiscal year direct or indirect financial obligation of the City within the meaning of any limitation of the Constitution or indirect financial obligation or statutes of the State of Colorado, nor give rise to a

pecuniary liability of the City or a charge against its general credit or taxing powers. The Bonds shall be payable solely from, and secured by a pledge of revenues derived from and payable by the Borrower pursuant to financing agreements with the City.

- f) No costs or expenses, whether incurred by the City or any other party in connection with the issuance of the Bonds or the preparation of any documents by any legal or financial consultants retained in connection therewith, shall be borne by the City. All such costs or expenses shall be paid from the proceeds of the Bonds or otherwise borne by the Borrower.
- g) Prior to the execution of a loan agreement, indenture of trust, bond purchase agreement, or any other necessary documents and agreements in connection with such Bonds, documents, and/or agreements shall be submitted for approval to the City, and, if satisfactory to the City, their execution shall be authorized by ordinance of the City pursuant to law. Prior to any further action by the City Council, the Borrower shall provide the City with all information concerning the utilization of Bond proceeds for said Project, construction plans, and all financial information requested by the City.
- h) The City has received information which it considers to be reliable (a) that the Borrower proposes to undertake the Project, (b) that except for (i) expenditures aggregating no more than the lesser of \$100,000 or 5% of the proceeds of the bonds, (ii) preliminary expenditures (as described in the Regulations) in an amount not to exceed 20% of the issue price of the bonds, and (iii) other expenditures made not earlier than 60 days before the due date of the Resolution, no expenditures for the Project have been made by the Borrower that will be reimbursed from the proceeds of the Bonds, and (c) the Borrower reasonably expects to reimburse the expenditures made for costs of the Project out of the proceeds of the Bonds; and that this Resolution is a declaration of official intent pursuant to Section 1.150-2 of the Regulations.
- i) The City Council hereby awards to the Project \$1,750,000 of the City's 2005 portion of the State's private activity bond value cap (the "City's Volume Cap"). The appropriate officers of the City are hereby authorized to take all action that may be necessary to preserve the City's Volume Cap.
- j) All commitments of the City contained herein are subject to the following conditions, and any other requirements deemed necessary by the City:
 - 1. The property on which the Project is proposed to be constructed be located within the City, and developed according to City Regulations.

2. The Bonds shall be issued and sold no later than one year from the date hereof, and in the event the Bonds are not issued by such date, the City shall be under no obligation to perform any of the terms and conditions contained in this Resolution.
- k. Nothing herein requires the City to proceed with the issuance of the Bonds, it being in the sole discretion of the City Council as to whether the Bonds will be issued or not. The approval of this Resolution does not limit or restrict the City in the exercise of any of its legal powers with respect to the Project or the property on which it is to be located.
 - l. If any section, paragraph, clause, or provision of the Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining sections, paragraphs, clauses, or provisions of this Resolution.
 - m. The Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Grand Junction, Colorado, this _____ day of December, 2004.

**THE CITY OF GRAND JUNCTION,
COLORADO**

President of the Council

ATTEST:

City Clerk

Attach 17

Acceptance of Firefighters Grant by FEMA

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Award of Assistance to Firefighters Grant by FEMA					
Meeting Date	December 1, 2004					
Date Prepared	November 22, 2004				File #	
Author	John Howard			EMS Coordinator		
Presenter Name	Rick Beaty			Fire Chief		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X		Formal Agenda		Consent X Individual

Summary: On April 7, 2004, the City Council granted approval for the Fire Department to apply for a \$108,395 Assistance to Firefighters Grant to purchase five (5) 12-lead cardiac monitor/defibrillators. On November 18, 2004, the Department received official notification from FEMA of a \$75,877 Assistance to Firefighters Grant award (70% of the amount requested).

Budget: Funds to meet the matching criteria of 30% (\$32,518) are available under funds accrued for replacement of existing cardiac monitor/defibrillators in account # 402-61421-81300-30-F49700 (Major Equipment Replacement), which has \$45,202 budgeted in 2004 for this purpose. As a federal grant program, there is no TABOR impact.

Action Requested/Recommendation: City Council approval for the Fire Department to accept an Assistance to Firefighters Grant award of \$75,877.

Attachments: Award package

Background Information: The Assistance to Firefighters Grant program awards one-year grants directly to fire departments to support the nation's firefighters and the services they deliver. For 2004, Congress appropriated \$750 million. By the April deadline, 20,400 applications for \$2.66 billion were received. It is estimated that 8000 of the requests will be funded.

The original grant application was for a total amount of \$108,395. The grant program requires that departments serving a population of 50,000 or more match 30% of the total grant request. The Grand Junction Fire Department currently serves a combined population of 66,500 and is therefore subject to the 30% match.

Award Package



U.S. Department of Homeland Security
Office for Domestic Preparedness
Washington, D.C. 20531

Mr. Rick Beaty
Grand Junction Fire Department
330 S. 6th St.
Grand Junction, Colorado 81501-7706

Re: Grant No.EMW-2004-FG-20194

Dear Mr. Beaty:

Congratulations, on behalf of the Department of Homeland Security and the Office for Domestic Preparedness. Your grant application submitted under the FY 04 Assistance to Firefighters Grant has been approved. The approved project costs amount to \$108,395.00. The Federal share is 70 percent or \$75,877.00 of the approved amount and your share of the costs is 30 percent or \$32,518.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the Articles as they outline the terms and conditions of your Grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the Grant and Grant Agreement Articles when you request and receive any of the Federal Grant funds awarded to you.**

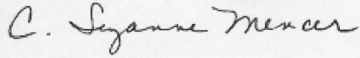
The first step in requesting your grant funds is to confirm your correct Direct Deposit Information. Please go on-line to the AFG eGrants system at <https://portal.fema.gov> and if you have not done so, complete and submit your SF 1199A, Direct Deposit Sign-up Form. Please forward the original, completed SF 1199A, Direct Deposit Sign-up Form, signed by your organization and the banking institution to the address below:

Department of Homeland Security
Emergency Preparedness and Response Directorate (FEMA)
Grants Management Branch
500 C Street, SW, Room 334
Washington, DC 20472

Attn: Assistance to Firefighters Grant Program

After your SF 1199A is reviewed and you receive an email indicating the form is approved, you will be able to request payments online. If you have any questions or concerns regarding the process to request your grant funds, please call 1-877-510-6762.

Sincerely,



C. Suzanne Mencer
Executive Director
Office of State and Local Government
Coordination and Planning

Agreement Articles



U.S. Department of Homeland Security
Washington, D.C. 20531

AGREEMENT ARTICLES

ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM - Operations and Firefighter Safety program

GRANTEE: Grand Junction Fire Department

PROGRAM: Operations and Firefighter Safety

AGREEMENT NUMBER: EMW-2004-FG-20194

AMENDMENT NUMBER:

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Article IX	DHS Officials
Article X	Other Terms and Conditions
Article XI	General Provisions
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Article I - Project Description

The grantee shall perform the work described in the approved grant application's Program Narrative. That narrative is made a part of these grant agreement articles by reference. The purpose of the Assistance to Firefighters Program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, DHS has determined that the grantee's project, as detailed in submitted project narrative and budget information, submitted as part of the grantee's application (and considered part of this agreement by reference), was consistent with the program's purpose and worthy of award. As such, any material deviation from the approved program narrative must have prior written approval.

Article II - Grantee Concurrence

By requesting and receiving Federal grant funds provided by this grant program, the grantee accepts and agrees to abide by the terms and conditions of the grant as set forth in this document and the documents identified below. All documents submitted as part of the application are made a part of this agreement by reference.

Article III - Period of Performance

The period of performance shall be from 13-NOV-04 to 12-NOV-05.

The grant funds are available to the grantee for obligation only during the period of performance of the grant award. The grantee is not authorized to incur new obligations after the expiration date unless the grantee has requested, and DHS has approved, a new expiration date. The grantee has 90 days after period of performance to incur costs associated with closeout or to pay for obligations incurred during period of performance. Award expenditures are for the purposes detailed in the approved grant application only. The grantee cannot transfer funds or assets purchased with grant funds to other agencies or departments without prior written approval from DHS.

Article IV - Amount Awarded

The amount of the award is detailed on the Obligating Document for Award attached to these articles. Following are the budgeted estimates for object classes for this grant (including Federal share plus grantee match):

Personnel	\$0.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$108,395.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect Charges	\$0.00
Total	\$108,395.00

Article V - Requests for Advances or Reimbursements

Grant payments under the Assistance to Firefighters Grant Program are made on an advance or reimbursable basis for immediate cash needs. When the grantee needs grant funds and has obtained a user account, the grantee fills out the on-line Request for Advance or Reimbursement. If the grantee has not obtained a user account, an account may be obtained by calling the help desk at 1-866-274-0960.

Article VI - Budget Changes

Generally, changes in the budget-line items are permitted, as long as the original program narrative is accomplished. The only exception to this provision is for grants where the Federal share is in excess of \$100,000.00. In grants where the Federal share exceeds \$100,000.00, the budgeted line items can be changed, but if the cumulative changes exceed ten (10) percent of the total budget, Changes must be pre-approved.

Article VII - Financial Reporting

The Request for Advance or Reimbursement mentioned above, will also be used for interim financial reporting purposes. At the end of the performance period, or upon completion of the grantee's program narrative, the grantee must complete, on-line, a final financial report that is required to close out the grant. The Financial Status Report, is due within 90 days after the end of the performance period.

Article VIII - Performance Reports

The grantee must submit a semi-annual and a final performance report to DHS. The final performance report should provide a short narrative on what the grantee accomplished with the grant funds and any benefits derived there from. The semi-annual report is due six months after the award date.

Article IX - DHS Officials

Program Officer: Tom Harrington, Deputy Chief of the Grants Program Office, is the Program Officer for this grant program. The Program Officer is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application.

Grants Assistance Officer: Christine Torres, is the Assistance Officer for this grant program. The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all

grant business matters.

Grants Management Branch POC: Tamia Minor is the point of contact for this grant award and shall be contacted for all financial and administrative grant business matters. If you have any questions regarding your grant please call 202-646-3989.

Article X - Other Terms and Conditions

Pre-award costs directly applicable to the awarded grant are allowable if approved in writing by the DHS Program Office.

Article XI - General Provisions

The following are hereby incorporated into this agreement by reference:

44 CFR, Emergency Management and Assistance

- Part 7 Nondiscrimination in Federally-Assisted Programs
- Part 13 Uniform administrative requirements for grants and cooperative agreements to state and local governments
- Part 17 Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-free Workplace (Grants)
- Part 18 New Restrictions on Lobbying

31 CFR 205.6 Funding Techniques

OMB Circular A-21 Cost Principles for Educational Institutions

OMB Circular A-87 Cost Principles for State/local Governments, Indian tribes

OMB Circular A-122 Cost Principles for Non-Profit Organizations

- OMB Circular A-102 Uniform Administrative Requirements for Grants and Agreements With State and Local Governments Assistance to Firefighters Grant Application and Assurances contained therein.
- OMB Circular A-110 Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other NonProfit Organizations Assistance to Firefighters Grant Application and Assurances contained therein.

Article XII- Audit Requirements

All grantees must follow the audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. The main requirement of this OMB Circular is that grantees that expend \$500,000.00 or more in Federal funds (from all Federal sources) must have a single audit performed in accordance with the circular.

As a condition of receiving funding under this grant program, you must agree to maintain grant files and supporting documentation for three years upon the official closeout of your grant. You must also agree to make your grant files, books, and records available for an audit by DHS, the General Accounting Office (GAO), or their duly authorized representatives to assess the accomplishments of the grant

program or to ensure compliance with any requirement of the grant program.

Additional Requirements if applicable

FEDERAL EMERGENCY MANAGEMENT AGENCY OBLIGATING DOCUMENT FOR AWARD/AMENDMENT						
1a. AGREEMENT NO. EMW-2004-FG-20194	2. AMENDMENT NO. 0	3. RECIPIENT NO. 84-6000592	4. TYPE OF ACTION AWARD	5. CONTROL NO. W395176N		
6. RECIPIENT NAME AND ADDRESS Grand Junction Fire Department 330 S. 6th St. Grand Junction Colorado, 81501-7706	7. ISSUING OFFICE AND ADDRESS ODP/Financial and Grants Management Division 500 C Street, S.W., Room 350 Washington DC, 20472 POC: Tamia Minor 202-646-3989		8. PAYMENT OFFICE AND ADDRESS ODP/Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20472			
9. NAME OF RECIPIENT PROJECT OFFICER Rick Beaty	PHONE NO. 970-244-1405	10. NAME OF PROJECT COORDINATOR Tom Harrington		PHONE NO. (202) 307-2790		
11. EFFECTIVE DATE OF THIS ACTION 13-NOV-04	12. METHOD OF PAYMENT SF-270	13. ASSISTANCE ARRANGEMENT Cost Sharing	14. PERFORMANCE PERIOD From:13-NOV-04To:12-NOV-05 Budget Period From:01-OCT-04To:30-SEP-05			
15. DESCRIPTION OF ACTION a. (Indicate funding data for awards or financial changes)						
PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (AACS CODE) XXXX-XXX-XXXXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMMULATIVE NON-FEDERAL COMMITMENT
AFG	97.044	2005-62-0364RE-63000000-4101-R	\$0.00	\$75,877.00	\$75,877.00	\$32,518.00
			TOTALS	\$0.00	\$75,877.00	\$32,518.00
b. To describe changes other than funding data or financial changes, attach schedule and check here. N/A						
16 a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) Assistance to Firefighters Grant - Fire Prevention and Safety Program recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.						
16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.						
17. RECIPIENT SIGNATORY OFFICIAL (Name and Title) N/A					DATE N/A	
18. FEMA SIGNATORY OFFICIAL (Name and Title) Pamela Greene					DATE 10-NOV-04	

Go Back

Attach 18

Public Hearing Creation of Alley Improvement District 2005

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Create Alley Improvement District ST-05					
Meeting Date	December 1, 2004					
Date Prepared	November 23, 2004				File #	
Author	Michael Grizenko		Real Estate Technician			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation	X	Yes		No	Name	Any Interested Citizen
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Successful petitions have been submitted requesting an Alley Improvement District be created to reconstruct the following seven alleys:

- East/West Alley from 1st to 2nd, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 9th to 10th, between Rood Avenue and White Avenue
- East/West Alley from 9th to 10th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 11th to 12th, between Teller Avenue and Belford Avenue
- North/South Alley from 18th to 19th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 18th to 19th, between Chipeta Avenue and Gunnison Avenue
- North/South Alley from 23rd to 24th, between Ouray Avenue and Gunnison Avenue

Budget:

2005 Alley Budget	\$360,000
Estimated Cost to construct 2005 Alleys	\$295,250
Estimated Balance	\$ 64,750*

*A successful petition has been received to create a Phase B Alley Improvement District for 2005.

Action Requested/Recommendation: Conduct public hearing and review and adopt proposed resolution.

Attachments: 1) Summary Sheets 2) Maps 3) Resolution

Background Information: People's Ordinance No. 33 authorizes the City Council to create improvement districts and levy assessments when requested by a majority of the property owners to be assessed. Council may also establish assessment rates by resolution. The present rates for alleys are \$8.00 per abutting foot for residential single-

family uses, \$15.00 per abutting foot for residential multi-family uses, and \$31.50 per abutting foot for non-residential uses. 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. The public hearing is for questions regarding validity of the submitted petitions.
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, gives notice of a public hearing concerning a proposed Assessing Ordinance, and conducts a first reading of a proposed Assessing Ordinance.
7. Council conducts a public hearing and second reading of the proposed Assessing Ordinance. The public hearing is for questions about the assessments.
8. The adopted Ordinance is published for three consecutive days.
9. 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.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 1ST STREET TO 2ND STREET OURAY AVE TO CHIPETA AVE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Ronald & Mary Eisenman	50	31.50	\$1,575.00
• Ted Munkres	50	31.50	\$1,575.00
• Christeen Fredericks	31.25	8.00	\$250.00
• Marlene Tucker	31.25	8.00	\$250.00
• Richard Jones	50	15.00	\$750.00
• Richard Jones	37.5	15.00	\$562.50
Evangelina Balerio Estate c/o Esther Lujan	50	8.00	\$400.00
• Michael Drissel & Steven Hagedorn	50	31.50	\$1,575.00
• Stephen & Kellie Gearhart	46	31.50	\$1,449.00
Mark Gamble	54	31.50	\$1,701.00
Terry Coutee	50	31.50	\$1,575.00
Theresa Arnold	<u>100</u>	15.00	<u>\$1,500.00</u>
TOTAL ASSESSABLE FOOTAGE	600		\$13,162.50

Estimated Cost to Construct	\$ 31,350.00
Absolute Cost to Owners	<u>\$ 13,162.50</u>
Estimated Cost to City	\$ 18,187.50

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

- Indicates owners who signed in favor of improvements 8/12 or 67% and 58% of assessable footage.

SUMMARY SHEET

**PROPOSED ALLEY IMPROVEMENT DISTRICT
9th STREET TO 10th STREET
ROOD AVENUE TO WHITE AVENUE**

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Debra Jacobson	50	15.00	\$750.00
• Cynthia & Nels Werner	50	8.00	\$400.00
• Judith Vanderleest	50	8.00	\$400.00
• Lisa Loerzel	50	8.00	\$400.00
• Douglas & Gaynell Colaric	50	8.00	\$400.00
• Don Ingram	50	8.00	\$400.00
• 951 White LLC	50	15.00	\$750.00
• Steven O'Donnell, et al	50	15.00	\$750.00
• Robert Tracy	50	8.00	\$400.00
• Robert Tracy	50	15.00	\$750.00
• Robert Tracy	50	8.00	\$400.00
Michael & Irma Adcock	50	8.00	\$400.00
• Betsy Black	50	15.00	\$750.00
• Dennis Svaldi	50	8.00	\$400.00
• Rebecca Ann McCreery	50	8.00	\$400.00
• Nicole & Stephen Clarke	50	15.00	\$750.00
ASSESSABLE FOOTAGE	TOTAL	800	\$8,500.00

Estimated Cost to Construct	\$ 41,800.00
Absolute Cost to Owners	<u>\$ 8,500.00</u>
Estimated Cost to City	\$ 33,300.00

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

- Indicates owners in favor of improvements = 15/16 or 94% and 94% of the assessable footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 9th STREET TO 10th STREET OURAY AVE TO CHIPETA AVE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Timothy Palmquist	50	8.00	\$400.00
• Melba Youker	50	8.00	\$400.00
H Allan Amos	50	8.00	\$400.00
• Dane Meisenheimer	50	8.00	\$400.00
• Marvin & Eleanore Walworth	50	8.00	\$400.00
Terry & Sandra McGovern	50	8.00	\$400.00
Ami Purser, and George & Linda Turner	50	8.00	\$400.00
• Tonya & Darren Cook	50	8.00	\$400.00
• Wayne & Katherine Petefish	50	15.00	\$750.00
• Denise & Mark McKenney	50	8.00	\$400.00
• Cheryl DeGaia	50	8.00	\$400.00
• David & Cynthia Dennison-Jones	50	8.00	\$400.00
• Frank & Teresa Coons	50	8.00	\$400.00
Vinje Lawson	50	8.00	\$400.00
• Charles & Colleen Meyer	50	8.00	\$400.00
• Karl & Jan Antwine	50	<u>15.00</u>	<u>\$750.00</u>
TOTAL			
ASSESSABLE FOOTAGE	800		\$7,100.00

Estimated Cost to Construct	\$ 41,800.00
Absolute Cost to Owners	<u>\$ 7,100.00</u>
Estimated Cost to City	\$ 34,700.00

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

- Indicates owners signing in favor of improvements = 12/16 or 75% and 75% of the assessable footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 11TH STREET TO 12TH STREET TELLER AVE TO BELFORD AVE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Ted D Munkres	50	8.00	\$400.00
• Mary Jo Good	50	8.00	\$400.00
• Shoberg Diversified Services**	50	15.00	\$750.00
Fast Lion LLP	100	15.00	\$1,500.00
• William & Janet Pomrenke	128.6	15.00	\$1,929.00
West Pearson LLC	393.2	15.00	\$5,898.00
• Michael & Deanna Hines	60	15.00	\$900.00
• Stephen Good	<u>50</u>	8.00	<u>\$400.00</u>
TOTAL ASSESSABLE FOOTAGE	881.8		\$12,177.00

Estimated Cost to Construct	\$ 46,550.00
Absolute Cost to Owners	<u>\$ 12,177.00</u>
Estimated Cost to City	\$ 34,373.00

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

- Indicates owners signing in favor of improvements 6/8 or 75% and 44% of the assessable footage.

