

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

WEDNESDAY, FEBRUARY 2, 2005, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Scott Hogue, First Baptist Church

CERTIFICATE OF APPOINTMENT

TO THE HISTORIC PRESERVATION BOARD

TO THE VISITOR AND CONVENTION BUREAU BOARD OF DIRECTORS

TO THE PARKS AND RECREATION ADVISORY BOARD

CITIZEN COMMENTS

***** CONSENT CALENDAR ***®**

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

Action: Approve the Summary of the January 17, 2005 Workshop and the Minutes of the January 19, 2005 Regular Meeting

2. **Set the Cable TV Franchise Ballot Question** [Attach 2](#)

The City Charter, § 105, provides that no franchise shall be granted except upon the vote of the registered electors. On January 5, 2005 the City Council, by way of first reading of the franchise ordinance, referred the measure to the voters at the regular municipal election scheduled for April 5, 2005. The City has contracted with Mesa County to conduct the election by mail ballot. Such contract requires that the ballot be certified to the County no later than February 9, 2005.

Resolution No. 19-05 – A Resolution Setting a Title and Submitting to the Electorate on April 5, 2005 a Measure to Grant a Cable TV Franchise Agreement with Bresnan Communications, LLC

®Action: *Adopt Resolution No. 19-05*

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

3. **Notice of Election for the Regular Municipal Election to be held on April 5, 2005** [Attach 3](#)

Both the Charter and the Municipal Election Code have specific publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 21-05 – A Resolution Setting Forth the Notice of Election for the Regular Municipal Election to be Held on April 5, 2005 in the City of Grand Junction

®Action: *Adopt Resolution No. 21-05*

Staff presentation: Stephanie Tuin, City Clerk

4. **Setting a Hearing on Alcoholic Beverage Ordinance** [Attach 4](#)

Amendments to Chapter 32 of the Code of Ordinances are proposed to correct scrivener's errors, to create consistency in the Code and to facilitate the continued consistent enforcement of Code provisions regarding alcoholic beverages in public areas.

Proposed Ordinance Amending Part of Chapter 32 of the City of Grand Junction Code of Ordinances Relating to Drinking Alcoholic Beverages in Public Ways

Action: *Introduction of a Proposed Ordinance and Set a Hearing for February 16, 2005*

Staff presentation: John Shaver, City Attorney

5. **Update of Development Fee Schedule** [Attach 5](#)

The resolution updates the Development Fee Schedule. The City of Grand Junction established a Development Fee Schedule with Resolution No. 26-00. The Fee Schedule has been amended by resolution of the City Council from time to time as needed. The Zoning and Development Code requires developers to pay related costs for the review process for the developer's project as well as

related costs of the development. The City's adopted policy is that growth, i.e. development, is to "pay its own way." Based on the policy, the following revisions to the Development Fee Schedule are deemed necessary.

Resolution No. 22-05 – A Resolution Amending the Development Fee Schedule

®Action: *Adopt Resolution No. 22-05*

Staff presentation: John Shaver, City Attorney

6. **Setting a Hearing on Amending Chapter 38, Utilities, Concerning Industrial Pretreatment** [Attach 6](#)

The proposed Ordinance amends Article II of Chapter 38 of the City's Code of Ordinances. The Industrial Pretreatment Program is audited by the Environmental Protection Agency ("EPA") on an annual basis. The EPA has indicated that additional changes are needed to conform with its requirements. The proposed amendments mainly concern defining terms pursuant to definitions of the same or similar terms used within the United States Code and with the Code of Federal Regulations ("CFR"). Additional changes are made to clarify reference to the CFR. The changes to the definitions do not change the program's operational procedures. Other minor changes have been made for clarification purposes.

Proposed Ordinance Amending Sections and/or Portions of Sections of Article II of Chapter 38, Utilities, of the Code of Ordinances

Action: *Introduction of Proposed Ordinance and Set a Hearing for February 16, 2005*

Staff presentation: John Shaver, City Attorney

7. **Setting a Hearing on Zoning the Pinnacle Ridge Annexation, Located Northeast of Monument Road and Mariposa Drive** [File # ANX-2004-236] [Attach 7](#)

Introduction of a proposed ordinance to zone the 45.5 acre Pinnacle Ridge Annexation RSF-2 (Residential Single Family, 2 units per acre).

Proposed Ordinance Zoning the Pinnacle Ridge Annexation to Residential Single Family, 2 Units per Acre (RSF-2), Located Northeast of Monument Road and Mariposa Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for February 16, 2005

Staff presentation: Kathy Portner, Planning Manager

8. **Setting a Hearing for the Catlin Annexation Located at 2830 C ½ Road** [File # ANX-2004-308] [Attach 8](#)

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 10.14 acre Catlin Annexation consists of one parcel of land.

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

Resolution No. 23-05 – 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, Catlin Annexation, Located at 2830 C ½ Road

®Action: Adopt Resolution No. 22-05

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Catlin Annexation, Approximately 10.14 Acres, Located at 2830 C ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for March 16, 2005

Staff presentation: Faye Hall, Planning Technician

9. **Setting a Hearing for the Hawk’s Nest Annexation Located at 157 30 Road** [File # ANX-2004-298] [Attach 9](#)

Resolution referring a petition for annexation and introduction of proposed ordinances. The 33.22 acre Hawk’s Nest Annexation is a five part serial annexation which consists of two parcels of land and portions of the B Road and 30 Road Rights-of-Way.

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

Resolution No. 24-05 – 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, Hawk’s Nest Annexation #1-5, Located at 157 30 Road and Portions of the B & 30 Road Rights-of-Way

®Action: *Adopt Resolution No. 24-05*

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk’s Nest Annexation #1, Approximately .0985 Acres, Located in the B Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk’s Nest Annexation #2, Approximately .2537 Acres, Located in the B Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk’s Nest Annexation #3, Approximately .7796 Acres, Located in the B Road & 30 Road Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk’s Nest Annexation #4, Approximately 25.9196 Acres, Located at 157 30 Road & a Portion of the 30 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hawk’s Nest Annexation #5, Approximately 6.1674 Acres, Located at 157 30 Road & a Portion of the 30 Road Right-of-Way

Action: *Introduction of Proposed Ordinances and Set a Hearing for March 16, 2005*

Staff presentation: Faye Hall, Planning Technician

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

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

10. **Engineering and Construction Contracts** (Items a and b may be awarded under one motion)

a. **Limekiln Gulch Interceptor**

[Attach 10](#)

Award of a Construction Contract for Limekiln Gulch Interceptor to M.A. Concrete Construction, Inc. in the amount of \$306,783.00.

Action: Authorize the City Manager to Sign a Construction Contract for Limekiln Gulch Interceptor to M.A. Concrete Construction, Inc. in the Amount of \$306,783.00

Staff presentation: Mark Relph, Public Works and Utilities Director

b. **24 ½ Road and G Road Intersection Reconstruction**

[Attach 11](#)

Award of Construction Contract for the 24 ½ Road and G Road Intersection Reconstruction project to M.M. Skyline Contracting, Inc. in the amount of \$604,322.00.