** Indicates POA for alley improvements exists for this property (Book 3677 Pg 981, Mesa County records) and is invoked by this petition.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 18th STREET TO 19th STREET OURAY AVE TO CHIPETA AVE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Michael & Susan Bowser	50	8.00	\$400.00
• Molly Shores	50	8.00	\$400.00
• Karen Menzies	50	8.00	\$400.00
• Matthew & Crystal Vagts	50	8.00	\$400.00
• Ulrike Metzner	50	8.00	\$400.00
Lois Renfrow	50	8.00	\$400.00
• Larry Vaughn	62.5	8.00	\$500.00
• KG & MM McConnell	50	8.00	\$400.00
• Lawrence & Ruthmary Allison	62.5	8.00	\$500.00
• Thomas Church	50	8.00	\$400.00
• Clara Nelson	<u>75</u>	8.00	<u>\$600.00</u>
TOTAL ASSESSABLE FOOTAGE	600		\$4,800.00

Estimated Cost to Construct	\$ 30,400.00
Absolute Cost to Owners	\$ <u>4,800.00</u>
Estimated Cost to City	\$ 25,600.00

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

- Indicates owners signing in favor of improvements are 10/11 or 91 % and 92% of the assessable footage.

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 18th STREET TO 19th STREET CHIPETA AVE TO GUNNISON AVE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
Lynn Swanson & James McNew**	60.41	8.00	\$483.28
Warren & Sally Wilcox**	40	8.00	\$320.00
Donald & Beverly Aust**	40	8.00	\$320.00
Irvin & Joyce Effinger**	40	8.00	\$320.00
• HEH Investments LLC**	40	8.00	\$320.00
• Andrew & Mary Raggio**	40	8.00	\$320.00
• Steven & Sonja Cook**	60.40	8.00	\$483.20
• Carl & Betty Wahlberg	70	15.00	\$1,050.00
• Doris Greenwood	92.5	15.00	\$1,387.50
• James Rankin & Family Limited Partnership	92.5	15.00	\$1,387.50
• Kenneth Wilson	<u>70</u>	15.00	<u>\$1,050.00</u>
TOTAL ASSESSABLE FOOTAGE	645.81		\$7,441.48

Estimated Cost to Construct	\$ 32,300.00
Absolute Cost to Owners	<u>\$ 7,441.48</u>
Estimated Cost to City	\$ 24,858.52

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

- Indicates owners signing in favor of improvements = 7/11 or 64% and 72% of the assessable footage.

** Indicates POA for alley improvements exists for these properties (Book 2112 Pg 196, Mesa County records) and is invoked by the petition process. The City Clerk is authorized to sign for those properties which have not already done so (5 total).

SUMMARY SHEET

PROPOSED ALLEY IMPROVEMENT DISTRICT 23rd STREET TO 24th STREET OURAY AVENUE TO GUNNISON AVENUE

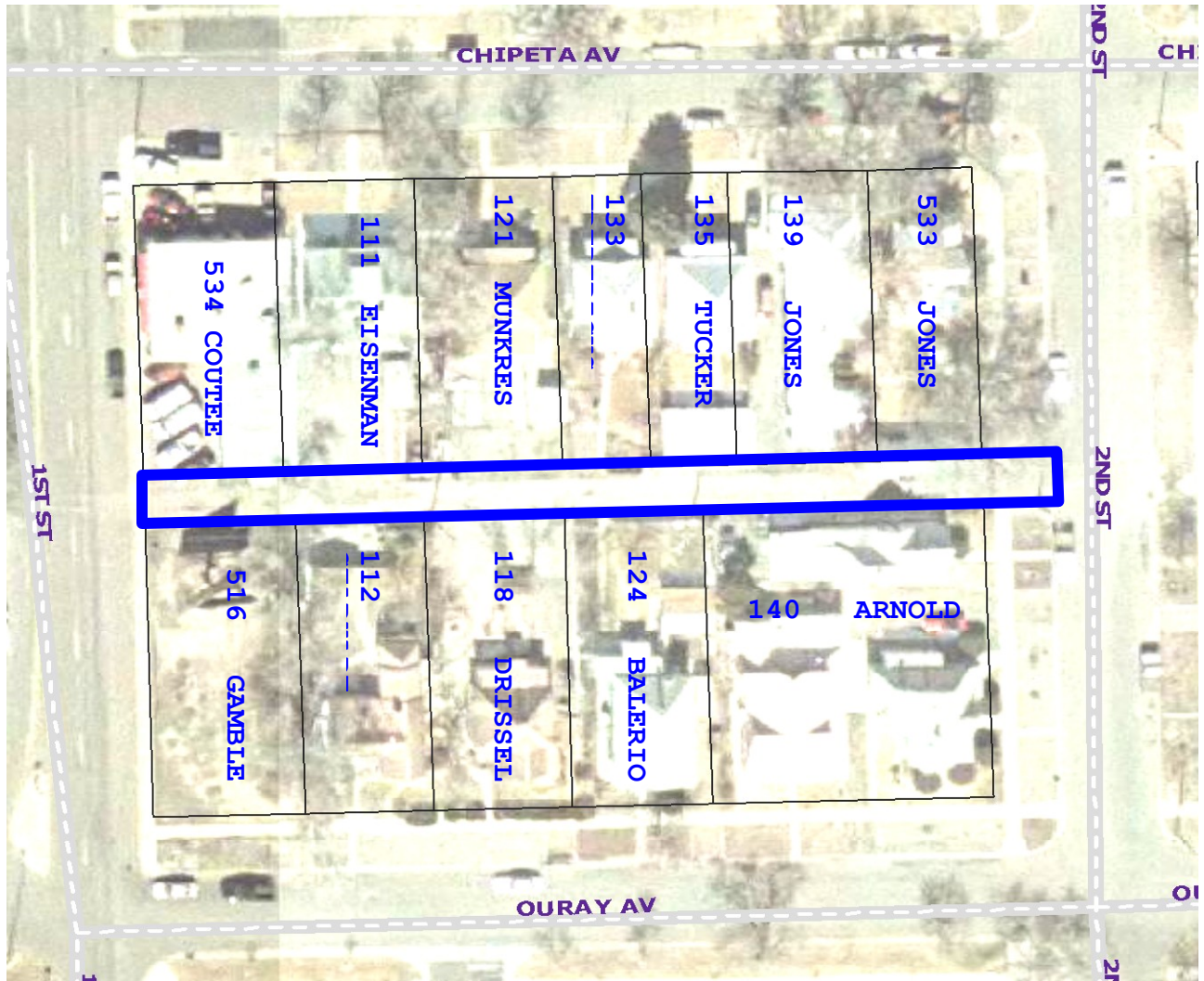
OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
• Thomas & Lori Sheldon	63	8.00	\$504.00
• Michael Whittington	63	8.00	\$504.00
• Donald Sadoris	63	8.00	\$504.00
• Terry Catlin	63	8.00	\$504.00
• Alfredo Magallon & Veronica Diego Moreno	63	8.00	\$504.00
Chad & Danielle Daniel	63	8.00	\$504.00
• Gilbert Mata	63	8.00	\$504.00
• Robert & Judy Silbernagel	63	8.00	\$504.00
• Leslie & Marilyn Freeouf, Trustees	63	8.00	\$504.00
• Kenneth & Cary Perino	63	8.00	\$504.00
Stancyn Enterprises, LLLP	63	8.00	\$504.00
Laura Bradford	63	8.00	\$504.00
William Carton & Adam Lind, Trustees	63	8.00	\$504.00
• Lori Ann Morgan	63	8.00	\$504.00
• Marvin & Eleanore Walworth	63	8.00	\$504.00
Joaquin Guerra & Rosa Hernandez	63	8.00	\$504.00
Donald Ciriacks	62.25	8.00	\$498.00
Susan Britton	<u>62.25</u>	8.00	<u>\$498.00</u>
TOTAL ASSESSABLE FOOTAGE	1,132.50		\$9,060.00

Estimated Cost to Construct	\$ 56,050.00
Absolute Cost to Owners	<u>\$ 9,060.00</u>
Estimated Cost to City	\$ 46,990.00

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

- Indicates owners signing in favor of improvements are 11/18 or 61% and 61% of the assessable footage.

PROPOSED ALLEY IMPROVEMENT DISTRICT 1ST STREET TO 2ND STREET OURAY AVE TO CHIPETA AVE



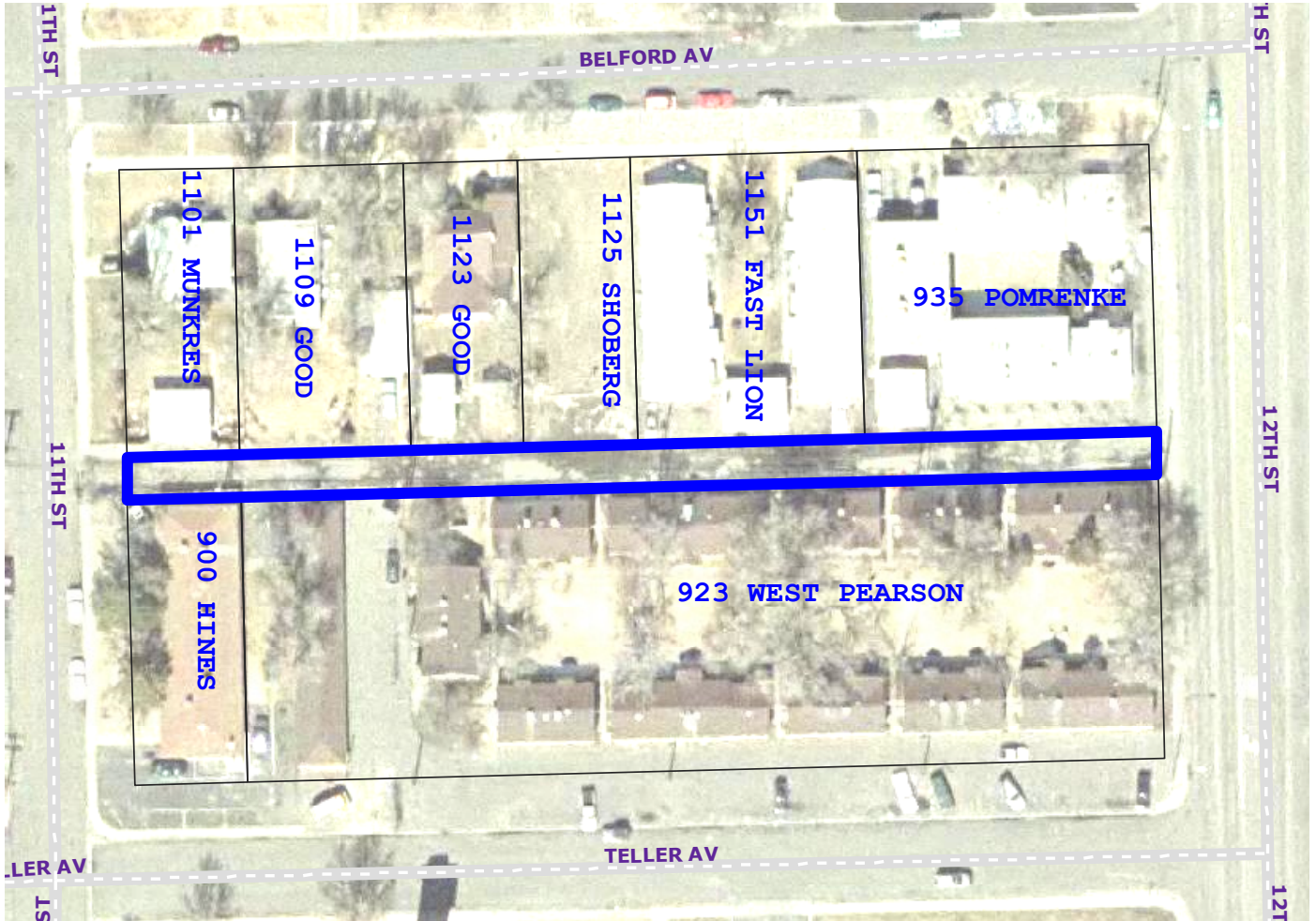
PROPOSED ALLEY IMPROVEMENT 9TH STREET TO 10TH STREET ROOD AVENUE TO WHITE AVENUE



**PROPOSED ALLEY IMPROVEMENT
9TH STREET TO 10TH STREET
OURAY AVENUE TO CHIPETA AVENUE**



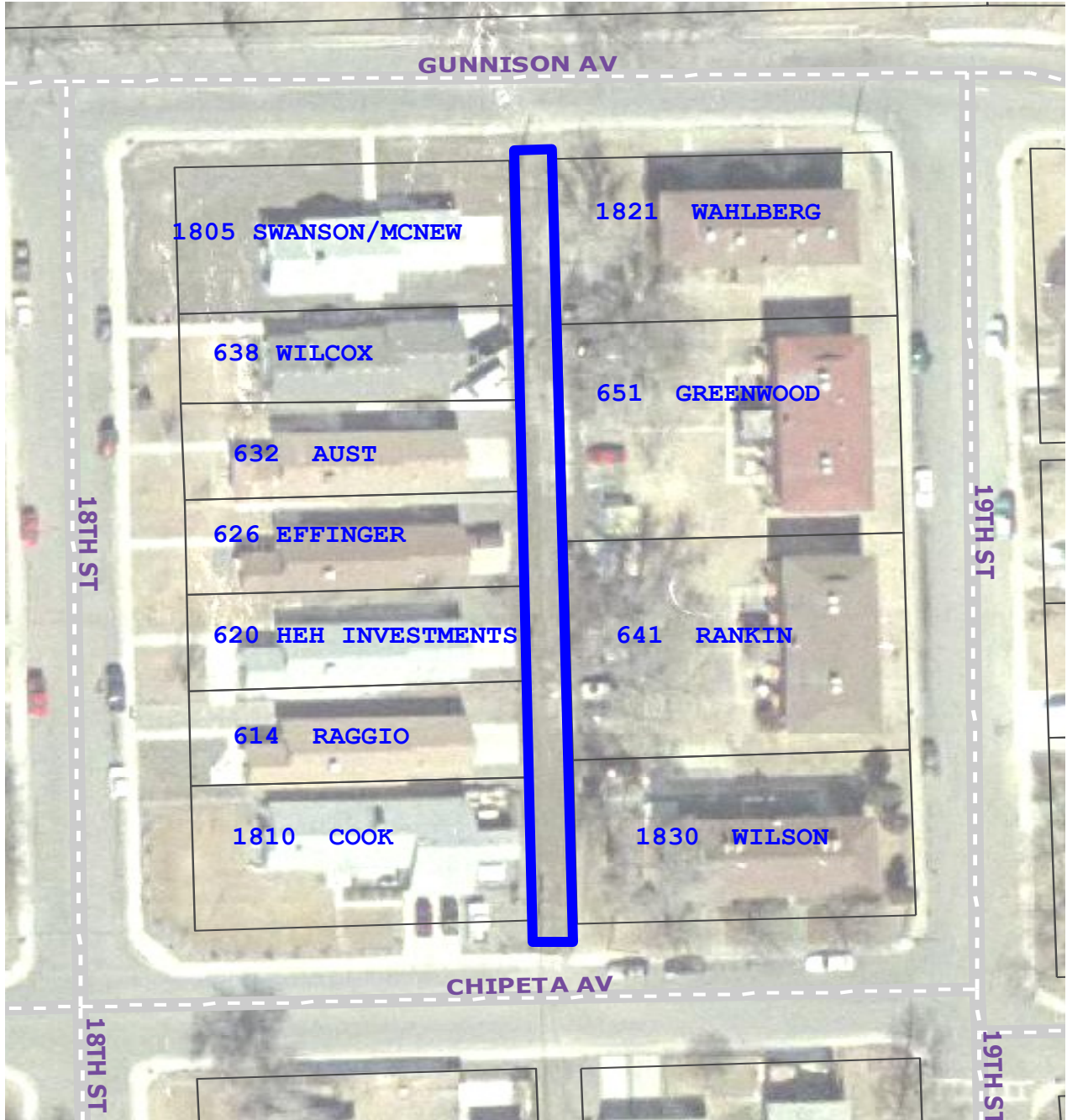
PROPOSED ALLEY IMPROVEMENT 11TH ST TO 12TH ST, TELLER AVE TO BELFORD AVE



**PROPOSED ALLEY IMPROVEMENT
18TH STREET TO 19TH STREET
OURAY AVENUE TO CHIPETA AVENUE**



**PROPOSED ALLEY IMPROVEMENT
18TH STREET TO 19TH STREET
CHIPETA AVENUE TO GUNNISON AVENUE**



**ALLEY IMPROVEMENT
23RD STREET TO 24TH STREET
OURAY AVENUE TO GUNNISON AVENUE**



RESOLUTION NO. _____

**A RESOLUTION CREATING AND ESTABLISHING
ALLEY IMPROVEMENT DISTRICT NO. ST-05
WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION,
COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN ALLEYS,
ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE PAVING
THEREON AND PROVIDING FOR THE PAYMENT THEREOF**

WHEREAS, a majority of the owners of the property to be assessed have petitioned the City Council, under the provisions of Chapter 28 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33, that an Alley Improvement District be created, for the special benefit of the real property hereinafter described, to construct and install improvements to the following described alleys:

- East/West Alley from 1st to 2nd, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 9th to 10th, between Rood Avenue and White Avenue
- East/West Alley from 9th to 10th, between Ouray Avenue and Chipeta Avenue
- East/West Alley from 11th to 12th, between Teller Avenue and Belford Avenue
- North/South Alley from 18th to 19th, between Ouray Avenue and Chipeta Avenue
- North/South Alley from 18th to 19th, between Chipeta Avenue and Gunnison Avenue
- North/South Alley from 23rd to 24th, between Ouray Avenue and Gunnison Avenue

WHEREAS, the City Council has found and determined, and does hereby find and determine, that the construction of alley improvements as petitioned for is necessary for the health, safety and welfare of the residents of the territory to be served and would be of special benefit to the property included within said District; and

WHEREAS, on the 20th day of October, 2004, the City Council of the City of Grand Junction, Colorado, passed a Resolution Stating its Intent to Create Alley Improvement District No. ST-05 Authorizing the City Engineer to prepare full details, plans and specifications for the paving thereon together with a map of the District to be assessed, and Authorizing Notice of Intention to Create said District; and

WHEREAS, the City Engineer has fully and strictly complied with the directions so given, and has filed such specifications and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City; and

WHEREAS, Notice of Intention to create said District was duly published.

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

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

Lots 1-24, inclusive, Block 56, City of Grand Junction; and also,
Lots 1-30, inclusive, and the North 42 feet 10 1/2 inches of Lots 31 and 32, Block 91, City of Grand Junction; and also,
Lots 1-32, inclusive, Block 64, City of Grand Junction; and also,
Lots 1-34, inclusive, Block 22, City of Grand Junction; and also,
Lots 1-24, inclusive, Block 5, Slocomb’s Addition to Grand Junction; and also,
Lots 14-26, inclusive, Block 12, Slocomb’s Addition to Grand Junction; and also,
Lots 1-7, inclusive, Greenwood Subdivision; and also,
Lots 1 through 18, inclusive, Block 4, Mesa Gardens Subdivision. All in the City of Grand Junction, and Mesa County, Colorado.

2. That the proposed services, labor, materials and improvements necessary to accommodate the request of the owners of the District Lands shall include, but may not be limited to, the design, construction, installation, placement and inspection of base course material and concrete paving, together with any other services or facilities required to accomplish this request as deemed necessary by the City Engineer (“District Improvements”), all of which shall be installed in accordance with the General Conditions, Specifications and Details for Public Works and Utility Projects of the City of Grand Junction.

3. That the assessments to be levied against and upon each respective property which is part of the District Lands shall be determined by multiplying the linear footage that each respective property abuts the alley right-of-way by the appropriate Residential Single-Family, Residential Multi-Family or Non-Residential assessment rate as defined by City Resolution No. 16-97, passed and adopted on the 17th day of February, 1997, and as established by City Resolution No. 57-99, passed and adopted on the 21st day of April, 1999, as follows:

(a) The Residential Single-Family assessment rate shall be \$8.00 per each linear foot of property abutting the alley right-of-way. The Residential Single-Family assessment rate shall apply to all properties having only one residential housing unit which is arranged, designed and intended to be occupied as a single housekeeping unit, and all vacant properties located within a residential single-family residential zone;

(b) The Residential Multi-Family assessment rate shall be \$15.00 per each linear foot of property abutting the alley right-of-way. The Residential Multi-Family assessment rate shall apply to all properties having a structure or structures which

are arranged, designed and intended to be the residence of more than one housekeeping unit independent of other housekeeping units, and properties which are necessary for and appurtenant to the use and occupancy of multi-family residential uses, such as parking lots, clubhouses and recreation facilities, and all vacant properties located within a multi-family residential zone;

(c) The Non-Residential assessment rate shall be \$31.50 per each linear foot of property abutting the alley right-of-way. Except as provided in Section 3(d) below, the Non-Residential assessment rate shall apply to all properties which are used and occupied for any purpose other than single-family or multi-family residential purposes, and all vacant properties located within any zone other than residential;

(d) Properties from which a business or commercial use is conducted ("home occupation") which also serve as a single-family or multi-family residence may be assessed the applicable single-family or multi-family assessment rate if such home occupation conforms with or has been authorized by the Zoning and Development Code of the City;

(e) Pursuant to City Resolution No. 61-90, passed and adopted on 19th day of September, 1990, properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

(f) The assessment rates described above shall be applicable as of the date of the final reading of the assessing ordinance.

4. That the assessments to be levied against the District Lands to pay a portion of the costs of the District Improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs against and upon the District Lands becomes final. The failure by any owner(s) to pay the whole assessment within said thirty (30) day period shall be conclusively considered as an election on the part of said owner(s) to pay such owner's assessment in ten (10) annual installments, in which event an additional six percent (6%) one-time charge for costs of collection and other incidentals shall be added to the principal amount of such owner's assessment. Assessments to be paid in installments shall accrue simple interest at the rate of eight percent (8%) per annum on the unpaid balance and shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter until paid in full.

5. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for the District Improvements, together with a map of the

District depicting the District Lands to be assessed from which the amount of the assessments to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

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

President of the Council

Attest:

City Clerk

Attach 19

Utility Rate Changes Effective January 1, 2005

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Utility Rate Changes, Effective January 1, 2005					
Meeting Date	December 1, 2004					
Date Prepared	November 23, 2004				File #	
Author	Greg Trainor			Utilities Manager		
Presenter Name	Mark Relph			Public Works and Utilities Director		
Report results back to Council		No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary:

Resolution to amend utility rates for Water, Wastewater and Solid Waste Services Effective January 1, 2005.

Budget:City Water:**Residential**

0-3000 gal. of use	\$7.00	0 % change.
Next 7,000 gal. of use	\$1.80 to \$1.85 per 1,000 gal.	5 ¢ <u>increase</u> /1,000 gal.
Next 10,000 gal. of use	\$1.95 to \$2.00 per 1,000 gal.	5 ¢ <u>increase</u> /1,000 gal.
From 20,000 gal of use	\$2.10 to \$2.15 per 1,000 gal	5 ¢ <u>increase</u> / 1,000 gal.

Multi-Unit

Base unit cost (3,000 gal)	\$7.00	0% change
Additional per unit cost	\$6.00	0% change

Multiple family residential and multiple unit commercial rates will be changing the same as residential for usage over 3,000 gallons per month.

Sewer:

2.5% per EQU increase for all customers. This equates to an increase of .33 cents per month for a single family home, from \$13.23 to \$13.56 per month for full service customers.

Plant Investment fees will change from \$1,250 to \$1,500 per single family equivalent unit.

Irrigation Rates in the Ridges:

No changes

Solid Waste:

Increase of 4% Recycling will remain at \$1.75 per month.

Action Requested/Recommendation:

Adopt Resolution implementing Utility Rate changes, effective January 1, 2005

Attachments:

Proposed Resolution

Background Information:

Highlights:

- Water rates will increase by 1.9%. There will be no increase in the minimum rate of \$7.00 for the first 3,000 gallons. Increase of \$.05 per 1,000 gallons on usage above 3,000 gallons.
- Wastewater rates will increase by 2.5%, or from \$13.23 per month to \$13.56 per month. The plant investment fee per EQU will increase from \$1,250 to \$1,500.
- Irrigation charges for the Ridges will not change for 2005.
- Solid waste rates will increase by 4%. For most residential customers a 96-gallon container will increase from \$10.23 per month to \$10.64 per month.

Wastewater increases are due to higher costs to upgrade and maintain the sewer system and construction of the Combined Sewer Elimination Project. Water rates declined in 2004 for most users. The increase of .05 per 1000 gallons for all usage above the minimum of 3,000 per month is due to increased costs of operation.

City of Grand Junction, Colorado

Resolution No. _____

**A Resolution Adopting Utility Rates for Water, Wastewater,
and Solid Waste Services effective January 1, 2005**

Recitals:

The City of Grand Junction establishes rates for utility services on a periodic basis, and by this resolution, the City Council establishes, rates for water, wastewater and solid waste utility services and to implement decisions made in the long-term financial plans for the water, wastewater, and solid waste enterprise funds.

There will be no change in the minimum water rate of \$7.00 per 3,000 gallons. The commodity rate for all usage above 3,000 gallons per month is being increased to reflect increased operating costs and to reflect a water conservation rate.

Wastewater rates are being increased to reflect the cost of on-going operating expenses, particularly energy, and for debt service for the combined storm and sanitary sewer elimination project. The increase in the plant investment fee per EQU reflects the need for the wastewater system to gradually increase the fee for new development to "buy into" the existing capacity of the wastewater system.

Solid Waste rates have not been adjusted since 2002. The 2005 rate adjustment will reflect increases in operating costs.

The City Council has the authority to establish rates by resolution.

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

Effective January 1, 2005, rates for utility services will change according to the following schedule. Appropriate schedules will be developed showing charges for all utility services rendered.

City Water

Residential

0-3000 gal. of use	\$7.00	0 % change.
Next 7,000 gal. of use	\$1.80 to \$1.85 per 1,000 gal.	5 ¢ <u>increase</u> /1,000 gal.
Next 10,000 gal. of use	\$1.95 to \$2.00 per 1,000 gal.	5 ¢ <u>increase</u> /1,000 gal.
From 20,000 gal of use	\$2.10 to \$2.15 per 1,000 gal	5 ¢ <u>increase</u> / 1,000 gal.

Multi-Unit

Base unit cost (3,000 gal)	\$7.00	0% change
Additional per unit cost	\$6.00	0% change

Multiple family residential and multiple unit commercial rates will be changing the same as residential for usage over 3,000 gallons per month.

Sewer:

2.5% per EQU increase for all customers. This equates to an increase of .33 cents per month for a single family home, from \$13.23 to \$13.56 per month for full service customers.

The Plant Investment fee will change from \$1,250 to \$1,500 per single family equivalent unit.

Irrigation Rates in the Ridges

No changes

Solid Waste:

Increase of 4%. Recycling will remain at \$1.75 per month.

PASSED and ADOPTED this ____ day of _____, 2004.

Bruce Hill, President of the City Council

Attest:

Stephanie Tuin, City Clerk

Attach 20

Public Hearing – St. Mary's Hospital Rezone Located at 515 Patterson Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	St. Mary's Rezone located at 515 Patterson Road					
Meeting Date	December 1, 2004					
Date Prepared	November 9, 2004			File #RZ-2004-117		
Author	Ronnie Edwards		Associate Planner			
Presenter Name	Ronnie Edwards		Associate Planner			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: Request to rezone 1.9 acres located at 515 Patterson Road, consisting of one parcel, from the B-1 (Neighborhood Business) zone district to PD (Planned Development) zone district. Planning Commission recommended approval at its November 9, 2004 meeting.

Budget: N/A

Action Requested/Recommendation: That City Council conduct a public hearing and adopt the zoning ordinance on second reading

Attachments:

1. Aerial Map
2. Existing Zoning Map
3. Zoning Ordinance

BACKGROUND INFORMATION				
Location:		515 Patterson Road		
Applicants:		St. Mary's Hospital		
Existing Land Use:		Vacant (previously Mesa County Health Department building)		
Proposed Land Use:		58-space parking lot		
Surrounding Land Use:	North	Commercial Retail/Offices		
	South	St. Mary's Hospital/Retail/Offices		
	East	St. Mary's Medical Center/Parking Lot		
	West	Residential Single Family		
Existing Zoning:		B-1		
Proposed Zoning:		PD		
Surrounding Zoning:	North	B-1		
	South	PD and B-1		
	East	PD		
	West	RSF-4		
Growth Plan Designation:		Public		
Zoning within density range?		N/A	Yes	No

BACKGROUND: The subject property was formerly owned by Mesa County for the Health Department Offices. St. Mary's has purchased the property for expansion and site circulation improvements. The applicant is requesting that the property be rezoned from B-1 to PD, consistent with the zoning of the balance of the hospital property.

St. Mary's has demolished all the structures in anticipation of constructing a new entrance from Patterson Road to the Hospital's West Campus. This new entrance will replace four curb cuts that exist along Patterson Road between the northwest property corner and 7th Street. The entrance will be located approximately 385' east of Mira Vista and 687' west of 7th Street. The proposed entrance does not meet spacing requirements from Mira Vista, but was approved through a TEDs Exception. The new entrance will include a deceleration and right turn lane for eastbound traffic entering St. Mary's and the existing utilities will be installed underground.

This new entrance is an amendment to the St. Mary's 2000 Master Plan. The original plan called for Center Avenue to remain, for Mira Vista Road to be closed, and Mira Vista traffic to be re-routed onto Center Avenue. The residents of Mira Vista were adamantly opposed to mixing the traffic. The purchase of this property enables this reconfiguration to occur.

The proposed parking lot is consistent with the approved St. Mary's Master Plan. The new 58-space parking lot will be constructed concurrently with the Center Avenue intersection closure and will include all required landscaping and lighting. The new parking area will serve to ease the current parking congestion for the medical office building.

A. Consistency with the Growth Plan:

Policy 1.7 states that City will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed development is compatible with the planned development of adjacent property.

The Planned Development (PD) zone district is consistent with the Future Land Use Map and the Growth Plan. The adjacent property is zoned Planned Development (PD) and this is considered an expansion of an existing medical facility, which is a part of the approved St. Mary's Hospital Master Plan.

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

In order to maintain internal consistency between this Code and the Zoning Maps, map amendments and rezones must demonstrate conformance with all of the following criteria for approval:

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

There was not an error at the time of adoption in establishing the current zoning of Neighborhood Business (B-1). St. Mary's Hospital has acquired the property and now wishes to develop it as proposed in the St. Mary's Master Plan as a parking lot. The PD zoning will establish permitted uses for this property and is consistent with the rest of the hospital property.

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

St. Mary's Hospital has recently acquired the property for which the rezone is requested. St. Mary's has demolished all structures anticipating a new parking lot for the west campus and providing better traffic circulation and access. The proposed parking lot was shown in the 2003 Amended Master Plan for the Hospital.

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

The requested rezone will be compatible with existing and surrounding land uses, and will not create adverse impacts. All development standards of the Zoning and Development Code and other City regulations have been considered and incorporated into the design of the proposed improvements to ensure that there are no adverse impacts.

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

The proposal is in conformance with the Growth Plan and the policies and requirements of the Code and other City regulations and guidelines. The rezone request has been made to establish consistent and appropriate land uses with the remaining campus.

- 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 and services are available and existing. All utilities will be installed underground with development of the site.

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

This property has recently been acquired by St. Mary's Hospital in an effort to meet the parking demands of existing hospital staff and patients. The rezone request is an effort to incorporate the recently acquired property into the existing hospital campus.

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

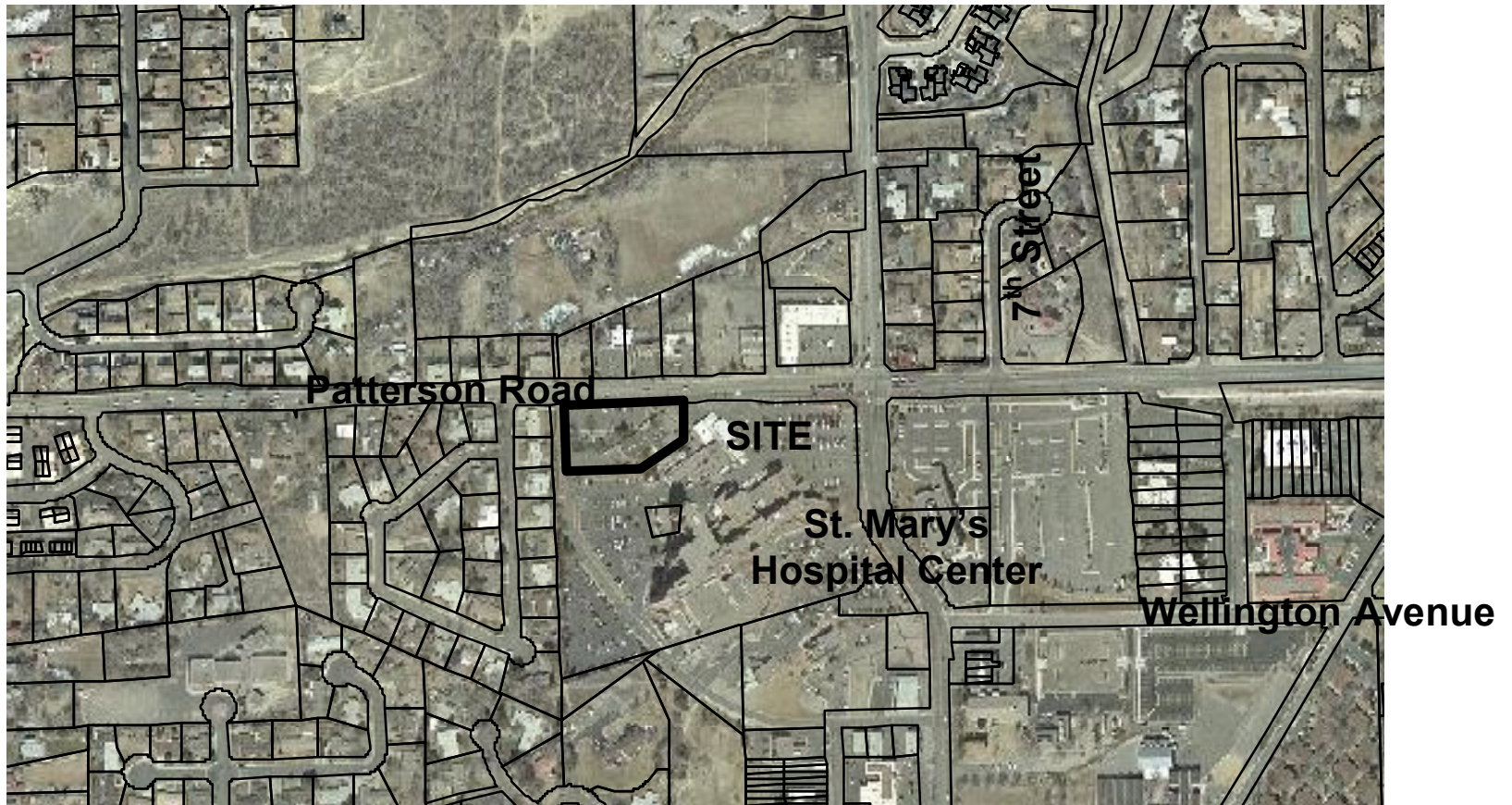
The surrounding neighborhood and community would benefit from the proposed rezone by providing development which meets the goals and policies of the Growth Plan.

PLANNING COMMISSION FINDINGS OF FACT/CONCLUSIONS:

1. The requested rezone is consistent with the St. Mary's Hospital Master Plan.
2. The requested rezone is consistent with the Growth Plan.
3. The requested rezone is consistent with Section 4-4-4 of the 1997 Zoning and Development Code

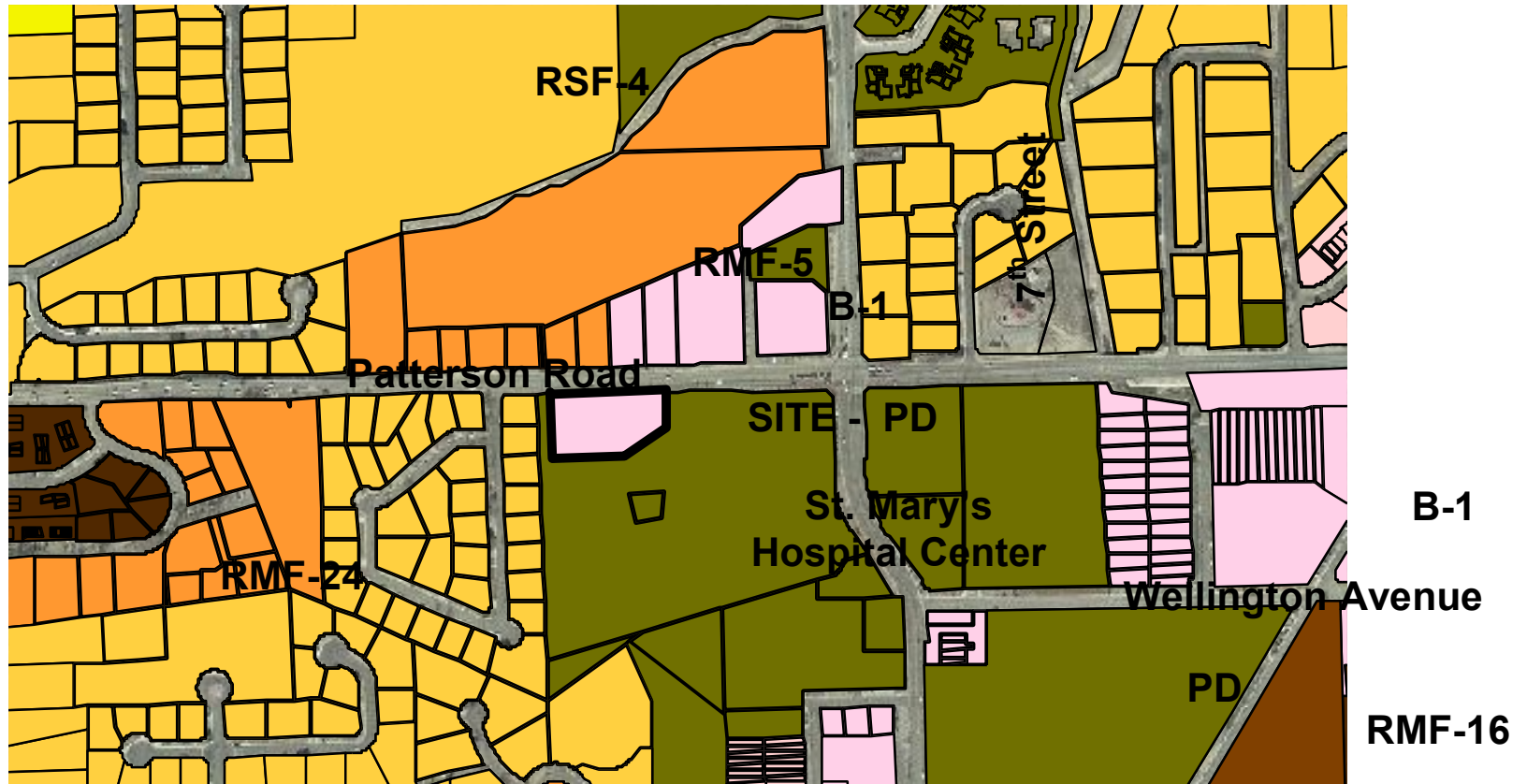
Aerial Photo Map

Figure 2



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."

ORDINANCE NO.

**AN ORDINANCE REZONING A PARCEL OF LAND FROM
B-1 (NEIGHBORHOOD BUSINESS) ZONE DISTRICT
TO PD (PLANNED DEVELOPMENT) ZONE DISTRICT**

LOCATED AT 515 PATTERSON ROAD (ST. MARY'S HOSPITAL)

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the rezone request from B-1 zone district to the PD zone district.