Action: Authorize the City Manager to Sign a Construction Contract for the 24 ½ Road and G Road Intersection Reconstruction with M.M. Skyline Contracting, Inc. in the Amount of \$604,322.00

Staff presentation: Mark Relph, Public Works and Utilities Director

11. **Submittal of Conditional Letter of Map Revision to FEMA for Ranchmen's Ditch Drainage Improvements**

[Attach 12](#)

Request Council approval of a resolution for the City Manager's signature on the submittal of a Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency (FEMA) for the Ranchmen's Ditch Drainage Improvements project. Approval of the CLOMR indicates that FEMA is in agreement with the approach and method proposed to mitigate flooding concerns along the Ranchmen's Ditch Drainage.

Resolution No. 25-05 – A Resolution Approving the Filing of a Conditional Letter of Map Revision (CLOMR) with the Federal Emergency Management Agency (FEMA) for the Ranchmen's Ditch Drainage Improvements Project

®Action: Adopt Resolution No. 25-05

Staff presentation: Mark Relph, Public Works and Utilities Director

12. **Submittal of an Application for Federal Pre-Disaster Mitigation Grant Funding**

[Attach 13](#)

A City Council Resolution authorizing the submission of the above grant application to assist in the funding of the construction of storm water capacity improvements along the Ranchman's Ditch Drainage System.

Resolution No. 26-05 – A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Construction of Storm Water Capacity Improvements Along the Ranchman's Ditch Drainage System

®Action: *Adopt Resolution No. 26-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

13. **D Road Undergrounding Phase 2 for the Riverside Parkway** [Attach 14](#)

The construction of the Riverside Parkway will require the relocation of many overhead power lines. This 2nd phase will underground approximately 0.9 mile of power line from approximately the Regional Center to 29 Road and a section north of 29 Road. The attached letter is an "invoice" from Xcel Energy stating that the undergrounding cost is estimated at \$599,942.92.

Action: *Authorize the City Manager to Sign a Purchase Order with Xcel Energy to relocate the existing overhead power lines underground on D Road from the Regional Center east to 29 Road*

Staff presentation: Mark Relph, Public Works and Utilities Director

14. **Purchase of Property Located at 2502 Highway 6&50 for the Riverside Parkway Project** [Attach 15](#)

The City has entered into a contract to purchase right of way from the McCallum Family LLC for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Resolution No. 27-05 – A Resolution Authorizing the Purchase of Real Property at 2502 Highway 6 & 50 from the McCallum Family LLC

®Action: *Adopt Resolution No. 27-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

15. **Purchase of Property at 1014 S. 4th Street for the Riverside Parkway Project** [Attach 16](#)

The City has entered into a contract to purchase the property at 1014 S. 4th St. from Loretta M. Young for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Resolution No. 28-05 – A Resolution Authorizing the Purchase of Real Property at 1014 S. 4th Street from Loretta M. Young

®Action: *Adopt Resolution No. 28-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

16. **Purchase of Property at 910 S. 4th St. for the Riverside Parkway Project** [Attach 17](#)

The City has entered into a contract to purchase the property at 910 S. 4th Street from Saul Reyes and Lainie Reyes for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Resolution No. 29-05 – A Resolution Authorizing the Purchase of Real Property at 910 S. 4th Street from Saul Reyes and Lainie Reyes

®Action: *Adopt Resolution No. 29-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

17. **Purchase of Property at 1554 Independent Avenue for the Riverside Parkway Project** [Attach 18](#)

The City has entered into a contract to purchase right of way from Merrill C. and Valerie J. Kennedy for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Resolution No. 30-05 – A Resolution Authorizing the Purchase of Real Property at 1554 Independent Avenue from Merrill C. and Valerie J. Kennedy

®Action: *Adopt Resolution No. 30-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

18. **Public Hearing – Concerning Sampling of Wine and Beer in Retail Liquor Stores** [Attach 19](#)

Last summer, the Colorado General Assembly passed House Bill 04-1021 which included a provision to allow a local government to adopt an ordinance allowing alcohol beverage sampling (tastings) to be conducted in retail liquor stores and liquor-licensed drugstores. This proposal, if adopted, would allow such sampling but would restrict it to beer and wine.

Ordinance No. 3716 - An Ordinance Enacting a New Article IV Within Chapter 4, Concerning Alcoholic Beverages, in the Grand Junction Code of Ordinances Pertaining to the Tasting of Alcoholic Beverages

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3716

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

19. **Public Hearing – Growth Plan Amendment – Vista Peak** [File # GPA-2004-191] [Attach 20](#)

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 16 acres, located at 104 29 ¾ Road.

Resolution No. 31-05 – A Resolution Amending the Growth Plan of the City of Grand Junction, Vista Peak, 104 29 ¾ Road

®Action: Adopt Resolution No. 31-05

Staff presentation: Kathy Portner, Planning Manager

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

21. **OTHER BUSINESS**

22. **EXECUTIVE SESSION** - DISCUSSION OF PROPERTY NEGOTIATIONS REGARDING THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF REAL, PERSONAL, OR OTHER PROPERTY INTEREST UNDER SECTION 402(4)(a) OF THE OPEN MEETINGS LAW RELATIVE TO RIVERSIDE PARKWAY

23. **ADJOURNMENT**

Attach 1

Minutes of Previous Meetings

**GRAND JUNCTION CITY COUNCIL
WORKSHOP SUMMARY**

JANUARY 17, 2005

The City Council of the City of Grand Junction, Colorado met on Monday, January 17, 2005 at 7:00 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. UPDATE ON WATER ISSUES:** The City's Water Attorney Jim Lochhead presented an annual report to City Council on water issues. City Attorney John Shaver introduced Mr. Lochhead. Mr. Lochhead suggested his update focus on interstate issues and his legal representation of the City and other jurisdictions.

Mr. Lochhead represents Grand Junction and 7 other jurisdictions which forms a coalition which has been involved in interstate water matters for about four years now. Included in those matters are several years' worth of discussions with California to reduce their usage of water from Colorado. Incorrect modeling predicting a surplus of water until 2016 is now being thrown out and new rules are being written given the current drought situation. Essentially, Lake Powell, with two or three more years of drought, would be below the minimum power pool. The sale of power is critical for Colorado water users. Power revenues fund many things in Colorado.

Additionally, discussions have involved the Secretary of the Interior who allocates shortages and determines how much water should be released from Lake Powell. Mr. Lochhead, on behalf of the coalition, has been involved in those discussions. The determination must take into consideration treaty issues too. The State of Colorado is starting historical research to form a position on this issue and there may be potential litigation. Such litigation is quite costly and continues for years. The coalition is also doing some hydrology modeling, which currently is premised on assumption of water on historical record, which has been the wettest era. Mr. Lochhead asked that an agreement of confidentiality

be made to prevent sharing of information. Other states may enter into litigation; other political entities can be invited into the confidentiality agreement.

It is a cumbersome morass to deal with this, but Colorado may see 1041 legislation, which will allow local governments to address statewide issues and areas such as municipal water supply issues. It allows for a land use process which is important for local control of municipal water supplies.

Other than those issues, Mr. Lochhead has also been involved in continued discussions regarding the formation of a water district in the southern tier, which will impact water efficiency and also the juggernaut of power. In the legislature, a bill was introduced that would create a cabinet level of resources, but fiscally will need staffing.

Another issue is recreational use in channel diversions, which is being pursued by a number of municipalities throughout the State. These channel water rights are proposed for kayak parks and recreational use and allows political subdivisions to apply for permits. However, due to concerns of the water conservation board, there will be legislation that will gut that law, thus limiting the amount of water to be appropriated and subordinate any future and present uses.