After public notice and public hearing before the Grand Junction City Council, City Council finds the rezone request meets the goals and policies and future land use as forth by the Growth Plan, Industrial. City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied for the following reasons:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY ZONED TO THE PD ZONE DISTRICT:

Beginning at a point from which the North $\frac{1}{4}$ corner of Section 11, T1S, R1W of the UM, bears North 30' and East 546.20', running thence West a distance of 382.58' to a point on the West line of the tract of land which was conveyed by Mesa County Junior College District to the Sisters of Charity of Leavenworth by deed dated October 22, 1946, recorded October 24, 1946 in Book 453 at Page 291, said point being 30' South of the Northwest corner of said tract; running thence South along the West line of said tract a distance of 200'; thence East a distance of 252.80'; thence North 57°37' East a distance of 154.02'; thence North a distance of 117.9' to the POB, EXCEPT beginning at a point from which the North $\frac{1}{4}$ corner of Section 11, T1S, R1W of the UM bears North 30' and East 888.88'; running thence West a distance of 39.90' to a point on the West line of the tract of land which was conveyed by Mesa County Junior College District to the Sisters of Charity of Leavenworth by deed dated October 22, 1946, recorded October 24, 1946 in Book 453 at Page 291; thence South along the West line of said tract a distance of 200'; thence East a distance of 39.90'; thence North a distance of 200' to the POB, AND EXCEPT two parcels of land conveyed to the City of Grand Junction in deed recorded March 10, 1988 in Book 1683 at Page 689, more particularly described as follows: A parcel of land for road and utility right of way purposes being a portion of the North $\frac{1}{2}$ of said Section 11, beginning at a point from which the North $\frac{1}{4}$ corner of said Section 11 bears North 30' and East 546.20'; thence South 12.00'; thence West along a line which is parallel with and 42.00' South of the

North line of said Section 11, a distance of 261.76'; thence North 88°55'33" West 80.83'; thence North 00°36' West 10.49' to a point in the present South right of way line of Patterson Road; thence East along the present South right of way line of Patterson Road 342.68' to the POB, and a parcel of land for utility easement purposes being a portion of the North ½ of said Section 11, Commencing at a point from which the North ¼ corner of said Section 11 bears North 30' and East 546.20'; thence South 12.00' to the POB; thence South a distance of 5.00'; thence West along a line parallel with and 47.00' South of the North line of said Section 11, a distance of 342.50'; thence North 00°36' West 6.52'; thence South 88°55'33" East 80.83'; thence East along a line parallel with and 42.00' South of the North line of said Section 11, a distance of 261.76' to the POB.

CONTAINING 1.9 Acres, more or less, as described.

Introduced on first reading on the 17th day of November, 2004.

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

Attest:

City Clerk

President of the Council

Attach 21

Zoning the Meyers/Steele Annexation Located 3020 E 1/2 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Zoning the Meyers/Steele Annexation, located at 3020 E 1/2 Road to RSF-4 (Residential Single Family 4 du/ac).							
Meeting Date	December 1, 2004							
Date Prepared	November 23, 2004				File #ANX-2004-206			
Author	Faye Hall			Planning Technician				
Presenter Name	Faye Hall			Planning Technician				
Report results back to Council	X	No		Yes	When			
Citizen Presentation	X	Yes		No	Name			
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: Hold a public hearing and consider final passage of the Zoning ordinance to zone the Meyers/Steele Annexation RSF-4 (Residential Single Family 4 du/ac), located at 3020 E 1/2 Road. The 2.7559 acre annexation consists of one parcel of land and includes E 1/2 & 30 Road rights-of-way.

Budget: N/A

Action Requested/Recommendation: Conduct a public hearing and consider final passage of the zoning ordinance. Planning Commission recommended approval of the RSF-4 zoning at their October 26, 2004 meeting.

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. Zoning Ordinance

STAFF REPORT/BACKGROUND INFORMATION			
Location:		3020 E 1/2 Road	
Applicants:		Evelyn Steele & Carolyn Meyers	
Existing Land Use:		Residential	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Single Family Residential	
	South	Single Family Residential	
	East	Single Family Residential	
	West	Single Family Residential	
Existing Zoning:		County RSF-4	
Proposed Zoning:		City RSF-4	
Surrounding Zoning:	North	County RSF-4	
	South	County RSF-4	
	East	County RSF-4 & PUD 4.49 du/ac	
	West	County RSF-4	
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-4. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the 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.

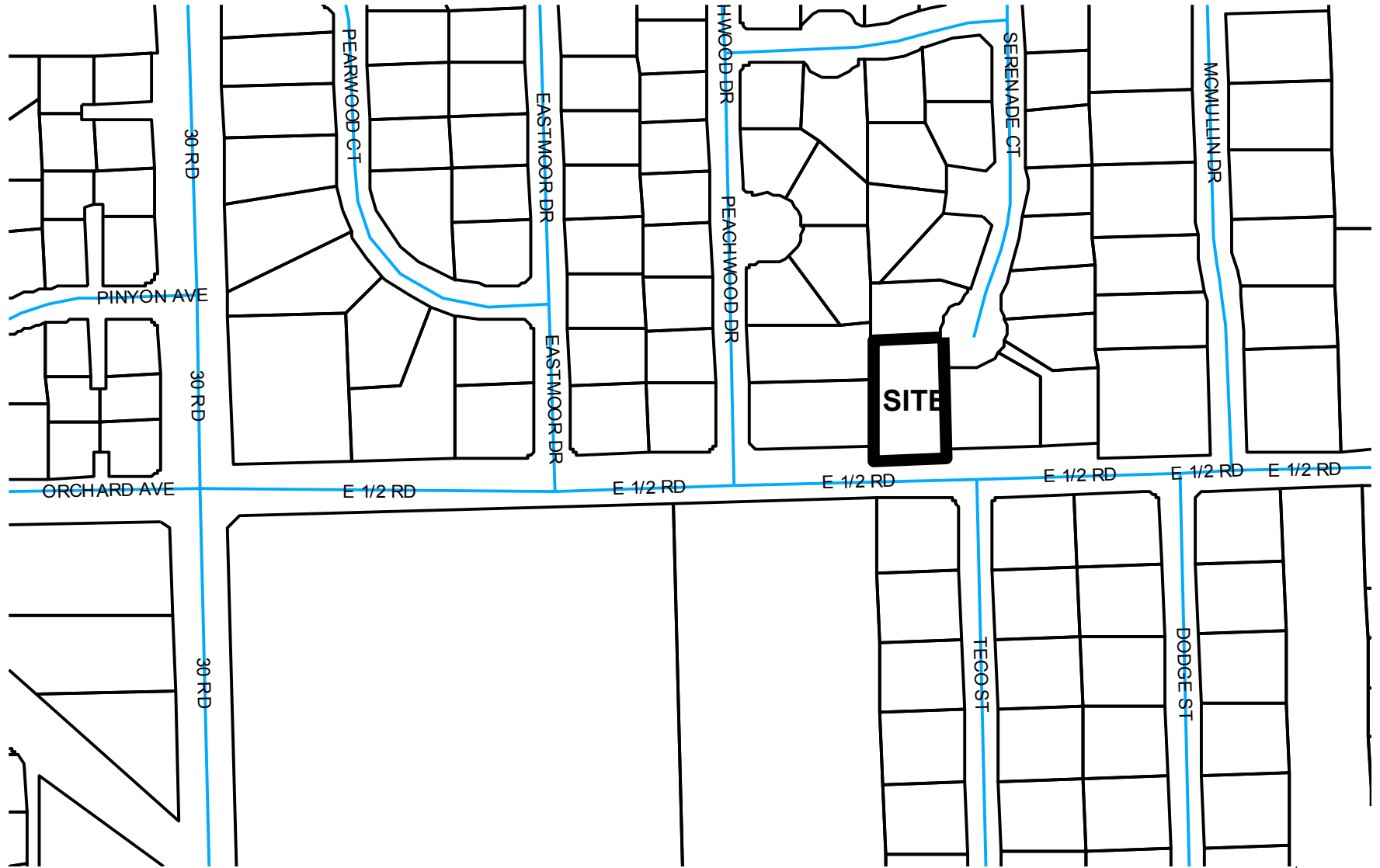
Response: The zoning request is in conjunction with an annexation request. Therefore this criteria is not applicable.

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



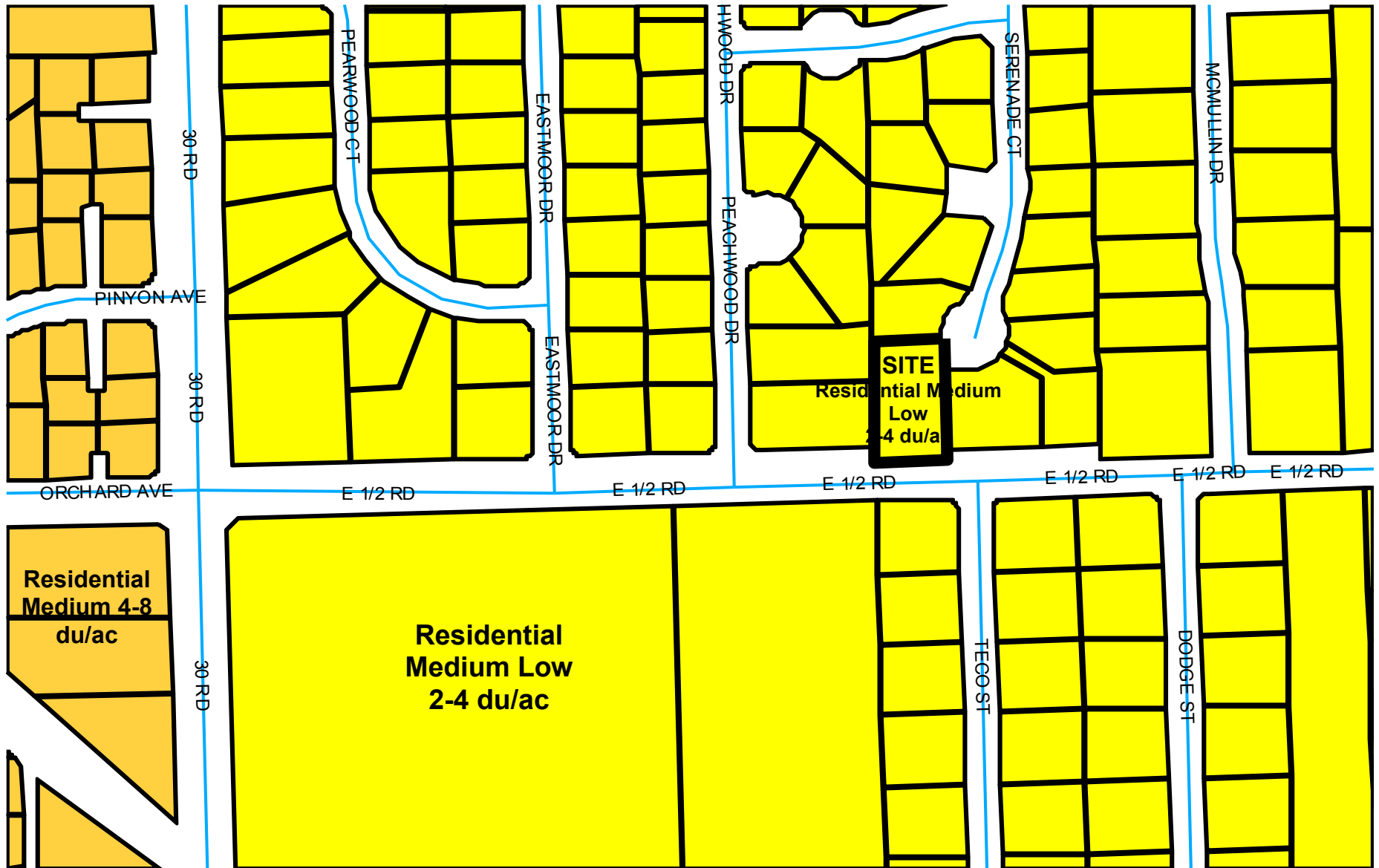
Aerial Photo Map

Figure 2



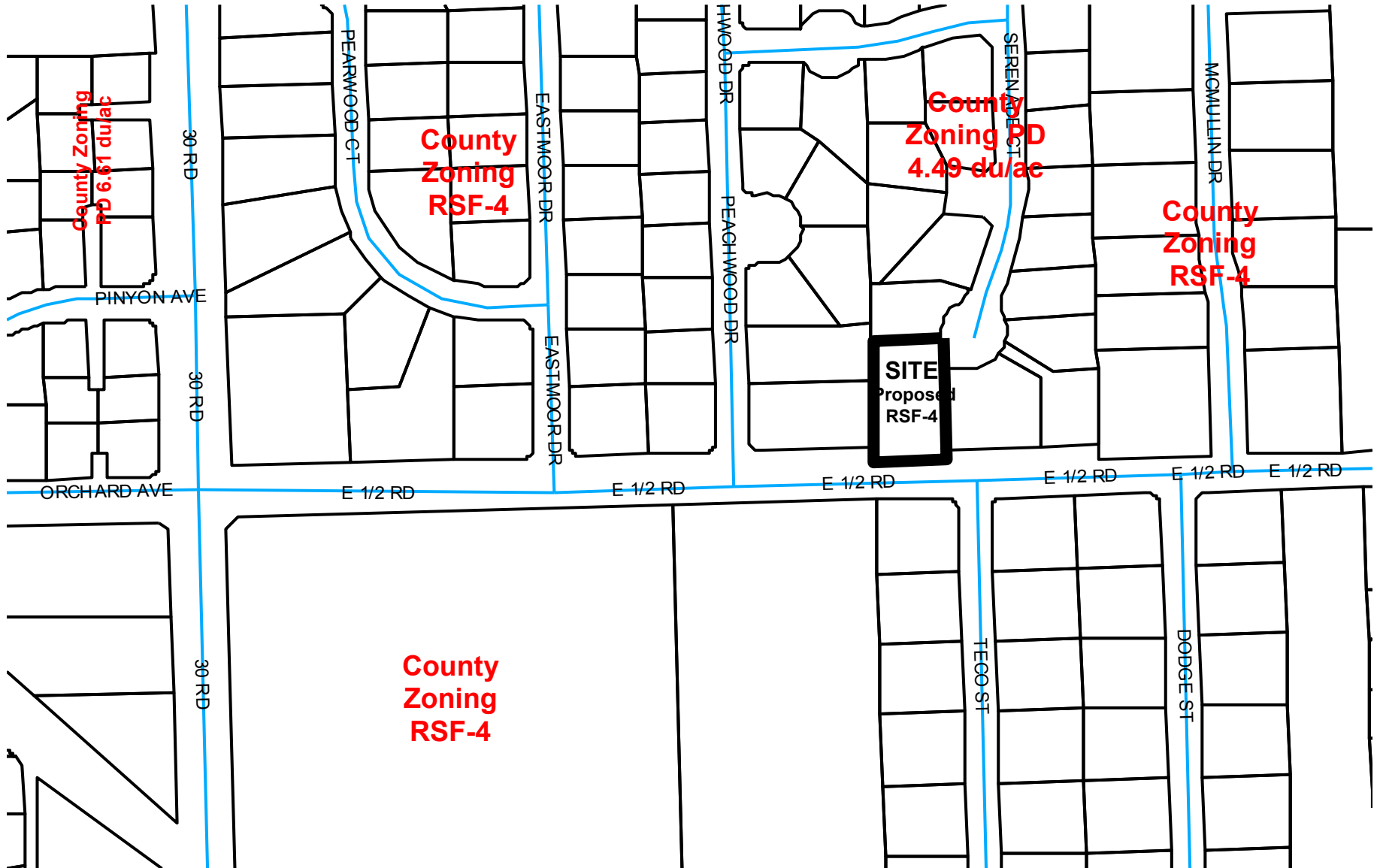
Future Land Use Map

Figure 3



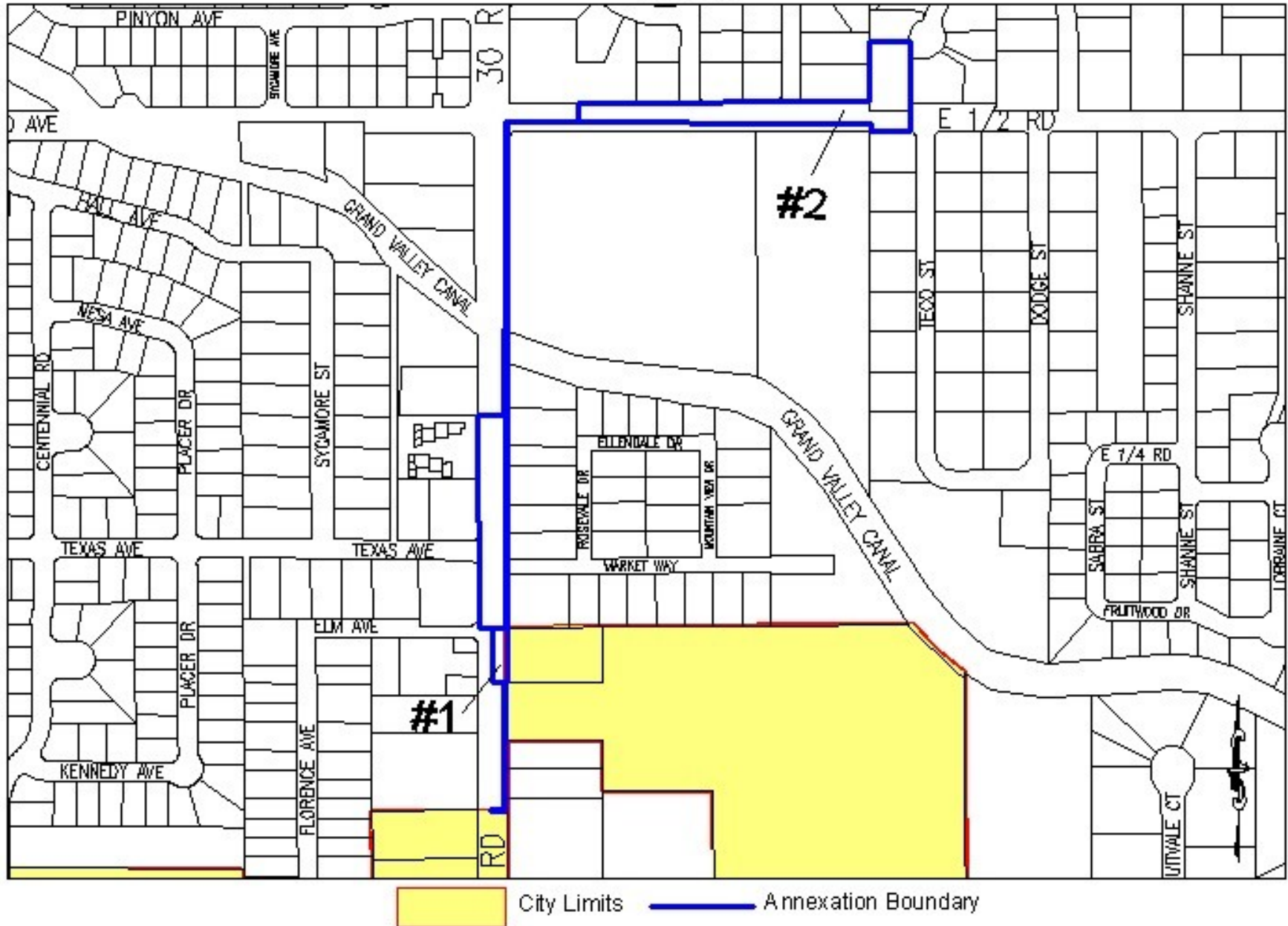
Existing City and County Zoning

Figure 4



MEYERS/STEELE ANNEXATIONS NO. 1 & 2

Figure 5



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE MEYERS/STEELE ANNEXATION TO
RSF-4 (RESIDENTIAL SINGLE FAMILY 4 DU/AC)**

LOCATED AT 3020 E 1/2 ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of rezoning the Meyers/Steele Annexation to the RSF-4 (Residential Single Family 4 du/ac) zone district for the following reasons:

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

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

The Planning Commission and City Council find that the RSF-4 (Residential Single Family 4 du/ac) 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 Residential Single Family with a density not to exceed 4 dwelling units per acre.