Councilmember Spehar noted that depending on how in depth the newly formed western slope group goes into, the group may ask Mr. Lochhead to address them, particularly in the discussion on compacts slated for next month.

Mr. Lochhead was asked about the conversion of municipal rights to recreational use and Mr. Lochhead responded that is not allowed under current law.

Action Summary: Council President Hill thanked Mr. Lochhead for the work he does for Grand Junction.

2. **REVIEW YOUTH COUNCIL BYLAWS:** As discussed in the 2005 Strategic Plan, the City Council will review the CYC bylaws. Seth Hoffman, Management Intern, and Drew Creasman, CYC Chair, introduced the topic. The equal representation of school has been discussed on the Youth Council and particularly amongst the officers. City Council was asked for direction. Mr. Creasman acknowledged the concern but it was thought that the recruitment process is where that issue should come into play.

Council President Hill expressed that if there was balance in the membership, the balance of officers would weigh itself out and he asked about the balance as far as class rank. Mr. Creasman felt the recruitment advertisement was limited in

areas where students attending School without Walls and R-5 might hear. One of the communication issues has been who is in charge of the recruitment process. He said he is willing to be involved in the interview process himself. He expressed concerns about putting restrictions regarding balanced representation in the bylaws.

Councilmember Spehar suggested rather CYC have diversity as a goal. He agreed that CYC should have the responsibility of recruitment, and recruitment should include home-schooled students. He recommended that of the four officers, no more than two from one school as general enough. Making this a goal will help members focus on areas where there is not representation.

There was a brief discussion among Councilmembers as to the importance of this goal; some thought it was important to have balanced school representation so as not to diminish the purpose, while others thought the students that expressed an interest in participating should have the opportunity, regardless of their school.

Council President Hill then initiated a discussion on qualifications, whether it should be defined or not, should the students be city residents or not. Most of the Council wanted it to be as inclusive as possible, with the only qualification being that the students have some connection with the City (live there, go to school at a city school, live in the 201, etc.). Council desired a broad representation leaving the election of the officers up to the CYC. If an imbalance occurs, measures can be taken to correct it the next year. It was suggested that the goals discussed be included as recitals or a preamble to the CYC bylaws. Mr. Creasman advised that the CYC has four already stated goals and can add those and this one to the bylaws.

The matter of member conduct was raised. Mr. Creasman advised that each member must take an oath of office and that is how the CYC decided to handle that matter. Regarding unexcused absences, Councilmember Spehar suggested that sanctions be automatic rather than discretionary.

CYC was commended for all their hard work.

Management Intern Seth Hoffman asked for clarification on member qualifications. Currently the student must go to school or live within the 201 boundary. Council indicated that they would like to loosen that restriction, perhaps as long as the student goes to school within School District 51. Another guide was to use attendance areas. CYC was directed to place such language in their goals contained in the preamble of the bylaws and then let the City Council review them.

Council President Hill then asked all CYC members present to come up to the front and introduce themselves.

Action Summary: City Council gave guidance to CYC in regards to being mindful of the balance between school and ages, making sure the recruitment process covers all students and that qualifications for participation be as inclusive as possible to allow every student wanting to participate, that has a nexus with the City, the opportunity. The City Council also praised the Youth Council for all their hard work, as laying the foundation for the Council is some of the hardest work.

The Council President call a recess at 8:54 p.m.

The meeting reconvened at 9:02 p.m.

3. **EMS TRANSPORTING DECISION MAKING PROCESS:** Fire Chief Rick Beaty led a discussion of how to proceed with the selection of an ambulance provider(s) to serve the Grand Junction Ambulance Service Area. The County has been having discussions on the provision of emergency medical services county-wide. The Commissioners have subsequently adopted a resolution as authorized by the State Statutes to regulate emergency medical services. The level of service met the standards within the City limits, due to the City's ambulance ordinance. What brought this issue forward is the informality of the system county-wide. Interagency agreements have been verbal and informal. The problem is that the area has grown, there are now more providers, there are many more EMS officers, so the County felt it is time to make the system and the regulations more formal. Another issue was there has been more than one medical advisor and therefore different protocols can come into play. A large diverse group worked on the EMS resolution; it's not perfect but is better than what was in place. The County adopted the EMS resolution effective January 1, 2005 and many implementation plans will take place throughout the year. The document took into account the elements needed for the entire system including areas that are outside existing jurisdictions to ensure all areas are covered. The County was covered but the County's concern was that there were a number of areas that were beyond the limits of any existing jurisdictions, so entities would go outside their jurisdictions in order to provide coverage. The resolution identifies ambulance service areas to formalize that coverage.

Councilmember Palmer inquired if by outside jurisdiction it means outside their tax base to which Chief Beaty responded affirmatively.

Chief Beaty stated that one major decision for the City is that the City may recommend one or more providers to serve the Grand Junction Ambulance

Service Area. The County will ultimately make the decision but this is the opportunity for the City to have some input into that decision. The deadline for the City's recommendation is May 31, 2005, but the City may be able to get the deadline extended to November 30th.

The City Council then discussed the need for an extension and whether such a delay in the decision would adversely impact service. Chief Beaty assured the Council that service would continue under the current service plan and the City's current ambulance ordinance, so service would not be affected. Chief Beaty recommended that the City Council process for making a recommendation be a public process.

Chief Beaty reviewed the history of service in the valley leading up to the current system, which is a two-tiered system. The City Fire Department is the first responder and a paramedic is on every call. Then the private ambulance company arrives and provides advance life support and trauma care. The City's paramedic can then ride with the ambulance to continue providing care assistance, which happens 30% of the time.

Chief Beaty detailed the entire process and all the elements involved in patient field care. There are many, many other models but he presented three; a fire department-based EMS system, a public/private partnership (what is in place now), or a private provider based (Fire Dept. would decrease their role).

Chief Beaty then deferred to the City Attorney to address the flexibility that City Council has under the resolution. In conclusion, Chief Beaty recommended that an RFP be put together, that assistance be solicited for development of the RFP, that the process be as public as possible, thus keeping everyone informed, and to also do an interim contract with American Medical Response (the current contract ambulance service) until the final selection has been made. He noted that the City may be a bidder on the RFP, so if the City is not involved in the process, it would be better.

City Manager Arnold stated he wants to engage a consultant immediately to help draft the RFP. From there they will go forward, the Fire Dept. will step back, and after evaluation and interview, the decision will be in October. If November is not sufficient time then an additional extension would be requested. City Attorney Shaver added that the interim contract will then still apply.

Councilmember Palmer asked if the City has the authority to enter into an interim contract. City Attorney Shaver said there is some question, but the ordinance is still in place, so the City still does have some authority. Therefore, the contract would suffice to the extended date.

Councilmember Kirtland inquired why the City doesn't just let the County pick the provider, noting that any conflict with the RFP process goes away if the County takes over. Sentiments were expressed that the City should be involved. Councilmember Kirtland then urged more collaboration, having the County participate in the process.

Action Summary: Staff was directed to request an extension until November 30th, hire an outside consultant to develop the RFP/RFQ and to involve the major players from the start.

4. **CITY COUNCIL TEAM ASSIGNMENTS FOR STRATEGIC PLAN:** City Council Members will make assignments to the five teams identified to work on sections of the Strategic Plan. Assistant City Manager David Varley led off the discussion.