MEYERS/STEELE ANNEXATION

Beginning at the Southwest corner of the E1/4 SW1/4 NW1/4 of Section 9, Township 1 South, Range 1 East of the Ute Meridian;
thence East 104.3 feet;
thence North 208.7 feet;
thence West 104.3 feet;
thence South 208.7 feet to the beginning, Mesa County, Colorado

CONTAINING .499 Acres (21,767.41 Sq. Ft.), more or less, as described.
Housing type, density and bulk standards shall be for the RSF-4 (Residential Single Family 4 du/ac) zone district.

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

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

ATTEST:

President of the Council

City Clerk

Attach 22

Public Hearing – Vacation of the East/West Alley ROW Located between 9th and 10th Streets and D Road and Third Avenue

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA									
Subject		Vacation of a 20' east/west alley right-of-way located between 9th and 10th Streets and D Road and Third Avenue at 702 S 9th Street.							
Meeting Date		December 1, 2004							
Date Prepared		November 23, 2004				File #VR-2004-183			
Author		Faye Hall			Planning Technician				
Presenter Name		Faye Hall			Planning Technician				
Report results back to Council		X	No		Yes	When			
Citizen Presentation		X	Yes		No	Name			
	Workshop	X	Formal Agenda				Consent	X	Individual Consideration

Summary: Petitioner is requesting to vacate the 20' east/west alley right-of-way located between 9th and 10th Streets and D Road and Third Avenue. There is an existing sanitary sewer line in the alley right-of-way, which will be dedicated as a 20' multi-purpose easement. A Simple Subdivision Plat will also be filed that will combine six (6) lots into one (1) in anticipation of an expansion to the existing commercial laundry facility. The Planning Commission recommended approval for the vacation of right-of-way at its November 9th, 2004 meeting.

Budget: N/A

Action Requested/Recommendation: Conduct a public hearing and approve the Vacation Ordinance.

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. Ordinance & Exhibit A

STAFF REPORT/BACKGROUND INFORMATION			
Location:		702 S 9th Street	
Applicants:		Owners: ALSCO Inc, - Clyde Opfinger; Munro Properties - Allen Munro; Kroft Family Investments - John Kroft; George and Bill Crawford; Mark Cremeens Representative: Design Specialists - Rob Rowlands	
Existing Land Use:		American Linen	
Proposed Land Use:		Commercial Laundry	
Surrounding Land Use:	North	Industrial / Commercial	
	South	Industrial / Commercial	
	East	Industrial / Commercial	
	West	Industrial / Commercial	
Existing Zoning:		I-2	
Proposed Zoning:		I-2	
Surrounding Zoning:	North	I-2	
	South	I-2	
	East	I-2	
	West	I-2	
Growth Plan Designation:		Industrial	
Zoning within density range?	X	Yes	No

Staff Analysis:

Petitioner is requesting to vacate the 20' east/west alley right-of-way located between 9th and 10th Streets and D Road and Third Avenue. There is an existing sanitary sewer line in the alley right-of-way, which will be dedicated as a 20' multi-purpose easement. A Simple Subdivision Plat will also be filed that will combine six (6) lots into (1) in anticipation of an expansion to the existing commercial laundry facility. The Planning Commission recommended approval for the vacation of right-of-way at its November 9th, 2004 meeting.

Consistency with the Growth Plan:

The site is currently zoned I-2 (General Industrial) with the Growth Plan Designation showing this area as Industrial.

Section 2.11.c of the Zoning and Development Code:

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

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

The request is in compliance with the Growth Plan, major street plan and other adopted plans and policies of the City.

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

No parcels will be landlocked as a result of this vacation.

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

The accesses to all adjacent parcels will not be affected by this vacation. All of the adjacent properties have and utilize access from adjacent streets.

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

There will be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services will not be reduced. All properties are accessible via adjacent streets.

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

The provision of adequate public facilities and services shall not be inhibited to any properties as they all have access to adjacent streets in the area.

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

The proposal provides benefits to the City in the reduction of alley maintenance and future upgrades.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the alley vacation application located at 702 S 9th Street, VR-2004-183 for the vacation of a 20' alley right-of-way, the Planning Commission at their November 9th, 2004 meeting made the following findings of fact and conclusions:

1. The requested 20' alley right-of-way vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11 C. of the Zoning and Development Code have all been met.
3. Approval of the alley vacation request is contingent upon the retention of the 20' multi-purpose easement for the benefit of the existing sanitary sewer line.

RECOMMENDATION:

The Planning Commission recommends that the City Council approve the Ordinance vacating 20' alley right-of-way located just south of the property located at 702 South 9th Street.

Attachments:

1. Site Location Map
2. Aerial Photo Map
3. Future Land Use Map
4. Existing City Zoning Map
5. Ordinance & Exhibit A

Site Location Map

Figure 1



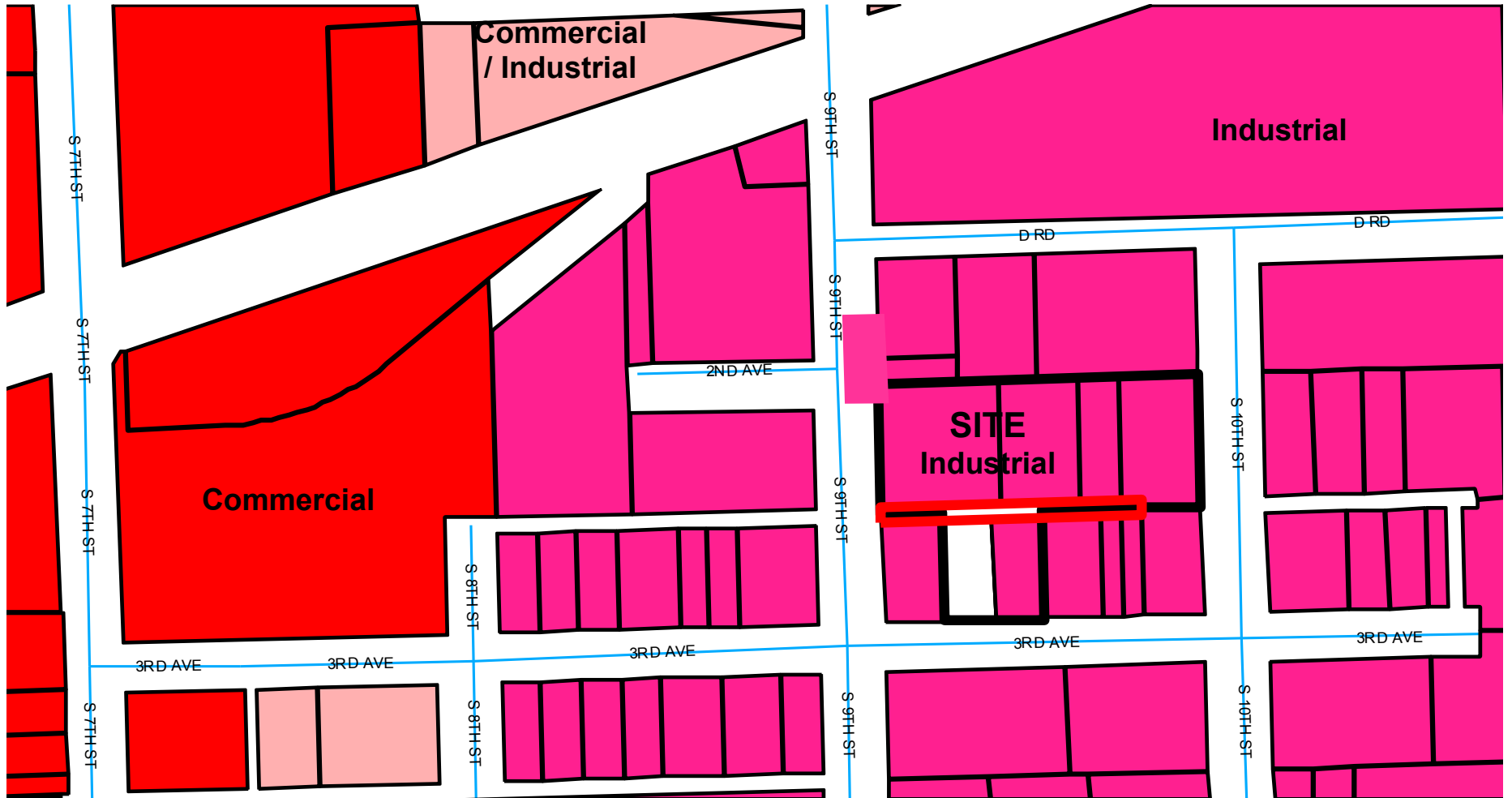
Aerial Photo Map

Figure 2



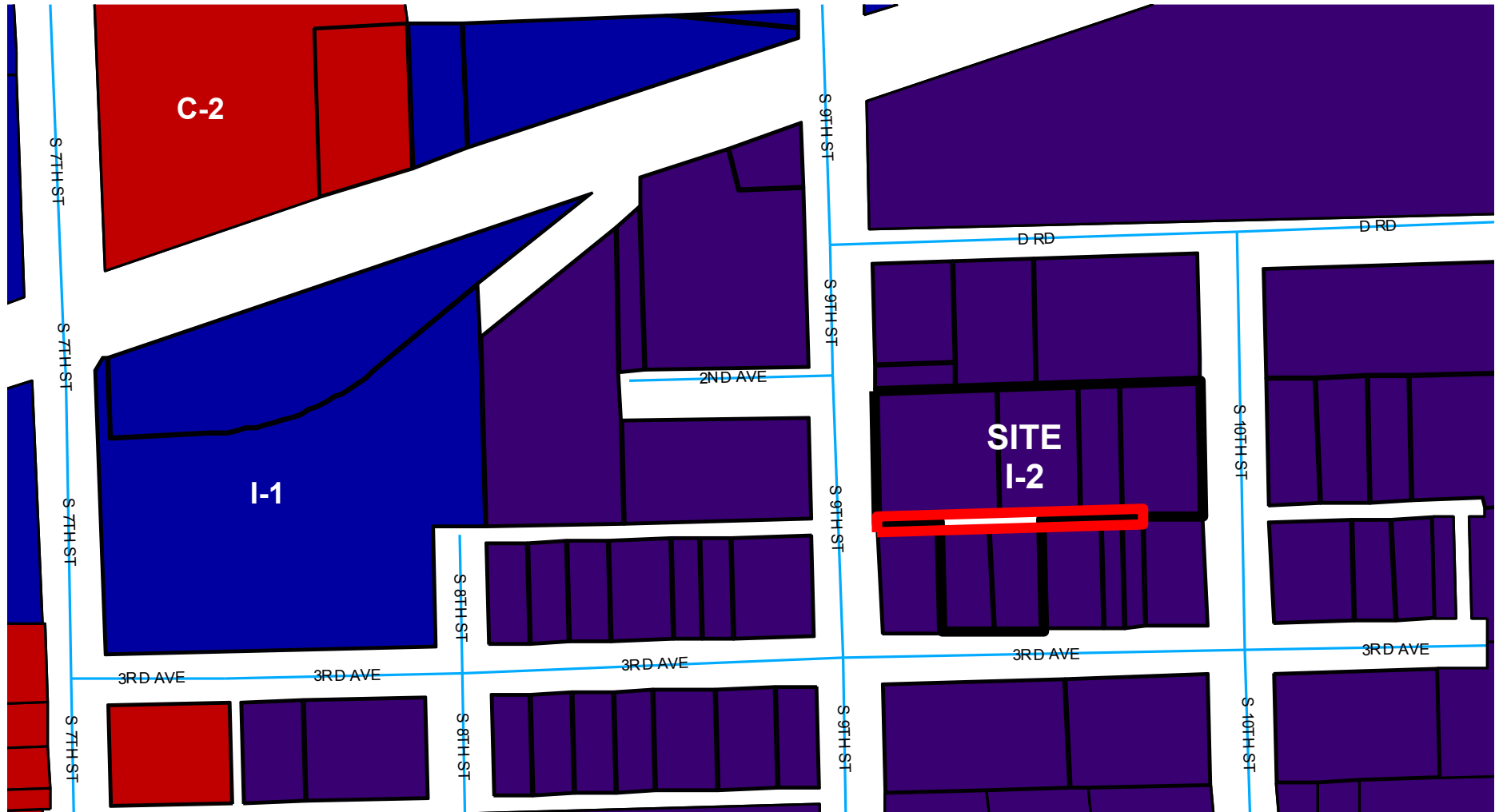
Future Land Use Map

Figure 3



Existing City Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE VACATING RIGHT-OF-WAY LOCATED WITHIN BLOCK 13 OF THE
MILLDALE SUBDIVISION**

Recitals:

A request to vacate the remaining portion of the public right-of-way within Block 13 of the Milldale Subdivision adjacent to the southern edge of Lots 1 through 13 and adjacent to the north edge of Lots 20 through 32. The City shall reserve and retain a perpetual Multipurpose Easement on, along, over, under, through and across the entire area of the right-of-way to be vacated.

The City Council finds that the request to vacate the herein described right-of-way with the reservation to retain the easement is consistent with the Growth Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request on November 9, 2004, found the criteria of the Zoning and Development Code to have been met, and recommends that the vacation be approved as requested subject to the condition that the City shall reserve and retain a perpetual Multipurpose Easement on, along, over, under, through and across the entire area of the hereinafter described right-of-way.

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

The described right-of-way in the attached Exhibit A which is incorporated herein as if fully rewritten is hereby vacated and a perpetual Multipurpose Easement is hereby reserved and retained on, along, over, under, through and across the entire area of the described right-of-way for the use of City-approved: utilities and public providers as perpetual easement for the installation, operation, maintenance and repair of utilities and appurtenances including, but not limited to, electric lines, cable TV lines, natural gas pipelines, sanitary sewer lines, storm sewers, water lines, telephone lines, and also for the installation and maintenance of traffic control facilities, street lighting, landscaping, trees and grade structures together with the right of ingress and egress for workers and equipment to survey, maintain, operate, repair, replace, control and use said Easement, and to remove objects interfering therewith, including the trimming of trees and bushes as may be required to permit the operation of standard utility construction and repair machinery.

Introduced for first reading on this 1st day of December, 2004.

PASSED and ADOPTED this _____ day of _____, 2005.

President of City Council

ATTEST:

City Clerk

EXHIBIT A

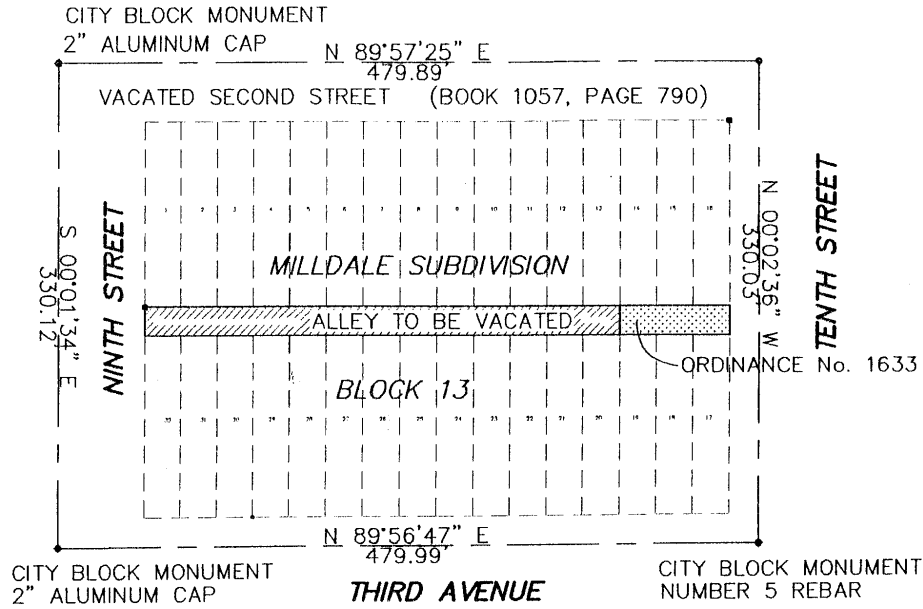
HIGH DESERT SURVEYING
2591 B3/4 Road
Grand Junction, CO 81506
Tel: 970-254-8649, Fax: 970-255-7047

Date: July 1, 2004

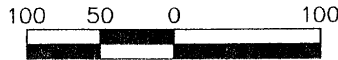
That certain 20.00 foot wide Alley lying in the Southwest Quarter of the Northeast Quarter (SW1/4 NE1/4) of Section 23, Township 1 South, Range 1 West, Ute Meridian, lying within Block 13 of the Milldale Subdivision, as same is recorded in Plat Book 2, Page 30, Public Records of Mesa County, Colorado; bounded on the West by the East right of way for Ninth Street; bounded on the East by previously vacated alley document, Ordinance No. 1633 recorded November 18, 1976 in Book 1086 at Page 639, Mesa County, Colorado; bounded on the North by Lots 1 through 13, of said Block 13; bounded on the South by Lots 20 through 32 of said Block 13, all within said Milldale Subdivision, Grand Junction, Mesa County, Colorado.



ALLEY VACATION
BLOCK 13, MILLDALE SUBDIVISION
SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN
GRAND JUNCTION, MESA COUNTY, COLORADO



SCALE: 1" = 100



Basis of bearings assume between City of Grand Junction block monuments on the corners of 3rd and 9th and 3rd and 10th to bear N89°54'37"E a distance of 479.98 feet.

ALLEY VACATION	
BLOCK 13, MILLDALE SUBDIVISION SECTION 23, T1S, R1W, UTE MERIDIAN GRAND JUNCTION, MESA COUNTY, COLORADO	
<i>High Desert Surveying, LLC</i> 2501 B 3/4 Road, Grand Jct., CO 81503 970-254-8849 Fax 970-255-7047	
SUR. BY: CW/SKW	DRAWN BY: SKW
JOB NO. 04-24	SHEET 1 OF 1
REVISION DATE:	

Attach 23

Public Hearing – Manor Annexation Growth Plan Located at NE Corner of 26 ½ Road & I Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Manor Annexation Growth Plan Amendment, located at the NE corner of 26 ½ Road and I Road							
Meeting Date	December 1, 2004							
Date Prepared	November 12, 2004			File #GPA-2004-205				
Author	Kathy Portner		Planning Manager					
Presenter Name	Kathy Portner		Planning Manager					
Report results back to Council	X	No		Yes	When			
Citizen Presentation	X	Yes		No	Name			
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: Request approval of a Growth Plan Amendment to change the Future Land use designation from Rural (5 acres per unit) to Residential Medium Low (2-4 units per acre) on 11 acres, located at the NE corner of 26 ½ Road and I Road.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider a resolution amending the Growth Plan. Staff and Planning Commission recommend approval.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. Vicinity/Aerial Photo
3. Future Land Use Map
4. Zoning Map
5. Applicant’s General Project Report
6. Public Comment Letter
7. Resolution

AGENDA TOPIC: GPA-2004-205 Growth Plan Amendment—Manor Annexation

ACTION REQUESTED: Hold a public hearing and consider a resolution amending the Growth Plan. Staff and Planning Commission recommend approval.

BACKGROUND INFORMATION			
Location:		NE corner of 26 ½ Road and I Road	
Applicants:		Manor Road LLC; Balaz & Associates	
Existing Land Use:		Undeveloped	
Proposed Land Use:		Residential, 2 to 4 units per acre	
Surrounding Land Use:	North	Rural, 5 acres per unit	
	South	Residential, 2-4 units per acre	
	East	Rural and Public (Airport)	
	West	Estate, 2 to 5 acres per unit	
Existing Zoning:		RSF-R (Residential Single Family, 5 acres per unit)—County zoning	
Proposed Zoning:		RSF-4 (Residential Single Family, 4 units per acre)	
Surrounding Zoning:	North	AFT (Agricultural, Forestry, Transitional)—County zoning	
	South	RSF-4	
	East	AFT	
	West	AFT	
Growth Plan Designation:		Rural, 5 acres per unit	
Zoning within density range?		Yes	<input checked="" type="checkbox"/> No

PROJECT DESCRIPTION: Request approval of a Growth Plan Amendment to change the Future Land Use designation from Rural (5 acres per unit) to Residential Medium Low (2-4 units per acre) on 11 acres, located at the NE corner of 26 ½ Road and I Road.

RECOMMENDATION: Staff and Planning Commission recommend approval.

ANALYSIS

1. Background

The property is currently being annexed into the City of Grand Junction pursuant to the Persigo Agreement. At the annual joint Persigo meeting of the Grand Junction City Council and Mesa County Board of County Commissioners on August 12, 2004, the Persigo 201 sewer service boundary was amended to include this property. So, the property can now be served by sewer.

The applicant is requesting that the Future Land Use Map of the Growth Plan be amended to change the designation of the property from Rural (5 acres per unit) to Residential Medium Low (2-4 units per acre). The North Central Valley Plan, adopted in 1998, shows this property as being within the Urban Growth Boundary and designated for Joint Urban Plan Uses. That designation reflects the Future Land Use Map adopted as part of the 1996 Growth Plan. However, in 1999, the Growth Plan was amended to include a statement and map note that the Urban Growth Boundary shall coincide with the sewer service boundaries for Persigo and Clifton Sanitation I and II.

The Grand Vista subdivision, just to the south of the subject property, was approved in 2002. Grand Vista is a single family development with a density of approximately 4 units per acre. The subdivision has homes fronting on I Road and provides a sewer line in I Road that could be utilized by the property to the north.

A small portion of the property falls within the Airport Critical Zone. Table 7.3 of the Zoning and Development Code currently indicates that residential densities greater than one unit per five acres can be considered in the critical zone with a Conditional Use Permit. However, Note 1 indicates that, where possible, clustering of homes outside of the Critical Zone shall be used. There is ample space on this parcel to develop the site outside of the Critical Zone. In addition, a portion of the site falls within the 60-65 decibel noise contour, but not within the 65-70 decibel noise contour. There are not specific regulations pertaining to the 65-70 decibel levels, but the airport and City will recommend that noise mitigation measures be taken in the construction of the homes. All of the property falls within the Airport Area of Influence, which is an extensive area impacted by aircraft overflight, noise and/or vibrations. The current Code requires a Conditional Use Permit for residential development with densities greater than one unit per five acres in the Area of Influence.

2. Section 2.5.C of the Zoning and Development Code

The Growth Plan can be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan and it meets the following criteria:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for.

The 1996 plan did show this property as being within the Urban Growth Boundary, but designated it as Rural. The property was only recently included in the Persigo 201 boundary.

- b. Subsequent events have invalidated the original premises and findings.

The recent inclusion of the property in the Persigo 201 sewer service boundary would allow for this property to develop at urban densities.

- c. The character and/or condition of the area have changed enough that the amendment is acceptable.

The character of the area has changed, but in accordance with the adopted Growth Plan. The development of the Grand Vista Subdivision to the south, with sewer in I Road and homes facing I Road, would allow for the development of this property at a similar density.

- d. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans.

The North Central Valley Plan calls for urban densities and uses within the Urban Growth Boundary, which at the time the plan was adopted, included this property.

The following goals and policies from the Growth Plan also support the proposed change:

Goal 4: To coordinate the time, location and intensity of growth with the provision of adequate public facilities.

Policy 4.1: ...The City will limit urban development in the Joint Planning Area to locations within the urban Growth Boundary with adequate public facilities as defined in the City Code.

Policy 4.3: The City and County may, by mutual agreement and plan amendment, expand the boundaries of the Urbanizing Area when the urban facilities and services can be provided in a cost effective manner. The City and County may, by mutual agreement, amend the Urban Growth Boundary to adjust the community's supply of urban land to better achieve community goals.

Goals 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

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

Policy 5.3: ...Development in areas which have adequate public facilities in place or which provide needed connections of facilities between urban development areas will be encouraged. Development that is separate from existing urban services ("leap-frog" development) will be discouraged.

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed.

Public and community facilities are adequate to serve the proposed residential density. Needed infrastructure is in place or can reasonably be extended to serve the parcel.

- f. An inadequate supply of suitably designated land is available in the proposed land use.

The proposal is a logical extension of the Residential Medium Low designation, which is fairly limited in this area.

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

The proposed amendment will better utilize the sewer service that has been made available to the property. The parcel is bordered by two properties to the north, one owned by Walker Field Airport with the canal separating the parcels, and one other privately owned piece, the majority of which is located within the Airport Critical Zone. Through the subdivision review process, compatibility with the parcels to the north will be determined.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Manor application, GPA-2004-205 for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

- 4. The proposed amendment is consistent with the purpose and intent of the Plan.
- 5. The review criteria in Section 2.5.C of the Zoning and Development Code have all been met.

RECOMMENDATION:

Staff and Planning Commission recommend that the requested Growth Plan Amendment, GPA-2004-205, to be approved with the findings and conclusions listed above.

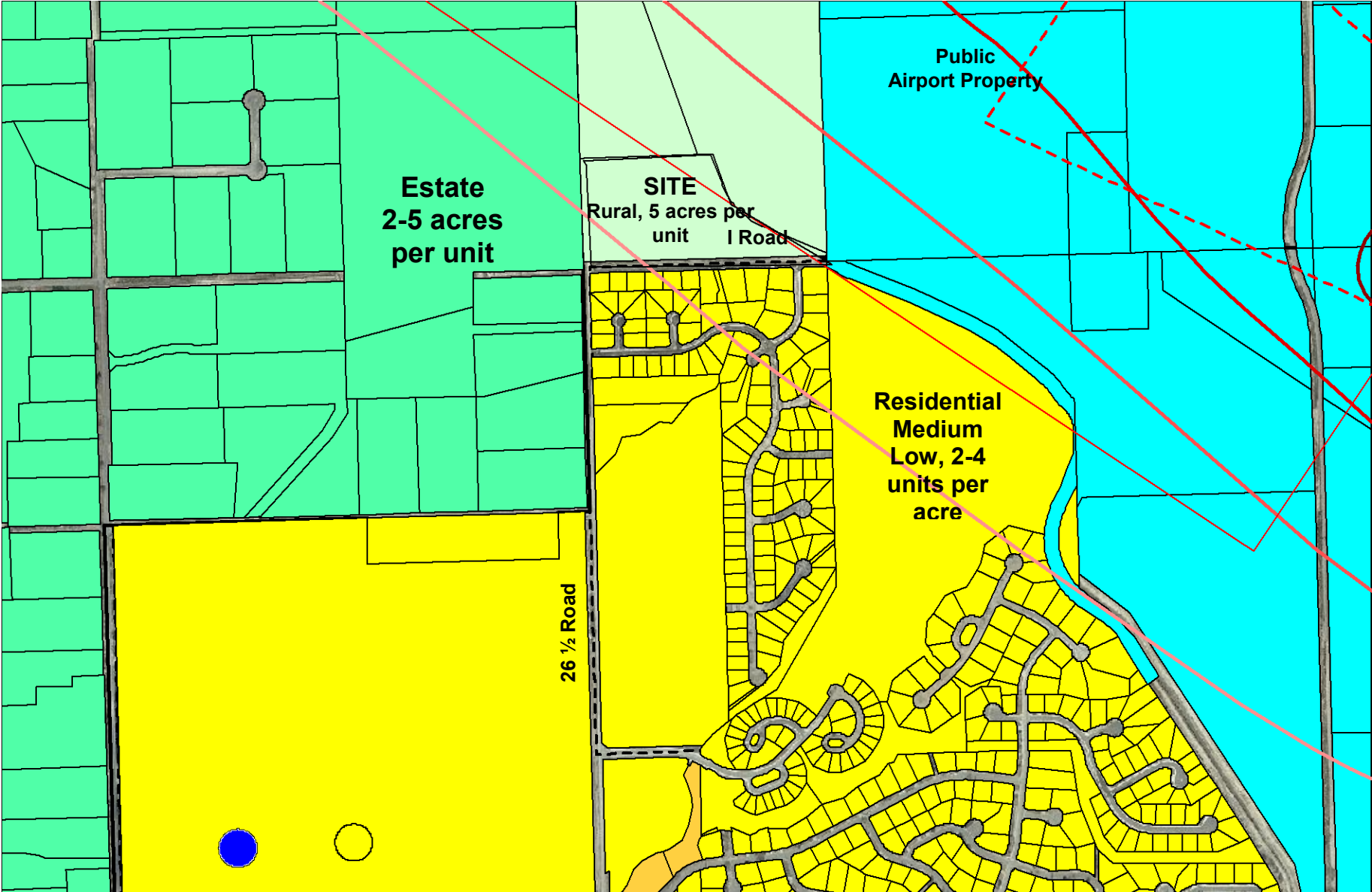
Vicinity/Aerial Photo Map

Figure 1



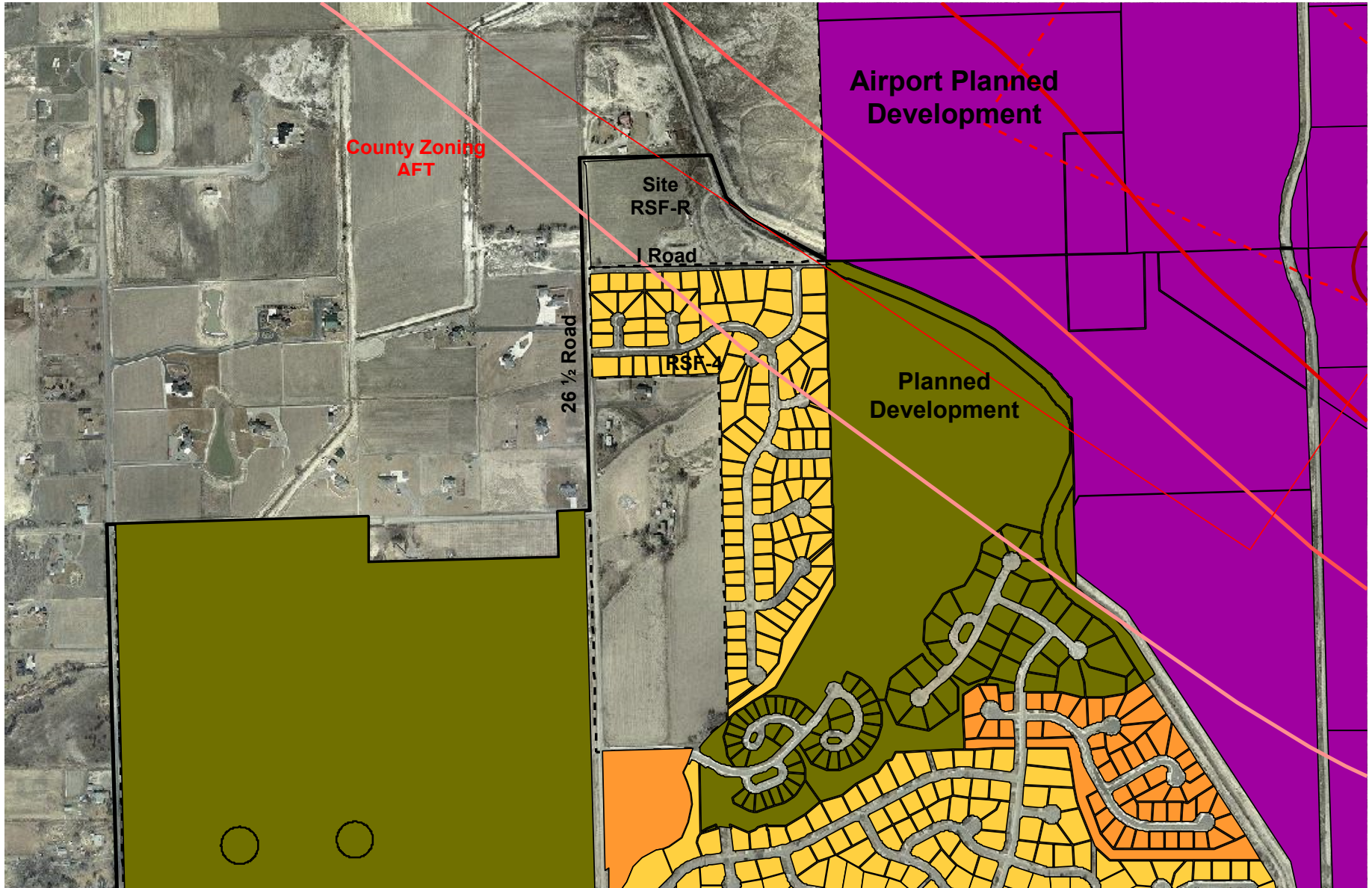
Future Land Use Map

Figure 2



Existing City and County Zoning

Figure 3



**REQUEST TO CHANGE GROWTH PLAN AMENDMENT FROM
FROM RURAL TO RESIDENTIAL FOR A 11.75 ACRE PARCEL
NORTHEAST CORNER I AND 26.5 ROADS**

Manor Road LLC, owner, requests that the Growth Plan Amendment be modified to change the zoning from Rural to Residential - Medium to Low (2-4 units per acre). The parcel is located on the northeast corner of the I and 26.5 Roads intersection and is currently vacant. The site contains approximately 11.75 acres. The Highline Canal is adjacent to the northeast property line. The natural slope is from the northeast to the southwest. See Attached Pictures. The vertical difference between the high and low spot is approximately 20 feet. The Persigo Service District Boundary has been amended to include the parcel in a joint meeting of the City of Grand Junction Council and Mesa County Commissioners on August 12, 2004. (See Figure 1 Vicinity Map and attached letter from Greg Trainor). The Airport Critical and 65 dB zones overlap portions of the site. See Attached Figure 2 Airport Zones. Utilities are located as follows:

- Sewer - I Road
- Water - I Road
- Electric Power - 26.5 Road
- Phone - 26.5 Road
- Gas
- Cable TV

This revision to the Growth Plan is requested to allow the development of the parcel with 30 lots for single family residences. A preliminary site plan provides information on the number and location of the lots as well as the subdivision improvements. This site plan has been included in the 201 Boundary Amendment Request and is included in this application by reference. This site plan assumes that the property is annexed into the City of Grand Junction and rezoned to RSF-4 which is consistent with the zoning south of I Road. See Figure 3 Zoning Map. The Annexation Petition and Affidavit are included in the submittal package.

The rationale to revise the Growth Plan is based on the information contained in the North Central Valley Plan and the Growth Plan, Updated May 2003. These Plans have been adopted by both the City of Grand Junction and the Mesa County Commissioners.

The Growth Plan outlines specific issues which includes among others the desire to maintain compact development patterns to balance the desire for outward growth while promoting infill. The Preferred Land Use Scenario Section identifies nine policy principles to define this scenario. The principles include:

1. Concentrate Urban Growth
2. Support/Enhance Existing Neighborhoods
3. Reinforce Existing Community Centers
4. Provide Open Spaces Throughout the Urban Area
5. Ensure Development Pays Its Own Way

6. Disperse Higher Density Housing
7. Continue Coordination to Implement Plan
8. Retain Cultural and Environmental Resources
9. Improve and Enhance Community Image and Appearance.

Some of the features of this preferred land use plan to achieve concentrated urban growth include:

1. Use of existing and planned infrastructure most efficiently and cost-effectively.
2. Phasing and other techniques may be used in addition to the Urban Growth Boundary (UGB).
3. An Infill/Redevelopment Policy may be used to implement the goal of concentrated growth.

The Growth Plan incorporates all neighborhood plans as a means to support and enhance existing neighborhoods. The project area is included in the North Central Valley Plan (NCVP) which was enacted in 1998. The Growth Plan was revised in 2003 and recognizes area plans in that the Growth Plan takes precedence over Area plans enacted prior to 1996. Since the North Central Valley Plan was adopted in 1998, this project report assumes that the development objectives outlined in the NVCP take precedence over those described in the 2003 Growth Plan. It is also our understanding in talking with City and County staff that the neighborhood plans use the Growth Plan as a basis but take precedence over the Growth Plan.

The proposed project intends on paying its own way with regard to infrastructure improvements as described below.

The North Central Valley Future Land Use Map, Attachment 1, includes the proposed development in the Joint Urban Plan Uses designation and the UGB. The Urban Densities and Uses within the Urban Growth Boundary encourages infill development with residential density classifications that are generally more intensive than currently zoned. The project would request an RSF-4 zone which is consistent with the current zoning south of I Road and would be an infill. See Figure 3 Zoning Map. The infill situation is created because the Highline Canal to the northeast and the Walker Field Airport Critical Zone prevent development in those directions and the area west of 26.5 Road is outside the Joint Urban Plan Uses area and would remain an Estate 2-5 acre use as shown in the Plan. The land north of the proposed infill would remain the rural zoning as the Airport Critical Zone limits the development potential in this area to Rural densities. This use of infill is also consistent with the Growth Plan.

The proposed Manor Road Subdivision includes 30 lots, internal subdivision roads, extension of utilities including fire protection into the subdivision, and creates open space along the Highline Canal, the northeast corner of the site, and the southwest (low) corner of the property for a landscaped detention basin. See Site Plan Sheet No. 1. The design concept envisions using internal roads to provide access for all the lots. Two exits, one onto 26.5 Road and one onto I Road are projected to minimize the number of access points into the County Road System and to provide more than one entrance for fire and emergency vehicles. It is anticipated that ½ width improvements will be made to I and 26.5 Roads along the project frontage. To the extent

practical, the lots will be graded along the natural slope of the site to blend the development into the hillside created by the Highline Canal. Sewer and water service is available in I Road. Phone and power service is available from 26.5 Road. The subdivision has shares of water rights for irrigation from the Highline canal.

A Neighborhood meeting was held on August 30, 2004 at the Holiday Inn on Horizon Drive. A total of eleven (11) people attended. See attached sign in sheet. No City of Grand Junction staff were present due to prior commitments. A short presentation was made regarding the Growth Plan Amendment request to change the zoning from Rural to Residential low to medium, RSF-4. The rationale for this request was presented. The following items or concerns came up during the discussion after the presentation.

1. One party requested notification of the next meeting. See Attached comment sheet.
2. Residents on I Road would like the houses to face onto I Road.
3. Residents on I Road would like single story homes along I Road.
4. People asked if utilities, power, would be underground.
5. People are wondering when 26½ Road will be repaired. Residents feel that the road is in poor shape resulting from prior subdivision construction.
6. People questioned the project approval procedure.
7. People wanted to know if I Road would be extended west.

The minutes of the neighborhood meeting are attached for reference.