Council President Hill noted that the Gateway Committee will be in addition to these five as their work is still ongoing.

City Manager Arnold recommended that Team #1 include a Planning Commissioner. Team #3 could also use a Parks Advisory Board member.

Action summary: Councilmembers volunteered for the following:

Team #1 works on:

OBJECTIVES:

2A Evaluate zoning and infrastructure as tools to encourage development along major corridors.

2B Explore citizen-based planning.

⊙ City Staff: Community Development, City Manager's Office & City Attorney's Office

→ ⊙ City Council Member(s): **Palmer, Enos-Martinez and Spehar**

Team #2 works on:

6-Goal: Develop a strategy to gain Colorado Department of Transportation support for better local utilization of I-70 as a transportation corridor.

9-Goal: Explore a wide range of funding options (including bonds) to accelerate road construction.

⊙ City Staff: City Manager's Office & Public Works

→ ⊙ City Council Member(s): **Kirtland and Hill**

⊙ **Planning Commissioner**

Team #3 works on:

15-Goal: Re-evaluate the Parks Master Plan.

- ⊙ City Staff: Parks & Recreation
- ⊙ City Council Member(s): **Butler, Enos-Martinez and McCurry**
- ⊙ **Parks & Recreation Advisory Board member**

Team #4 works on:

17-Goal: Evaluate and redefine the problem and level of effort required to manage weeds

- ⊙ City Staff: Community Development & Public Works
- ⊙ City Council Member(s): **Palmer and McCurry**

Team #5 works on:

SOLUTION: SHELTER AND HOUSING THAT ARE ADEQUATE

All City residents will have adequate shelter, whether their need is for permanent or temporary housing.

- ⊙ City Staff: City Manager's Office
- ⊙ City Council Member(s): **Butler, Spehar and Kirtland**

The meeting adjourned at 10:15 p.m.

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

January 19, 2005

The City Council of the City of Grand Junction convened into regular session on the 19th day of January 2005, 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 Debbie Kemp.

Council President Hill called the meeting to order. Councilmember Enos-Martinez led in the pledge of allegiance. The audience remained standing for the invocation by Jim Hale, Spirit of Life Christian Fellowship.

Council President Hill recognized the Boy Scout Troops #363 and #345 for their presence at the meeting.

APPOINTMENTS

RATIFICATION OF APPOINTMENT TO THE WALKER FIELD AIRPORT AUTHORITY

Councilmember Palmer moved to ratify the appointment of Doug Simons to the Walker Field Airport Authority for a 4 year term expiring January 2009. Councilmember Spehar seconded the motion. Motion carried.

TO THE VISITOR AND CONVENTION BUREAU BOARD OF DIRECTORS

Councilmember Spehar moved to re-appoint Jill Eckhardt to the Visitors and Convention Bureau Board of Directors for a 3 year term expiring December 2007, appoint Brunella Gualerzi and Eric Feely to the Visitors and Convention Bureau Board of Directors also for 3 year terms expiring December 2007, and appoint W. Steven Bailey to the Visitors and Convention Bureau Board of Directors for an unexpired term until December 2005. Councilmember Enos-Martinez seconded the motion. Motion carried.

TO THE PARKS AND RECREATION ADVISORY BOARD

Councilmember Kirtland moved to appoint Jack Neckels to the Parks and Recreation Advisory Board until June, 2005. Councilmember McCurry seconded the motion. Motion carried.

CERTIFICATE OF APPOINTMENT

TO THE HISTORIC PRESERVATION BOARD

Thomas Streff was not present to receive his certificate of reappointment.

CITIZEN COMMENTS

Mr. Williams thanked the Council for their dedication to the City. He talked about the trails that are located throughout the City. He is concerned about the safety and the conditions that the trails are in. Mr. Williams requested that the City put in some off road bike paths throughout the City. Council President Hill asked if he has approached the Urban Trails Committee. Mr. Williams replied that he has made this request previously to that committee.

CONSENT CALENDAR

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

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the January 3, 2005 Workshop, the Minutes of the January 5, 2005 Special Meeting and the January 5, 2005 Regular Meeting

2. **Setting a Hearing on an Ordinance Allowing Sampling of Wine and Beer in Retail Liquor Stores**

Last summer, the Colorado General Assembly passed House Bill 04-1021 which included a provision to allow a local government to adopt an ordinance allowing alcohol beverage sampling (tastings) to be conducted in retail liquor stores and liquor-licensed drugstores. This proposal, if adopted, would allow such sampling but would restrict it to beer and wine.

Proposed Ordinance Enacting a New Article IV Within Chapter 4, Concerning Alcoholic Beverages, in the Grand Junction Code of Ordinances Pertaining to the Tasting of Alcoholic Beverages

Action: Introduction of Proposed Ordinance and Set a Hearing for February 2, 2005

3. **Sole Source Purchase for Rain Bird Maxicom Controllers**

The Parks Department currently has several parks with individual automated site based irrigation systems. These systems will be converted to the centralized Maxicom software program that is currently in operation at the Lincoln Park central irrigation control system. The Rain Bird Maxicom brand is the only compatible controller and Grand Junction Pipe and Supply is the only authorized Rain Bird Master Distributor for this area.

Action: Authorize the Purchasing Manager to Purchase the Controllers from Grand Junction Pipe and Supply in the Estimated Amount of \$64,500.00

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

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

Action: Authorize the Mayor to Sign the Annual SARA/DERA Agreement with Mesa County

5. **Extending the Lease of City Property to Donald Fugate Jr., Doing Business as Don's Automotive**

Authorize an extension of the lease, through September 30, 2005, of City property at 545 Noland Avenue to Donald Fugate, Jr., doing business as Don's Automotive.

Resolution No. 15-05 – A Resolution Extending the Lease of City Property at 545 Noland Avenue to Donald Fugate, Jr., doing business as Don's Automotive

Action: Adopt Resolution No. 15-05

6. **Vacating Easements at 202 N. 7th Street, Located Within Lot 1, Seventh Street Simple Subdivision** [File # VE-2004-226]

The applicant wishes to vacate a 14' Multi-Purpose Easement and a 15' Utility & Drainage Easement located within Lot 1, Seventh Street Simple Subdivision in anticipation of future commercial development to accommodate a proposed

office building. The Planning Commission recommended approval at its January 11, 2005 meeting.

Resolution No. 16-05 – A Resolution Vacating a 14' Multi-Purpose Easement and a 15' Utility & Drainage Easement Located Within Lot 1, Seventh Street Simple Subdivision Known as: 202 N. 7th Street

Action: Adopt Resolution No. 16-05

7. **Setting a Hearing on the Tezak Annexation Located at 2397 Sayre Drive** [File # ANX-2004-288]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 1.23 acre Tezak Annexation consists of one parcel of land.

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

Resolution No. 17-05 – 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, Tezak Annexation, Located at 2397 Sayre Drive

Action: Adopt Resolution No. 17-05

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Tezak Annexation, Approximately 1.23 Acres, Located at 2397 Sayre Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for March 2, 2005

8. **Setting a Hearing on the Cloverglen Annexation Located at 2938 F ½ Road** [File # ANX-2004-287]

The applicants for the Cloverglen Annexation, located at 2938 F ½ Road, have presented a petition for annexation as part of a preliminary plan. The applicants request approval of the Resolution referring the annexation petition, consider reading of the Annexation Ordinance, and requesting Land Use Jurisdiction immediately. The annexation area consists of 7.153 acres of land and right-of-way along F ½ Road.