The proposed Growth Plan Amendment satisfies the review criteria as outlined below:

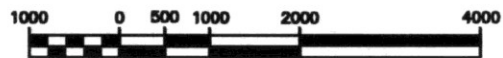
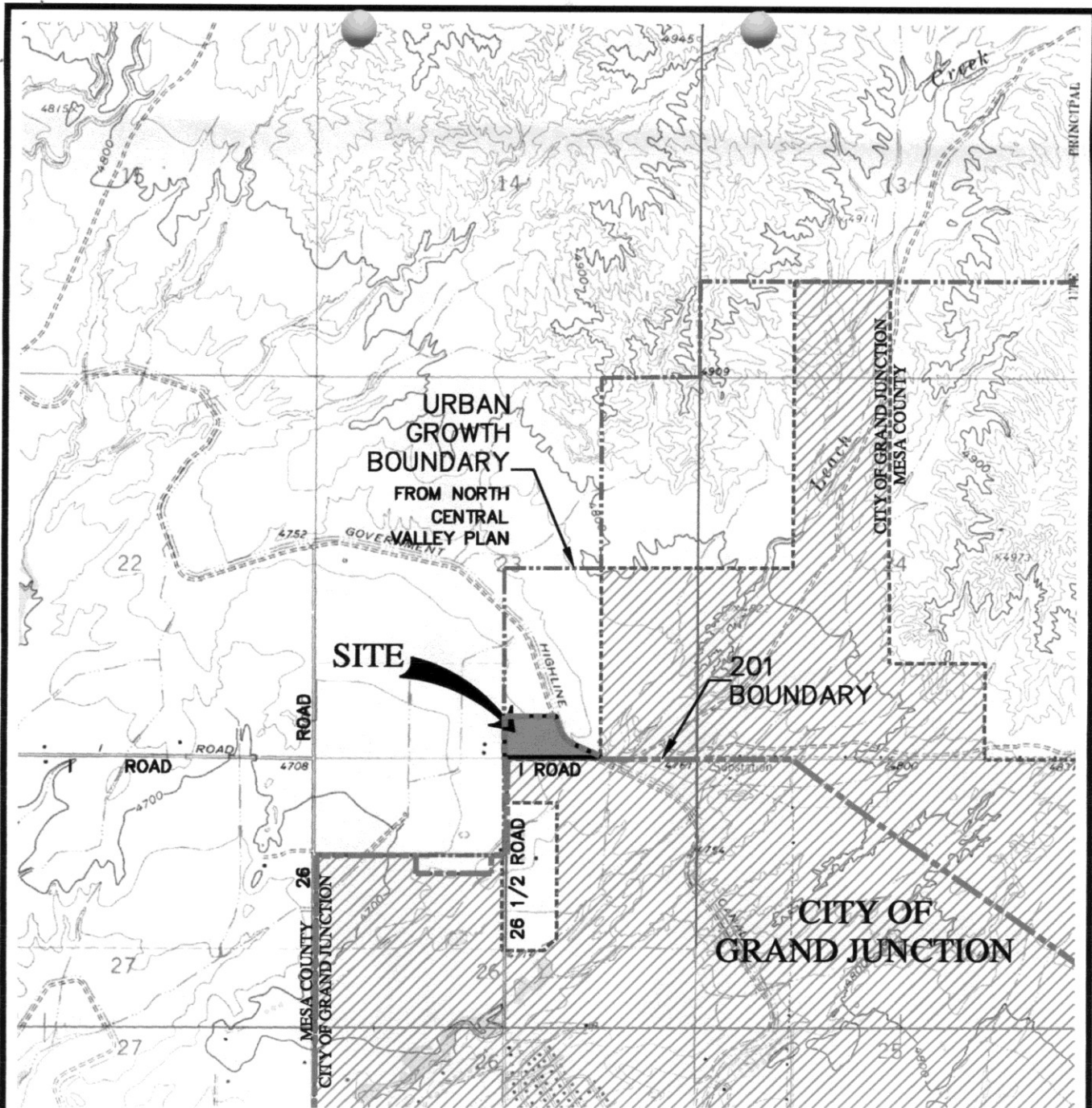
1. The Growth Plan may have missed the infill potential of this parcel due to the large area included in the Growth Plan. The NCVP which includes a smaller area did not miss the infill potential. As mentioned above, the Airport Critical Zone lies to the north and the Highline Canal lies to the northeast. The Highline Canal provides a physical barrier to development, while the Airport Critical Zone limits zoning and subsequent development to densities allowed under the Rural Zone. Since the NCVP includes the parcel in the Urban Growth Boundary (UGB), and the land west of 26½ Road is outside the boundary, it seems reasonable to conclude that this parcel should have been identified for residential development originally. See Attachment 1.
2. The NCVP includes the parcel in the UGB and recommends that the area be developed as an infill with residential development at densities greater than the current zoning allows. The Persigo 201 Service Boundary has recently been revised to include this parcel based on a development plan that is consistent with the recommendations in the NCVP. See Figure 1.

3. As mentioned in 2 above, the Persigo 201 Service Boundary has been revised to include this parcel. This changes the character of the area in that Municipal sewage treatment is available for the site. The Municipal sewage treatment replaces sewage treatment by an Individual Sewage Disposal System which is the normal method to treat household sewage presently for the areas outside the City of Grand Junction limits. The City of Grand Junction boundaries are presently 26½ and I Roads.
4. The requested change is consistent with the NCVP which includes the parcel in the UGB. For the subject parcel, the NCVP encourages residential development at densities greater than the current zoning. The Developers are requesting a Residential Medium to Low upon annexation. The current zoning is Rural. Both the Growth Plan and the NCVP, encourage infill development. The project can be considered an infill for the reasons outlined in 1 above.
5. Public and community services are adequate to serve the proposed development as outlined above. The recent 201 Service Boundary adjustment allows for connection to the sewer main in I Road.
6. Mesa County and the City of Grand Junction are continuing to experience modest growth. The demand for residential housing is strong. This parcel as an infill is consistent with existing residential development south of I Road and is a logical extension to the north. Due to the Airport Critical Zone and the Highline Canal, this would be the last parcel developed in the area. The subdivisions to the south have sold out.
7. The proposed development would bring more people into Grand Junction who will spend money in Mesa County and the City of Grand Junction. This discretionary spending increases sales and property tax revenues. The inclusion of the parcel in the 201 Service Area eliminates the potential for additional ISDS installations, which is very desirable because it eliminates the potential for environmental problems when the systems fail.

The project is also expected to increase property values in the area thereby providing benefits to people selling their homes.

The applicants request that the Growth Plan be amended to change the density from Rural to Residential Medium to Low, RSF-4.

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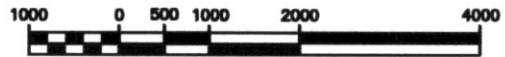
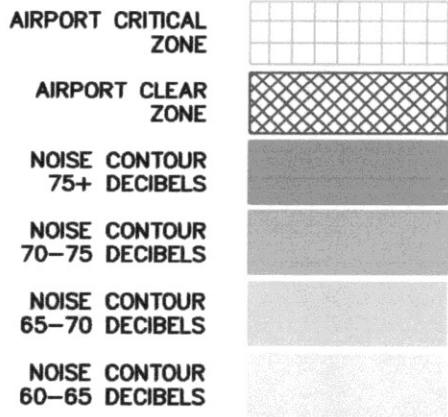
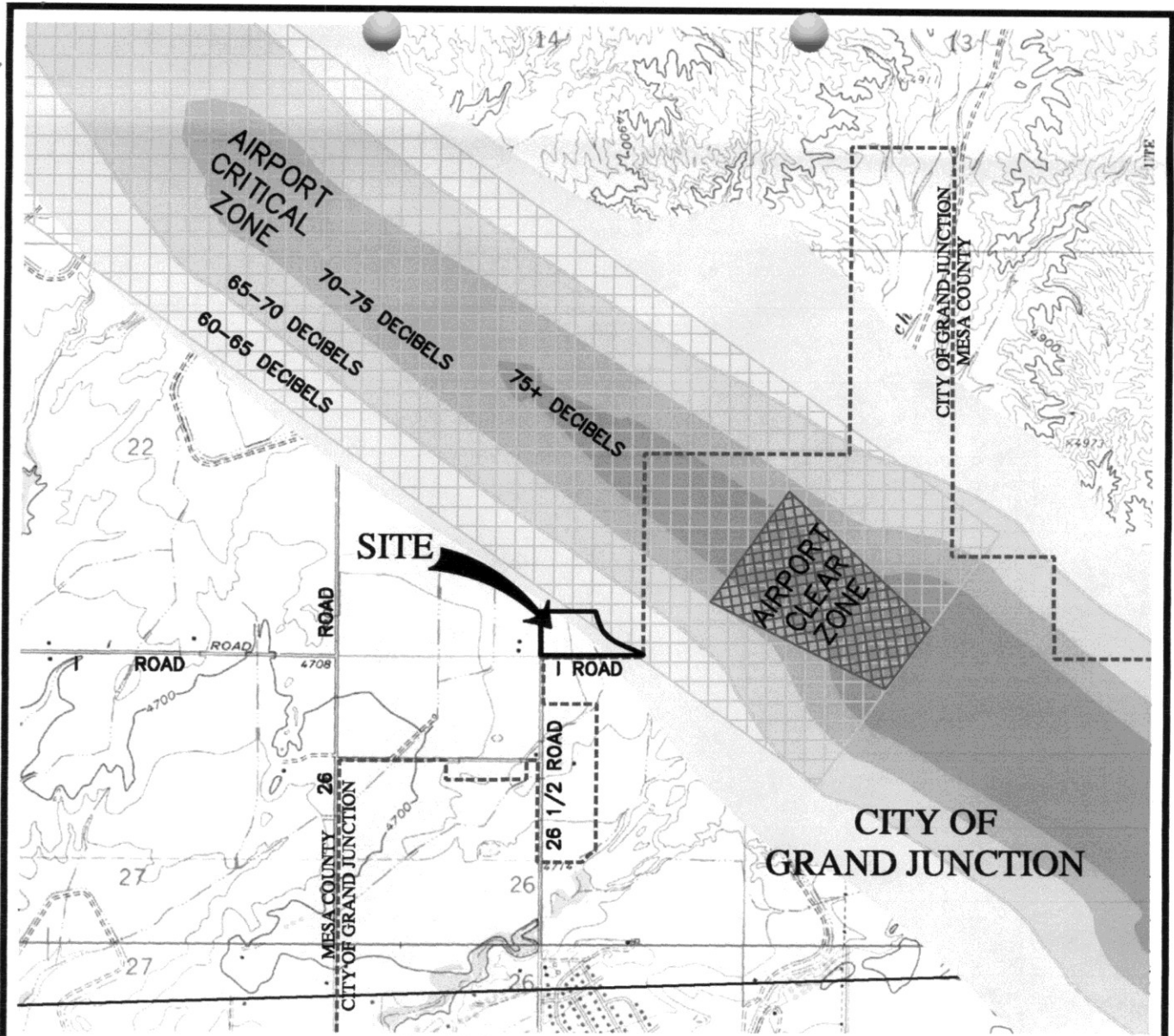
1 Inch = 2000 ft. Horizontal

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 ENGINEER: WPB
 CHECKED BY: WPB

MANOR ROAD SUBDIVISION
 MANOR ROAD LLC
 MESA COUNTY, COLORADO
 VICINITY MAP

Balaz & Associates,
Balaz & Associates, Inc.
 2527 FORESIGHT CIR.
 Grand Junction, CO 81501
 Tel#: 970-263-9733 Fax#: 970-263-9736

FIGURE
1



1 Inch = 2000 ft. Horizontal

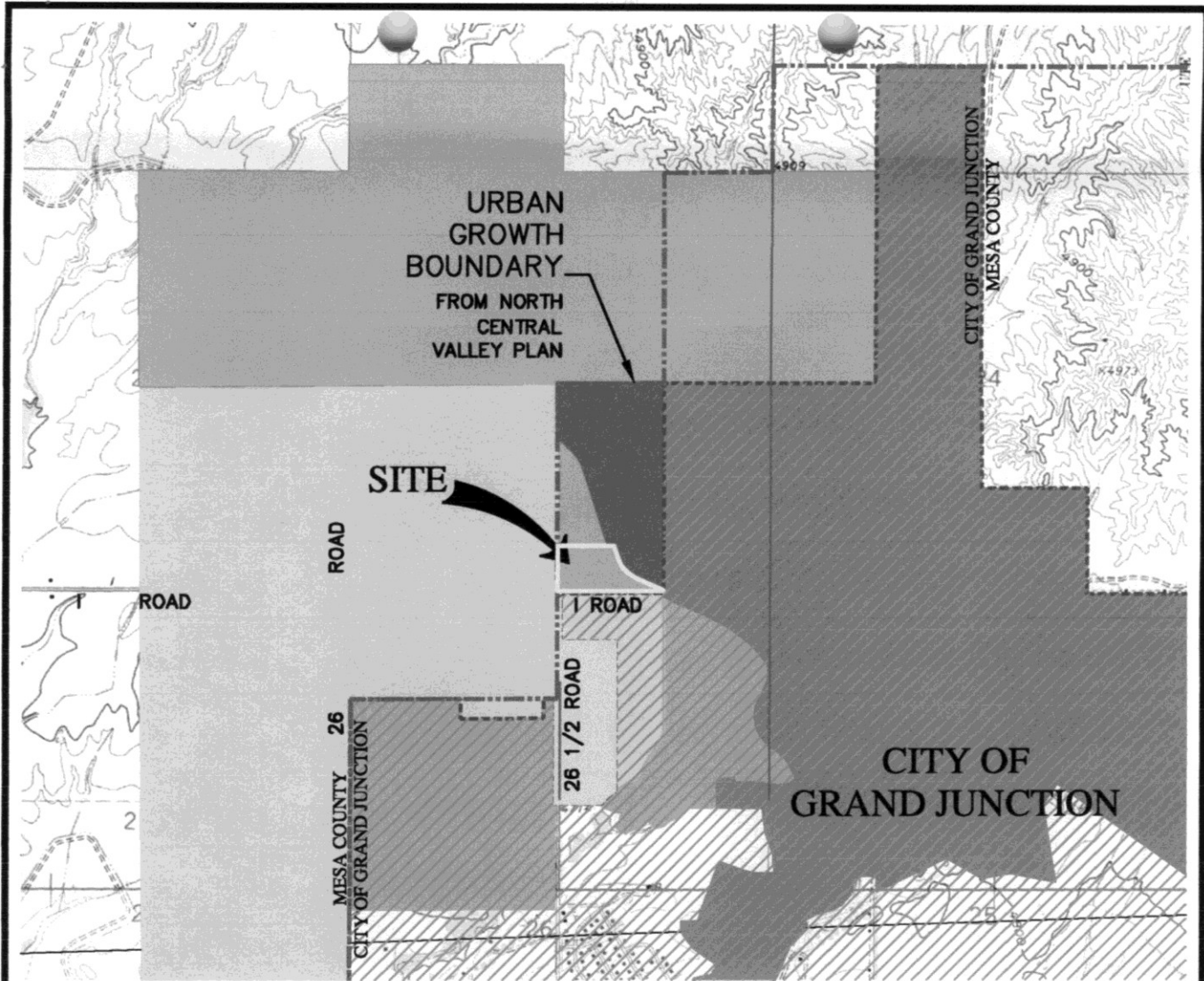
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MANOR ROAD SUBDIVISION
MANOR ROAD LLC
 MESA COUNTY, COLORADO
AIRPORT ZONES

Balaz & Associates,
*BAI*nc
 2527 FORESIGHT CIR.
 Grand Junction, CO 81501
 Tel#: 970-263-9733 Fax#: 970-263-9736

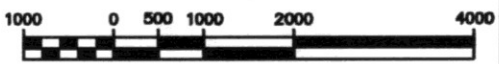
FIGURE
2

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ZONING LEGEND

CITY ZONING RSF-4		COUNTY ZONING RESIDENTIAL RURAL	
CITY ZONING RMF-5		COUNTY ZONING RESIDENTIAL MED./HIGH	
CITY ZONING PD		COUNTY ZONING RESIDENTIAL ESTATE	
CITY ZONING PAD		COUNTY ZONING PUBLIC LAND	
CITY LIMITS			



1 inch = 2000 ft. Horizontal

DATE:	01/01/04
DRAWN BY:	CDC
ENGINEER:	WPB
CHECKED BY:	WPB

MANOR ROAD SUBDIVISION
MANOR ROAD LLC
 MESA COUNTY, COLORADO
ZONING MAP

Balaz & Associates,
BAI inc. - 2527 FORESIGHT CIR.
 Grand Junction, CO 81501
 Tel#: 970-263-9733 Fax#: 970-263-9736

FIGURE
3

August 18, 2004

At the annual joint Persigo meeting of the Grand Junction City Council and the Mesa County Board of County Commissioners on August 12, 2004, the following decision was made concerning the property represented by the attached map.

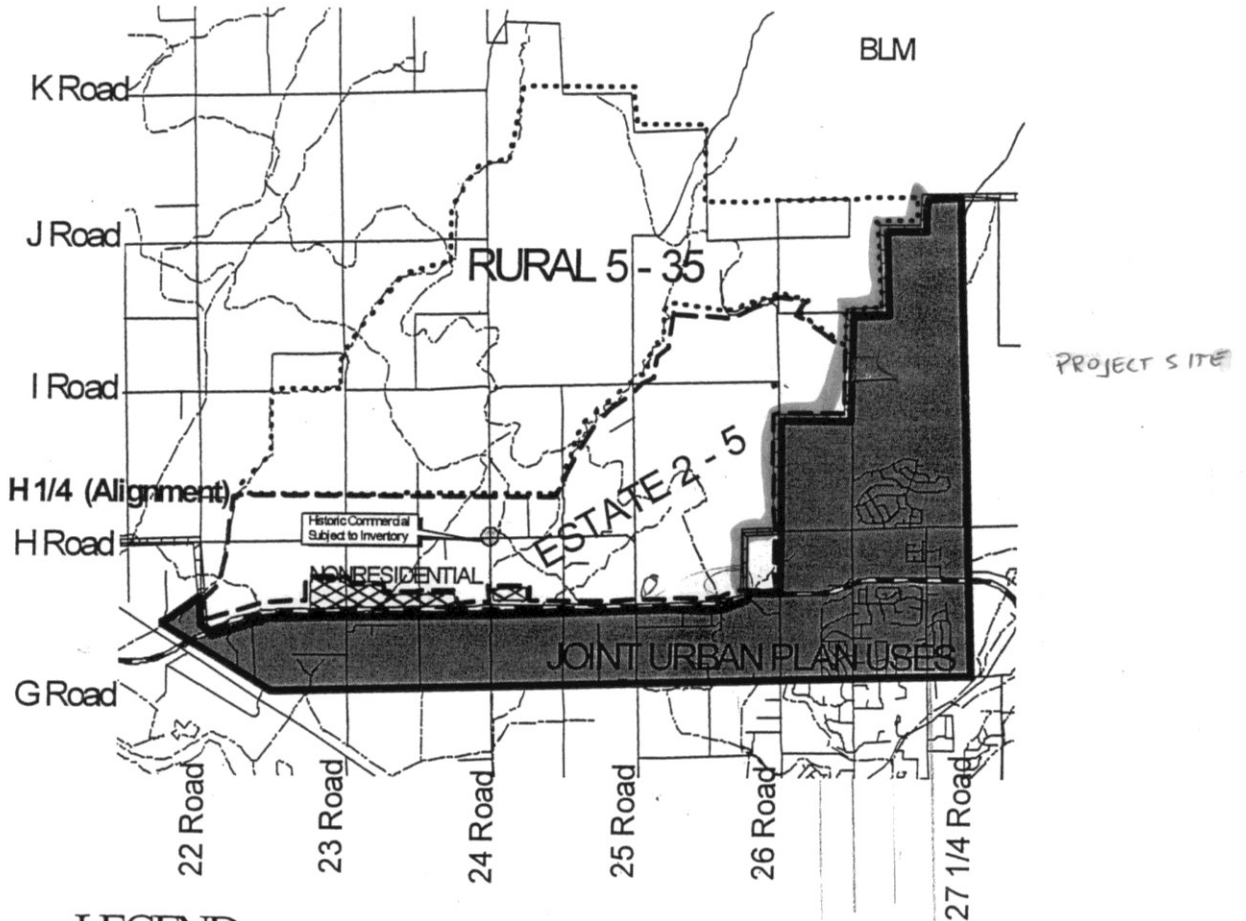
Exhibit 3;
North 7th at I Rd.

Amend the 201 boundary to include the property in the 201 Sewer Service area.

This action was effective immediately.

If you have any questions, please call Greg Trainor at (970) 244-1564.

NORTH CENTRAL VALLEY Future Land Use



LEGEND

- Joint Urban Plan Uses
- Interstate 70
- Joint Urban Plan Uses
- Urban Growth Boundary
- Visitor
- Rural 5-35 Acre Densities
- Estate Densities (2-5 Acre)
- Historic Commercial
- Nonresidential Uses
- Nonresidential Uses
- BLM

**THIS MAP DOES NOT STAND ALONE.
IT MUST BE USED IN CONCERT WITH
THE GOALS AND POLICIES OF THIS PLAN.**

SCALE

0.5 0 0.5 1 Miles

ADOPTED BY MCPC
3/19/98

NEIGHBORHOOD MEETING

GROWTH PLAN AMENDMENT
NE Corner I and 26 1/2 Roads

Sign In Sheet

Name	Address	Phone
Walt & Helen Rhodes	895 26 1/2 Rd.	244-8620
Doug Stanforth	895 Trappers Ct	640-6073
Newt & Sue Birkhoff	908 26 1/2 Road	245-6097
CINDY & BILL BALAZ	2527 Foresight Cir	263-9733
Ben Hill	owner	241-7653
Amy Carlton	2655 I Rd	245-3555
Shirley Parnell	2653 I Rd	210-1840
Tom Hugh	292 OVERVIEW	—

NEIGHBORHOOD MEETING
GROWTH PLAN AMENDMENT
NE Corner I and 26 ½ Roads

Comment Sheet

My Comments Are: Please notify us for the
next meeting. Thank you

Signature Walt & Helen Rhodes **Date** Aug. 29, '04

Name Helen Rhodes

Address 895 26 ½ Rd.