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

Resolution No. 18-05 – 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, Cloverglenn Annexation, Located at 2938 F ½ Road

Action: Adopt Resolution No. 18-05

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cloverglenn Annexation, Approximately 7.1536 Acres, Located at 2938 F ½ Road and Including a Portion of the F ½ Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for March 2, 2005

9. **Continue Public Hearing – Regulating Newsboxes in the Downtown (TO BE CONTINUED TO FEBRUARY 16, 2005)**

The number of newsboxes that have been placed downtown has proliferated in recent months. The legitimate 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 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.

The ordinance is being redrafted for presentation to the DDA board prior to final consideration by Council.

Action: Continue Public Hearing until February 16, 2005

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Purchase of Property Located at 2502 Highway 6&50 for the Riverside Parkway

The City has entered into a contract to purchase right of way from the McCallum Family LLC 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. He explained that the property owner is not ready to close this deal. Therefore, the applicant is requesting to postpone this item to the next Council meeting on February 2, 2005.

Councilmember Spehar moved to pull Item #10 from the agenda and reschedule it for the next City Council Meeting to be held on February 2, 2005. Councilmember McCurry seconded the motion. Motion carried.

D Road Undergrounding Phase I for the Riverside Parkway

The construction of the Riverside Parkway will require the relocation of many overhead power lines. This first phase will underground approximately one mile of double power lines from approximately 15th Street and D Road to the Regional Center. The "invoice" from Xcel Energy states that the undergrounding cost is estimated at \$746,305.46.

Mark Relph, Public Works and Utilities Director, reviewed this item. He said upon the approval of an executed purchase order to Xcel Energy, there is a section of existing overhead utility lines that need to be placed underground. Mr. Relph presented a map to show the area along D Road that needs to have the utilities placed underground. He stated that the City has a franchise agreement with Xcel. The City will get a credit of \$135,435.35 to relocate the lines, which results in a total amount of \$746,305.46.

Councilmember Palmer thanked Mr. Relph for all of the hard work on this and appreciates it when the utility lines go underground.

Councilmember Palmer moved to authorize the City Manager to sign a purchase order with Xcel Energy to relocate the existing overhead power lines underground between 15th Street and D Road easterly to the regional center along the Riverside Parkway. Councilmember Kirtland seconded the motion. Motion carried.

Memorandum of Understanding with Mesa County for 29 Road from D Road South the Colorado River Bridge

The proposed Memorandum of Understanding with Mesa County covers the funding and project management of the design and construction of 29 Road from D Road south to the Colorado River Bridge.

Mark Relph, Public Works and Utilities Director, reviewed this item. He stated that the City's main challenge is raising the grade from south 29 Road to the highway and also the traffic will need to be managed very carefully. Mr. Relph stated that the City's current Design/Build Contract states that no major reconstruction can be done until the 29 Road Bridge is in place. Mr. Relph asked Council to ratify that agreement which would allow the City's project of the construction south of 29 Road to coordinate with Mesa County's project of the Colorado River Bridge and 29 Road project. This would allow the Design/Build Team to have control of this section and make sure that they will come together with the Riverside Parkway project. Council President Hill questioned if

the 29 Road Bridge and the connection to Hwy 50 will be completed at the same time. Mr. Relph stated yes.

Councilmember Kirtland asked if there would be any conflicts in No. 2 of the MOU procedures, where the City is acquiring a right-of-way for which the County is paying. Mr. Relph stated that the City has hired Carter & Burgess, Inc. as the consultant, and they will be responsible for preparing all right-of-way acquisition paperwork. No conflict is foreseen.

Councilmember Spehar asked if the \$4,000,000 plus will be in addition to \$8,000,000 in the contract. Mr. Relph stated yes.

Councilmember Kirtland moved to authorize the Mayor to sign a Memorandum of Understanding with Mesa County for construction of 29 Road from D Road South to the Colorado River Bridge. Councilmember Spehar seconded the motion. Motion carried.

Public Hearing – Creation of Alley Improvement District 2005, Phase B

A successful petition has been submitted requesting a Local Improvement District be created as part of the Alley Improvement District 2005, Phase B, for the alley located in the South ½ of the North/South Alley, 6th Street to 7th Street, between Grand Avenue and Ouray Avenue. The remainder of this alley was built previously as part of alley improvements in 1990.

The public hearing was opened at 7:55 p.m.

Mark Relph, Public Works and Utilities Director, reviewed this item. He stated that this is a short section of alley located between 6th & 7th Street, then north to Grand. The proposal completes a crossed alley that exists in the neighborhood. There are only two affected property owners. Mr. Relph said he will come back to Council with a construction contract and will eventually assess cost to the property owners.

Councilmember Palmer asked what is the criteria for the Alley Improvement District. Mr. Relph said one criteria is looking for any unimproved alley or one in need of serious maintenance. Councilmember Palmer asked if the property owners typically approach the City. Mr. Relph stated yes and there is a 2 to 3 year waiting list. Mr. Relph said that the property owners come to the City with a petition. Councilmember Palmer asked if there is any attempt to prioritize the requests. Mr. Relph said no, it is on a first come, first serve basis.

Council President Hill noted that one owner is surrounded by two alleys and finds it unusual.

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

Resolution No. 20-05 – A Resolution Creating and Establishing Alley Improvement District No. ST-05, Phase B 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

Councilmember Enos-Martinez moved to adopt Resolution No. 20-05. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

Public Hearing – Facilities and Construction in City Rights-of-Way Ordinance (CONTINUED FROM 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.

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

Tim Moore, Public Works Manager, reviewed this item. He explained the proposed ordinance in detail.

Councilmember Palmer asked about section 38-208 of the Ordinance; he said that it talks about the City to give notice to each of the providers. Mr. Moore stated that they currently have a list of those providers.

Council President Hill had a question about the 38-207, the Directors' review. How different is it in comparison to what the City is doing right now. Mr. Moore stated that this is being done now; the Ordinance formalizes it. Council President Hill asked Mr. Moore what is more significant to the utilities process. Mr. Moore stated that the most significant item would be the removal of items that were causing conflict with other facility providers.

Councilmember Spehar stated that it will benefit the City as well as all contractors.

Dick Proctor, Manager of Grand Valley Waters Users Association, stated that this proposal has come a long way since it was first proposed. Mr. Proctor also appreciates the City's cooperation and he referred to his letter that he had sent to Council dated December 10th. He stated that the Ordinance is pretty concise. Mr. Proctor appreciates the City's desires to control the facilities. He pointed out that in paragraph L of the recitals and in section 38-203, the word "entity" is showing up but is not defined in the Ordinance. The word entity can provide confusion instead of provider. He stated that Palisade Irrigation District and Mesa County Irrigation District also provides lateral irrigation lines that need to be included in the list. Mr. Proctor stated that Colorado

Revised State Statutes 38-51-106 (b) (I) states that all recorded and apparent right-of-ways should be shown on a plat. He stated that it seems once developed, the easements do not show up in the plat. When other utilities come in, it does not show the pipe any longer.

Councilmember Kirtland asked if it was his easement to which he was referring. Mr. Proctor stated yes.

Council President Hill asked why the easement does show up on the plat. Mr. Proctor stated that some surveys fail to put recorded easements on some plats.