Phone 244-8620

Neighborhood Meeting Notes
08/30/2004

Growth Plan Amendment
NE Corner I and 26 ½ Roads

Before the beginning of the meeting Walt Rhodes (895 26 ½ Road) approached Bill Balaz asking the question “Will the City do improvements on 26 ½ Road due to the present deteriorating conditions and possible increased damage due to construction?”

The meeting was opened at 6:05 pm by Bill Balaz, Engineer for the project, with eleven people attending. Bill introduced Ben Hill as the owner/developer of the property.

Ben Hill explained that the City planner, Kathy Portner, was unable to attend and shared her letter with the crowd.

Bill Balaz explained the growth plan amendment and the projects beginning approximately 1 ½ years ago with the 201 application which was finally approved August 12, 2004. The subject property is in the 201 Boundary.

Walt Rhodes asked if the improvements would tie in to the existing sewer.

Bill Balaz gave an overview of the proposed improvements beginning with the fact that it is currently vacant land and what the developer proposed to incorporate into the improvements. He passed out exhibits (attached), explained City policy concerning TCP, talked of improvements to 26 ½ Road and I Road, and stated the minor impacts the project would have since utilities were already out there.

Walt Rhodes asked if the project needed to be passed by the City or County. Bill Balaz explained the process.

Bill Balaz explained the Urban Growth Boundary.

Newt Burkhalter questioned why the NCVP Plan placed that Boundary above the canal. No one had an answer.

Bill Balaz explained the Airport Zones and how the property is the last buildable parcel in that area. He stated the specific goals of infill, that utilities were in place and the benefits of septic tank elimination and increased property values to existing nearby owners of property. He felt that the zone change made sense for the area.

Walt Rhodes asked how long the process has been going. Ben Hill estimated approximately two years and that the big hurdle has been the sewer.

The entire group immediately complained that they were not made aware of any happenings concerning the property until the notice of this meeting.

Walt Rhodes said the City also did not make people aware in the beginning of the subdivision to the east of 26 ½ Road.

Helen Rhodes said “Are you going to proceed with this project anyway even though we object?” Bill and Ben responded with the comment that this is why we are having the public meeting, to get peoples ideas, etc.

Walt Rhodes complained again about the quality of 26 ½ Road

Newt Burkhalter asked which direction the sewage flow would go, is it deep enough, what grade and where would it tie in to the existing service. Bill Balaz explained the connection on I Road and how the City did an in-depth study on what line would accept the additional sewage.

Sue Burkhalter asked “What are you going to do about the huge leak in the canal?”

Bill was not aware of any leak and would drive out and inspect.

Sue and Newt Burkhalter said that traditionally when the canal is full that parts of the field are flooded by a leak and that may affect the property values.

David Krogh asked if developer was going to “pay off” City or plan green areas. He said the City is doing nothing in his subdivision (Grand Vista) concerning green areas. He asked if there was to be a pressurized irrigation system. Bill said an irrigation system would be designed to be pressurized and accommodate everyone on a rotational basis.

Amy Carlton asked if houses would face I Road. Bill said the fronts would face the inside lots. Amy objected saying they did not want to look at peoples “back yards”. She said it was bad enough they were losing their views and that they would prefer to look at peoples front yards and not cedar fencing or dog cages.

Amy Carlton and Shirley Parmele complained that the traffic on I Road was becoming too fast and needed some control and also the road was a route to a ‘party’ area by the canal.

Walt Rhodes requested a copy of all of Ben Hill’s minutes concerning Manor Road, when he bought it, etc. He expressed concern that something is being ‘slipped by’ and wants the full history.

Doug Stanforth and David Krogh complained that the City does not fully communicate with property owners.

Amy and Shirley again stated that they wanted the house fronts facing I Road as they felt people took better care of the fronts of their homes than the back. They wanted the subdivision to mirror Grand Vista.

Newt and Sue Burkhalter asked how many people in the City system does a project need to deal with. Bill Balaz recited the process and role of each entity.

Newt wondered where this project was in the line. Bill explained the Growth Plan Amendment next, if the Growth Plan Amendment was approved then into Subdivision process.

David Krogh requested that the new subdivision **not** use the covenants of Grand Vista as they did not work well.

David complained that the mailing list was not up to date and everyone needed notified. Ben explained that the City was responsible for the list and then showed the group all the 'returned to sender' letters received.

Helen Rhodes asked if I Road would continue. Bill suggested she ask Mesa County that question as that was not part of this project.

Helen asked annexation questions, can the property have a park, is there underground power? Ben and Bill responded that utilities would be underground and green spaces would be created in the Airport Critical Zone (located on a small portion of the property) and possibly near the detention area.

Amy Carlton asked how long the entire process took. Bill explained.

Newt Burkhalter stated that he does not like the Rural classification changed and that he does not care about his increased property values.

Bill Balaz asked if there were any additional questions or concerns, of which there were none. He offered his and Ben's phone numbers for any future questions.

The meeting was adjourned at 7:10 pm.

Respectfully Submitted,



Cynthia Balaz

RESOLUTION NO.

A RESOLUTION AMENDING THE GROWTH PLAN OF THE
CITY OF GRAND JUNCTION
MANOR ANNEXATION, NE CORNER OF 26 ½ ROAD AND I ROAD

Recitals:

A request for a Growth Plan Amendment has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 11 acres, located at the Northeast corner of 26 ½ Road and I Road be redesignated from Rural to Residential Medium Low on the Future Land Use Map.

In a public hearing, the City Council reviewed the request for the proposed Growth Plan Amendment and determined that it satisfied the criteria as set forth and established in Section 2.5.C of the Zoning and Development Code and the proposed amendment is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REDESIGNATED FROM RURAL TO RESIDENTIAL MEDIUM LOW ON THE FUTURE LAND USE MAP.

A certain parcel of land lying in the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section 23, Township 1 North, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the South Quarter (S 1/4) corner of said Section 23 and assuming the South line of the SW 1/4 SE 1/4 of said Section 23 bears S 89°54'21" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, N 00°02'14" W, along the West line of the SW 1/4 SE 1/4 of said Section 23 a distance of 30.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue N 00°02'14" W along the West line of the SW 1/4 SE 1/4 of said Section 23, a distance of 566.00 feet; thence N 89°54'21" E a distance of 706.24 feet to a point on the centerline of the Highline Canal; thence S 18°47'24" E along said centerline, a distance of 166.77 feet to the beginning of a 409.23 foot radius curve, concave Northeast, whose long chord bears S 42°21'02" E with a long chord length of 327.15 feet; thence 336.56 feet Southeasterly along the arc of said curve, being the centerline of said Highline Canal, through a central angle of 47°07'16"; thence S 65°54'40" E along said centerline, a distance of 369.38 feet, more or less, to a point on the East line of the SW 1/4 SE 1/4 of said Section 23; thence S 00°01'36" E along the East line of the SW 1/4 SE 1/4 of said Section 23, a distance of 14.57 feet; thence S 89°54'21" W along a line 30.00 feet North of and parallel to, the South line of the SW

1/4 SE 1/4 of said Section 23, a distance of 1317.20 feet, more or less, to the Point of Beginning.

CONTAINING 11.753 Acres (511,953.3 Sq. Ft.), more or less, as described.

PASSED on this _____ day of _____, 2004.

ATTEST:

City Clerk

President of Council

Attach 24

Public Hearing – 2nd Supplemental Appropriation Ordinance for 2004

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	2nd Supplemental Appropriation Ordinance for 2004					
Meeting Date	December 1, 2004					
Date Prepared	November 22, 2004			File #		
Author	Lanny Paulson		Budget & Accounting Manager			
Presenter Name	Ron Lappi		Administrative Services & Finance 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 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 \$3,821,283. The following provides a summary of the requests by fund.

General Fund #100, \$244,591: Revisions to the General Fund include approximately \$28K for the new Paralegal position in the City Attorney's office, \$114K for overtime in the Police Department and various grant funded items including; \$56K in Community Development's budget for historic structure repairs and \$64K for stun guns/tasers and crime lab equipment for the Police Department.

E-911 Special Revenue Fund #101, \$134,371: Transfer to the Communications Center Fund for equipment purchases.

DDA Operations Fund #103, \$15,939: This adjustment is primarily related to how the contribution to the Downtown Association is handled.

CDBG Special Revenue Fund #104, \$292,757: Adjustments include \$50K for a Juvenile Accountability Incentive pass-through grant, a \$42K pass-through grant for the Western Colorado Business Development Corp. and a \$200K appropriation of fund balance to insure appropriation authority in the event a currently unforeseen grant is received and passed-through prior to the end of the year.

Parkland Expansion Fund #105, \$15,000: This adjustment is to insure adequate funds are budgeted for the operating expenses associated with the Matchet property farming operation.

Economic Development Fund #108, \$125,000: The budget increase is being requested to fund the \$300K contribution to the WCBDC Revolving Loan Fund program previously approved by the City Council.

Riverside Parkway CIP Fund #204, \$32,525: Increase for right-of-way acquisitions.

Water Fund #301, \$29,257: The requested budget increases are for pipe supplies, meters, yokes and postage for utility billing.

Solid Waste Fund #302, \$52,519: The majority of this request is to purchase automated trash containers but also includes \$20K in contingency.

Two Rivers Convention Center Fund #303, \$223,752: The cost increases for 2004 include \$43K for labor changes, \$135K for non-personnel operating expenses including food & bar stock, electricity and contract services. \$50K has also been budgeted as contingency in the event business activity during the holiday season is greater than anticipated.

Parking Fund #308, \$11,607: Changes to various operating maintenance and supply accounts totals \$1,607, \$10K is being appropriated as contingency

Data Processing #401, \$46,394: \$22K for a Retirement Payout and \$24K for two file servers and a scanner.

Self Insurance Fund #404, \$2,004,898: \$2 Million of the amount requested is the appropriation of fund balance so that sufficient appropriation authority is available in case a catastrophic event occurs.

PIAB Fund #703, \$26,000: Transfer to the Sales Tax CIP Fund for the Lincoln Park Stadium P.A. Replacement project.

Cemetery Perpetual Care Fund #704, \$10,000: Interest Income transfer to the General Fund.

Joint Sewer System Fund #900, \$422,302: Special District payments pursuant to the intergovernmental agreements with the Fruitvale, Orchard Mesa and the Central Grand Valley Sanitation Districts comprise \$418K of the total change.

Action Requested/Recommendation: Public hearing and adoption of the Supplemental Appropriation Ordinance on December 1st, 2004.

Attachments: Ordinance

Background Information: The second supplemental appropriation ordinance is adopted every year at this time to fine tune the budget and ensure adequate appropriation authority for the current fiscal year.

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	\$ 244,591
Enhanced 911 Special Revenue	101	\$ 134,371
DDA Operations	103	\$ 15,939
CDBG Special Revenue	104	\$ 292,757
Parkland Expansion	105	\$ 15,000
Economic Development	108	\$ 125,000
Riverside Parkway Capital Improvement	204	\$ 32,525
Water	301	\$ 29,257
Solid Waste	302	\$ 52,519
Two Rivers Convention Center	303	\$ 223,752
Parking	308	\$ 11,607
Data Processing	401	\$ 46,394
Self-Insurance	404	\$ 2,004,898
Communications Center	405	\$ 134,371
Parks Improvement Advisory Board	703	\$ 26,000
Cemetery Perpetual Care	704	\$ 10,000
Joint Sewer	900	\$ 422,302
TOTAL ALL FUNDS		\$ 3,821,283

INTRODUCED AND ORDERED PUBLISHED this 17th day of November, 2004.

PASSED AND ADOPTED this 1st day of December, 2004.

Attest:

President of the Council

City Clerk

Attach 25

Levying Property Taxes for the Year 2004 for Collection in the Year 2005

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Property Tax Resolutions for Levy Year 2004 / Collection Year 2005					
Meeting Date	December 1, 2004					
Date Prepared	December 19, 2011				File #	
Author	Lanny Paulson			Budget & Accounting Manager		
Presenter Name	Ron Lappi			Administrative Services and Finance 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 resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District #1, Grand Junction West Water and Sanitation District (GJWWSD), and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations, the others are for debt service only. The City is also establishing a temporary credit mill levy for the General Fund for the purpose of refunding revenue collected in 2003 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution. The temporary credit is pursuant to CRS 39-5-121 (SB 93-255).

Budget: The tax revenue generated by the respective entities is as follows:

City of Grand Junction (8.000 mills)	\$4,235,680
Temporary Credit (* mills)	<u>(338,612)</u>
City of Grand Junction, Net	\$3,897,068
Ridges #1 (7.000 mills)	\$123,983
GJWWSD (6.000 mills)	\$78,179
DDA (5.000 mills)	\$127,964

Action Requested/Recommendation: Adoption of the Tax Levy Resolutions.

Attachments:

Levy Resolutions and Tax Certifications for the City of Grand Junction, Downtown Development Authority, Ridges Metropolitan District, and the Grand Junction West Water & Sanitation District.

Background Information:

Article X, Section 20 of the Colorado Constitution prohibits the increase in mill levies of property tax without a vote of the people. Excluding the temporary credit, the mill levies for the City and DDA are the same as last year. The mill levy for the Ridges Metropolitan District was reduced from 7.120 to 7.000 and the levy for the Grand Junction West Water and Sanitation District was reduced from 6.450 to 6.000.

RESOLUTION NO. _____

A RESOLUTION LEVYING TAXES FOR THE YEAR 2004 IN THE
CITY OF GRAND JUNCTION, COLORADO

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

That there shall be and hereby is levied upon all taxable property within the limits of the **City of Grand Junction**, Colorado, for the year 2004 according to the assessed valuation of said property, a tax of eight **(8.000)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado for the purpose of paying the expenses of the municipal government of said City for the fiscal year ending December 31, 2005.

ADOPTED AND APPROVED THIS 1st day of December, 2004.

APPROVED:

President of the Council

ATTEST:

City Clerk, City of Grand Junction

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO
COUNTY OF MESA
CITY OF GRAND JUNCTION

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the limits of the **City of Grand Junction** for the year 2004, as determined and fixed by the City Council by Resolution duly passed on the 1st day of December, 2004, is eight **(8.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the municipal government, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this 1st day of December, 2004.

City Clerk, City of Grand Junction

C: County Assessor

RESOLUTION NO. _____

**A RESOLUTION LEVYING TEMPORARY CREDIT TAXES
FOR THE YEAR 2004 IN THE**

CITY OF GRAND JUNCTION, COLORADO

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

That there shall be and hereby is levied upon all taxable property within the limits of the **City of Grand Junction**, Colorado, for the year 2004 according to the assessed valuation of said property, a **temporary credit tax levy** of six hundred forty thousandths **(0.640)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado for the purpose of refunding revenue collected in 2003 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution et.seq.crs. This temporary credit is pursuant to CRS 39-5-121 (SB 93-255). The Assessor may include this temporary credit in the notice of estimated taxes, if any.

ADOPTED AND APPROVED THIS 1st day of December, 2004.

APPROVED:

President of the Council

ATTEST:

City Clerk, City of Grand Junction

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO
COUNTY OF MESA
CITY OF GRAND JUNCTION

To the Commissioners of Mesa County, Colorado:

This is to certify that the **temporary credit tax levy** to be assessed by you upon all property within the limits of the **City of Grand Junction** for the year 2004, as determined and fixed by the City Council by Resolution duly passed on the 1st day of December, 2004, a copy of which is attached, is six hundred forty thousandths **(0.640)** mills, the property tax credit of said levy to be used for the purpose of refunding revenue collected in 2003 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution et.seq.crs. This temporary credit is pursuant to CRS 39-5-121 (SB 93-255).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this 1st day of December, 2004.

City Clerk, City of Grand Junction

C: County Assessor

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RESOLUTION NO. _____

**A RESOLUTION LEVYING TAXES FOR THE YEAR 2004 IN THE
DOWNTOWN DEVELOPMENT AUTHORITY**

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

That there shall be and hereby is levied upon all taxable property within the Grand Junction, Colorado, **Downtown Development Authority** limits, for the year 2003 according to the assessed valuation of said property, a tax of five **(5.000)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado, Downtown Development Authority, for the purpose of paying the expenses of said Authority for the fiscal year ending December 31, 2005.

ADOPTED AND APPROVED THIS 1st day of December, 2004.

APPROVED:

President of the Council

ATTEST:

City Clerk, City of Grand Junction

TAX LEVY CERTIFICATION

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO
COUNTY OF MESA
CITY OF GRAND JUNCTION

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the Grand Junction, Colorado, **Downtown Development Authority** limits, for the year 2004, as determined and fixed by the City Council by Resolution duly passed on the 1st day of December, 2004, is five **(5.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the Grand Junction, Colorado, Downtown Development Authority, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this 1st day of December, 2004.

City Clerk, City of Grand Junction

C: County Assessor

RESOLUTION NO. _____

**A RESOLUTION LEVYING TAXES FOR THE YEAR 2004 IN THE
RIDGES METROPOLITAN DISTRICT #1**

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

That there shall be and hereby is levied upon all taxable property within the limits of the **Ridges Metropolitan District # 1**, City of Grand Junction, Colorado, for the year 2004 according to the assessed valuation of said property, a tax of seven **(7.000)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the Ridges Metropolitan District #1, City of Grand Junction, Colorado, for the purpose of paying certain indebtedness of the District, for the fiscal year ending December 31, 2005.

ADOPTED AND APPROVED THIS 1st day of December, 2004.

APPROVED:

President of the Council

ATTEST:

City Clerk, City of Grand Junction

TAX LEVY CERTIFICATION

TO: County Commissioners of Mesa County, Colorado.

For the year **2004**, the Board of Directors of the **Ridges Metropolitan District #1** hereby certifies the following mill levy to be extended upon the total assessed valuation:

PURPOSE	LEVY	REVENUE
4. General Obligation Bonds and Interest - 1992 *	<u>7.000</u> mills	\$ <u>123,983</u>
9. Temporary Property Tax Credit/ Temporary Mill Levy Rate Reduction CRS 39-5-121 (SB 93-255)	<u>n/a</u> mills	\$ <u>0.00</u>
TOTAL	<u>7.000</u> MILLS	\$ <u>123,983</u>

=====

Contact person: Stephanie Tuin Daytime Phone: (970) 244-1511

Signed _____ Title City Clerk, City of Grand Junction

* CRS 32-1-1603 (SB 92-143) requires Special Districts to “certify separate mill levies to the Board of County Commissioners, one each for funding requirements of each debt.”

Send a copy to Division of Local Government, Room 521, 1313 Sherman Street, Denver, Colorado 80203.

Original form (FORM DLG 70 (Rev. 6/92))

RESOLUTION NO. _____

**A RESOLUTION LEVYING TAXES FOR THE YEAR 2004 IN THE
GRAND JUNCTION WEST WATER AND SANITATION DISTRICT**

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

That there shall be and hereby is levied upon all taxable property within the limits of the **Grand Junction West Water and Sanitation District**, City of Grand Junction, Colorado, for the year 2004 according to the assessed valuation of said property, a tax of six **(6.000)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the Grand Junction West Water and Sanitation District, City of Grand Junction, Colorado, for the purpose of paying certain indebtedness of the District, for the fiscal year ending December 31, 2005.

ADOPTED AND APPROVED THIS 1st day of December, 2004.

APPROVED:

President of the Council

ATTEST:

City Clerk, City of Grand Junction

TAX LEVY CERTIFICATION

TO: County Commissioners of Mesa County, Colorado.

For the year **2004**, the Board of Directors of the **Grand Junction West Water and Sanitation District** hereby certifies the following mill levy to be extended upon the total assessed valuation:

PURPOSE	LEVY	REVENUE
4. General Obligation Bonds and Interest - 1987 *	<u>6.000</u> mills	\$ <u>78,179</u>
9. Temporary Property Tax Credit/ Temporary Mill Levy Rate Reduction CRS 39-5-121 (SB 93-255)	<u>n/a</u> mills	\$ <u>0.00</u>
TOTAL	<u>6.000</u> MILLS	\$ <u>78,179</u>

=====

Contact person: Stephanie Tuin Daytime Phone: (970) 244-1511

Signed _____ Title City Clerk, City of Grand Junction

* CRS 32-1-1603 (SB 92-143) requires Special Districts to “certify separate mill levies to the Board of County Commissioners, one each for funding requirements of each debt.”

Send a copy to Division of Local Government, Room 521, 1313 Sherman Street, Denver, Colorado 80203.

Original form (FORM DLG 70 (Rev. 6/92))