Gale Lyman, Western Colorado Contractors Association, thanked Mr. Moore and Council for giving him the opportunity to review the Ordinance and make comments. He feels that if providers are provided with facilities information, this should reduce delays in construction. He thanked Mr. Moore for his comments suggesting an annual review. Mr. Lyman supports the City adopting this Ordinance.

John Ballagh, Grand Mesa Irrigation District Drainage Manager, thanked Council. He stated that he has a different interpretation of section 38-212 and he reads it differently than staff but will be looking at it upon review.

Wayne Bain, Palisade Irrigation District, stated that he concurs with most of the remarks made by Mr. Proctor. He stated that they have piggy-backed irrigation and dealing with Mesa County and the City has been efficient. He also stated that the City received a letter from their attorney today which stated that they are put in a position that can help them but also pinch them. He said that they are worried about enforcement and the cost.

Councilmember Kirtland hopes that the City knows how to get in contact with him, so future discussions can include him.

Councilmember Spehar found it a necessity to formalize the facility guidelines, create additional processes and be good neighbors.

There public hearing was closed at 8:43 p.m.

Councilmember Kirtland stated that he understands the timeliness of the 10 business days to review and make comments. He asked Mr. Moore if he is planning any educational follow up and beyond the annual review. Mr. Moore stated that more people are aware of this now and the City will be contacting people as the year goes on.

Councilmember Kirtland asked if the Utility Locate Service has been a part of this process. Mr. Moore responded somewhat.

Council President Hill affirmed that he hopes the Council is open to feedback and possible review if need be, more than once a year.

Councilmember Kirtland added that it is hard to add discipline and create something long term. Council hopes that people will work through that so, in the long run, the City will have a better policy to work with.

City Attorney Shaver stated that he received the letter from Palisade Irrigation District's attorney. They asked for an exemption but further review is necessary.

Councilmember Spehar agrees with Mr. Shaver's analysis regarding the exemption requests and the appeal process.

Ordinance No. 3715 – An Ordinance Adopting Regulations Concerning Facilities and Construction in City Rights-of-Way

Councilmember Spehar moved to adopt Ordinance No. 3715 with the understanding that the City will schedule and provide notification to providers, contractors and other interested groups of an annual review as a provision of this ordinance. Councilmember Kirtland seconded the motion. Motion carried by roll call vote.

Riverside Task Force Community Center Roof Project

The original grant to the State Historical Society was written for \$27,350, and the City had committed (but has not yet spent) \$15,000 as a match to that grant, for a total of \$42,350. Two responsive and responsible bids were received for the re-roof project. The lowest bid out of two received was for \$80,000, which leaves a gap of \$37,650. Staff is requesting an additional \$47,650 which includes \$10,000 for contingency.

Councilmember Palmer disclosed that he is involved with Betterment Committee (Lions Club) that provides funds from fund raising activities to the Riverside Community Project. Mr. Palmer stated that he had spoke with the City Attorney to see if there could be a conflict of interest, which Mr. Shaver said there would not be, however Councilmember Palmer asked Council if they have concerns with conflict of interest. Council stated that they did not.

Sheryl Trent, Assistant to the City Manager, reviewed this item. She stated that the City has been working closely with the Riverside Task Force and noted this is a historical building which has major exterior and interior issues that need to be corrected. Ms. Trent stated that the re-roofing was decided by the Task Force. She informed Council that there are no additional grant funds available from the Historical Society for this type of project but believes HUD will agree to consider the rest of the funding which could immediately expedite the project.

Council President Hill noted he is concerned about the public process and expediting the project immediately. Ms. Trent stated the Task Force has half of the funding to start the project and that other options could be available should something go wrong with the public process.

Councilmember Spehar asked if the construction process is allowed to start. City Manager Arnold confirmed that they are.

Councilmember Kirtland asked if the project could be divided into two processes, just in case it takes awhile to get the funds needed to complete the project. City Manager Kelly Arnold stated that the City will make the contractor aware of the funding concerns.

City Attorney John Shaver asked if the City would be willing to fund the project in the event HUD does not approve the funding.

Councilmember Spehar stated it is important that it is understood that once the contract is signed, it is an obligation to pay.

Councilmember Spehar moved to authorize the expenditure of up to \$47,650 from the 2004 Neighborhood Program CDBG Funds and authorize the City Manager to sign a contract with Kruger Roofing of Grand Junction, Colorado in the amount of \$80,000 to construct a roof on the Riverside Community Center and with the exception that if funding does not come through, General Funds could be used. Councilmember Enos-Martinez seconded the motion. Motion carried.

Councilmember Palmer commented that the decision tonight reconfirms that this will better the community by making these improvements to the building.

Councilmember Spehar noted that this is part of a much larger project in this area.

City Manager Arnold advised that the City is filing for a redevelopment project for that area.

NON-SCHEDULED CITIZENS & VISITORS

Sally Shaefer, Coordinator for the Riverside Task Force, wanted to say thank you for the Council's tremendous support and for the City's interest in this historical building. There are many individuals and organizations that are happy to see this being completed.

OTHER BUSINESS

There were none.

ADJOURNMENT

The meeting adjourned at 9:16 p.m.

Debbie Kemp, CMC
Deputy City Clerk

Attach 2

Set the Cable TV Franchise Ballot Question

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Set the Cable TV Franchise Ballot Question					
Meeting Date	February 2, 2005					
Date Prepared	January 25, 2005				File #	
Author	Stephanie Tuin			City Clerk		
Presenter Name	Stephanie Tuin John Shaver			City Clerk City Attorney		
Report results back to Council		No		Yes	When	
Citizen Presentation		Yes		No	Name	
	Workshop	X		Formal Agenda	X	Consent
						Individual Consideration

Summary: The City Charter, § 105, provides that no franchise shall be granted except upon the vote of the registered electors. On January 5, 2005 the City Council, by way of first reading of the franchise ordinance, referred the measure to the voters at the regular municipal election scheduled for April 5, 2005. The City has contracted with Mesa County to conduct the election by mail ballot. Such contract requires that the ballot be certified to the County no later than February 9, 2005.

Budget: NA

Action Requested/Recommendation: Adopt Resolution setting the ballot title.

Attachments: Proposed Resolution

Background Information: Over the past few years, the City Council has discussed developing a franchise agreement with the local cable television provider, Bresnan Communications. Council has discussed the various elements that could be contained in a franchise agreement and has reviewed the provisions found in the proposed agreement. Council directed staff to meet with Bresnan to finalize an agreement. That

meeting occurred on December 28, 2004. City Council then directed the staff to proceed with formalizing a franchise agreement with Bresnan Communications. First reading of that proposal took place on January 5, 2005, which scheduled the public hearing for March 16, 2005.

Any franchise agreement must be approved by the voters. A ballot title must be set to place the franchise question on the April 5, 2005 election ballot.

RESOLUTION NO. _____ -05

**A RESOLUTION SETTING A TITLE AND SUBMITTING TO THE ELECTORATE ON
APRIL 5, 2005 A MEASURE TO GRANT A CABLE TV FRANCHISE AGREEMENT
WITH BRESNAN COMMUNICATIONS, LLC.**

RECITALS.

The City Charter, Article XIV, Franchises and Public Utilities, §105, Franchise Granted Upon Vote, provides “No franchise relating to any street, alley or public place of the said city shall be granted except upon the vote of the registered electors...”

The City Charter, Article XVI, Direct Legislation by the People, § 137, Reference by the Council, provides “The council may, of its own motion, submit to the electoral vote for adoption or rejection at a general or special municipal election, any proposed ordinance or measure...”

The City Council, on January 5, 2005, directed staff to place the proposed ordinance concerning the granting of a cable TV franchise on the regular municipal election scheduled for April 5, 2005.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING QUESTION BE PLACED ON THE APRIL 5, 2005 BALLOT:

CITY OF GRAND JUNCTION REFERRED MEASURE A

Shall the City of Grand Junction grant a franchise to Bresnan Communications, LLC by People’s Ordinance No. 36, the title to which shall read:

An ordinance granting a franchise by the City of Grand Junction to Bresnan Communications Limited Liability Company, its successors and assigns, for the right to furnish, sell and distribute cable television services to the citizens residing within the city of Grand Junction and to all persons, businesses and industry within the city and the right to acquire, construct, install, locate, maintain, operate and extend into, within and through said city all facilities reasonably necessary to furnish cable television services and the right to make reasonable use of all streets and other public places and easements as may be necessary; and fixing the terms and conditions thereof.

FOR THE ORDINANCE

AGAINST THE ORDINANCE

Adopted this _____ day of _____, 2005.

President of the Council

ATTEST:

City Clerk

Attach 3

Notice of Election for the Regular Municipal Election

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Notice of Election for the Regular Election to be held on April 5, 2005							
Meeting Date	February 2, 2005							
Date Prepared	December 19, 2011				File #			
Author	Stephanie Tuin			City Clerk				
Presenter Name	Stephanie Tuin			City Clerk				
Report results back to Council	X	No		Yes	When			
Citizen Presentation		Yes	X	No	Name			
	Workshop	X		Formal Agenda	X	Consent		Individual Consideration

Summary: Both the Charter and the Municipal Election Code have specific publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Budget: The estimated cost for these six publications is \$1,850.

Action Requested/Recommendation: Adopt resolution.

Attachments: Resolution containing the notice

Background Information: The Charter, Section 17, requires that a notice of election be published three times within the ten days prior to the election. The Mail Ballot Election Act requires that such notice be published at least twenty days prior to the election and that the contents include the voter qualifications. The notice therefore must be published by March 16, 2005 and again March 25, 26 and 27. We have, as a matter of practice, again published the notice the Sunday before the election (April 3 this year).

I additionally propose to publish the notice on February 21, 2005 in order to give the public advance notice of the mail ballot. This is not required nor prohibited. The proposed notice contained within the resolution includes the pertinent information specific to this election.

RESOLUTION NO. -05

**A RESOLUTION SETTING FORTH THE NOTICE OF ELECTION
FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD
ON APRIL 5, 2005 IN THE CITY OF GRAND JUNCTION**

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

The Election Notice hereinafter be the Notice of the Regular Municipal Election to be held in the City on April 5, 2005 and further that the same be published in accordance with election procedures:

ELECTION NOTICE

**CITY OF GRAND JUNCTION, COLORADO
NOTICE OF REGULAR MUNICIPAL ELECTION
TO BE HELD ON TUESDAY, THE 5TH DAY OF APRIL, 2005**

PUBLIC NOTICE IS HEREBY GIVEN THAT A REGULAR MUNICIPAL ELECTION WILL BE HELD BY MAIL-IN BALLOT ON TUESDAY, THE 5TH DAY OF APRIL, 2005, IN THE CITY OF GRAND JUNCTION, COLORADO.

That said Regular Municipal Election will be held by mail-in ballot with ballots mailed to all active registered voters in said City of Grand Junction. Ballot packages will be mailed no later than March 21, 2005 and must be returned to the Mesa County Clerk no later than 7:00 p.m. on Election Day, Tuesday, April 5, 2005. Voted ballots may be mailed with proper postage affixed and received by Mesa County Clerk no later than 7:00 p.m. Election Day, or returned to the following locations, also no later than 7:00 p.m. Election Day:

City Clerk's Office
City Hall
250 N. 5th Street
Grand Junction, Co. 81501

Mesa County Elections Office
Old Courthouse
544 Rood Ave
Grand Junction, Co. 81501

Mesa County Clerk & Recorder
Motor Vehicle Registration

Mesa Mall
2424 Hwy 6 & 50, #414
Grand Junction, Co. 81505
Mesa County Clerk's Branch (Orchard Mesa)
Intermountain Veteran's Memorial Park
2775 Hwy 50
Grand Junction, Co. 81503

On April 5, 2005, the places designated will be open until the hour of 7:00 p.m. NO voting devices will be provided at any location. The election will be held and conducted as prescribed by law.

The Mesa County Elections Division at the Old Courthouse will be open for issue of ballots to "inactive voters", or the reissue of ballots to those who have spoiled, lost, moved, or for some reason did not receive a ballot, for the period 25 days prior to the election, Monday through Friday, from 8:00 a.m. to 5:00 p.m. and on Tuesday, April 5, 2005 from 7:00 a.m. to 7:00 p.m. (Election Day).

Registered voters within the city limits of Grand Junction are qualified to vote. Registration of voters for the said election has taken place in the time and manner now provided by law.

Candidates are:

DISTRICT A

Four-Year Term
(Vote for One)

Jim Doody

DISTRICT D

Four-Year Term
(Vote for One)

Bonnie J Beckstein

William E. (Bill) McCurry

DISTRICT E

Four-Year Term
(Vote for One)

Harry R. Butler

Teresa Coons

AT-LARGE

Four-Year Term
(Vote for One)

Kevin Kerr

Christopher J. Thomas

D. T. Doug Thomason

James W. Winterswolf

Question on the ballot:

CITY OF GRAND JUNCTION REFERRED MEASURE A

Shall the City of Grand Junction grant a franchise to Bresnan Communications, LLC by People's Ordinance No. 36, the title to which shall read:

An ordinance granting a franchise by the City of Grand Junction to Bresnan Communications Limited Liability Company, its successors and assigns, for the right to furnish, sell and distribute cable television services to the citizens residing within the city of Grand Junction and to all persons, businesses and industry within the city and the right to acquire, construct, install, locate, maintain, operate and extend into, within and through said city all facilities reasonably necessary to furnish cable television services and the right to make reasonable use of all streets and other public places and easements as may be necessary; and fixing the terms and conditions thereof.

FOR THE ORDINANCE

AGAINST THE ORDINANCE

BY ORDER OF THE CITY COUNCIL

Stephanie Tuin, City Clerk

PASSED and ADOPTED this ____ day of February, 2005.

President of the Council

ATTEST:

City Clerk

Attach 4

Setting a Hearing on Alcoholic Beverage Ordinance

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Alcoholic Beverage Ordinance					
Meeting Date	February 2, 2005					
Date Prepared	January 17, 2005				File #	
Author	Shelly Dackonish			Staff Attorney		
Presenter Name	John Shaver			City Attorney		
Report results back to Council	x	No		Yes	When	
Citizen Presentation		Yes	x	No	Name	
	Workshop	X	Formal Agenda	X	Consent	Individual Consideration

Summary: Amendments to Chapter 32 of the Code of Ordinances are proposed to correct scrivener's errors, to create consistency in the Code and to facilitate the continued consistent enforcement of Code provisions regarding alcoholic beverages in public areas.

Budget: N/A

Action Requested/Recommendation: Approval of ordinance to correct scrivener's errors regarding possession and consumption of alcoholic beverages in public areas, and service of alcoholic beverages in sidewalk restaurants.

Attachments: Proposed Ordinance.

Background Information: In 1994 the City Council approved Ordinance No. 2743 which amended Chapter 19, Section 29 (now codified at Chapter 32, Section 10) of the Code of Ordinances, City of Grand Junction ("Code") to allow consumption of malt and vinous beverages in the City in public ways, and in private ways used by the public, when and if such possession and consumption is authorized under a special events permit. The terms "possess" and "spirituous" were omitted from the amended Code language describing those beverages prohibited from possession or consumption within public ways and private ways used by the public.

On July 7, 2004, the City Council approved Ordinance No. 3650 which amends Chapter 32, Sections 62, 63 and 64 of the Code to allow alcohol beverage service in sidewalk restaurants. This revision is not reflected in Chapter 32, Section 10 of the code.

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART OF CHAPTER 32 OF THE CITY OF GRAND
JUNCTION CODE OF ORDINANCES RELATING TO DRINKING ALCOHOLIC
BEVERAGES IN PUBLIC WAYS

Recitals.

In 1994 the City Council approved Ordinance No. 2743 which amended Chapter 19, Section 29 (now codified at Chapter 32, Section 10) of the Code of Ordinances, City of Grand Junction (“Code”) to allow consumption of malt and vinous beverages in the City in public ways, and in private ways used by the public, when and if such possession and consumption is authorized under a special events permit.

Due to a scrivener’s error, the terms “possess” and “spirituous” were omitted from the amended Code language describing those beverages prohibited from possession or consumption within public ways and private ways used by the public.

Furthermore, on July 7, 2004, the City Council approved Ordinance No. 3650, which amends Chapter 32, Sections 62, 63 and 64 of the Code to allow alcoholic beverage service in sidewalk restaurants. This revision is not reflected in Chapter 32, Section 10 of the Code.

This amendment is designed to correct the scrivener’s error, update Chapter 32, Section 10 of the Code to create consistency with Ordinance 3650, and to facilitate the continued consistent enforcement of the Code.

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

Chapter 32, Section 10 of the Code of Ordinances, City of Grand Junction, Colorado, is hereby amended to read as follows. Deletions are shown in strikethrough; ADDITIONS ARE SHOWN IN ALL CAPS.

Sec. 32-10. Drinking of alcoholic beverages in public ways; use of glass containers in grassed areas prohibited.

(a) It shall be unlawful for any person to POSSESS OR drink ANY malt, ~~or~~ vinous, OR SPIRITUOUS LIQUORS ~~beverages~~ in the City, in or on any public street, road, highway, park or public way which is either publicly or privately owned and used by the public, unless such possession and consumption is pursuant to and in accordance with a special events permit issued in accordance with C.R.S. § 12-48-101 *et seq.* or such ~~public~~ place is a part of the premises designated under a valid license issued pursuant to state law and the consumption is otherwise lawful. ~~Consumption of spirituous liquors in or on any public~~

~~street, road, highway or public way which is either publicly or privately owned shall be unlawful.~~

(b) No person shall drink from or use glass containers on the grassed areas of any public park.

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

PASSED for first reading this _____ day of _____, 2005.

PASSED AND ADOPTED this _____ day of _____, 2005 on Second Reading.

Bruce Hill
President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 5

Update of Development Fee Schedule

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Resolution Update of Development Fee Schedule						
Meeting Date	February 2, 2005						
Date Prepared	January 27, 2005				File #		
Author	Jamie B. Kreiling			Assistant City Attorney			
Presenter Name	John Shaver			City Attorney			
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 No. __-05 updates the Development Fee Schedule. The City of Grand Junction established a Development Fee Schedule with Resolution No. 26-00. The Fee Schedule has been amended by resolution of the City Council from time to time as needed. The Zoning and Development Code requires developers to pay related costs for the review process for the developer's project as well as related costs of the development. The City's adopted policy is that growth, i.e. development, is to "pay its own way." Based on the policy, the following revisions to the Development Fee Schedule are deemed necessary.

Section 2.3.B.6.d of the Code states that notice of an application shall be provided to the public by posting a sign or signs at the property where the development is to occur when required under the Code. With the authority from the City Manager, the Community Development Director has determined that the rising costs to the City for supervising and providing the necessary information and supplies to a developer for the posting of the sign(s) warrants a fee for such services and supplies. The determination was made after considering the labor and supplies used for this portion of the development process. The reasonable fee is \$50.00 per development application that necessitates the posting of a sign or signs.

Section 6.2.A.1.h of the Code requires that "utilities shall be installed underground, prior to street or alley surfacing or construction, except when the development has less than 700 feet of frontage and/or when half street improvements are not required to be completed along the perimeter of the development as part of the project, then in the discretion of the Public Works Director a payment of cash-in-lieu of construction may be accepted." After reviewing the costs the City has incurred when installing utilities underground, the appropriate payment for the cash-in lieu of construction is proposed to be calculated based on \$25.00 per foot for each foot of utilities that would otherwise be required to be installed underground.

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

Action Requested/Recommendation: Adoption of Resolution amending the Development Fee Schedule.

Attachments: Proposed Resolution.

Background Information: See summary.

CITY OF GRAND JUNCTION

RESOLUTION NO. ____-05

A RESOLUTION AMENDING THE DEVELOPMENT FEE SCHEDULE

RECITALS:

The City of Grand Junction ("City") established a Development Fee Schedule ("Fee Schedule") with Resolution No. 26-00. The City's adopted policy is that growth, i.e. development, is to "pay its own way." It has been determined to implement this policy the Development Fee Schedule needs to be amended. The City considers revisions to the Development Fee Schedule when it becomes apparent that there are additional fees that should be applied for developments to "pay their own way." After review, it has been determined that a fee of \$50.00 is reasonable and shall be assessed for development applications that necessitate the posting of a sign or signs for public notice and that the fee for accepting cash-in-lieu of construction for installing underground utilities is reasonable to be assessed \$25.00 per foot for each foot of utilities that would otherwise be required to be installed underground.

The fees stated and described herein are found to be in an amount bearing a reasonable relationship to the cost of providing services, protecting the public and their facilities from degradation and/or exacerbation of public problems due to growth.

The City has a legitimate governmental interest in assuring that development does not cause the public problem of inadequate, unsafe and inefficient public facilities and to that end has determined that there is a reasonable, demonstrable connection between the fees, charges and dedications and the public benefit and protection of the public health safety and welfare that is had by imposing the same on new growth and development. The community, in which the growth and development is occurring, is benefited as a whole by the receipt and expenditure of such revenues.

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

The Development Fee Scheduled is hereby amended to include the following fees:

1. A \$50.00 fee shall be assessed per development application that necessitates the posting of a sign or signs for public notice.
2. The payment for the cash-in-lieu of construction shall be calculated based on \$25.00 per foot for each foot of utilities that would otherwise be required to be installed underground for the approved development.

PASSED and ADOPTED this _____ day of _____ 2005.

ATTEST:

Mayor

City Clerk

Attach 6

Setting a Hearing on Amending Chapter 38, Utilities, Concerning Industrial Pretreatment

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Ordinance Amending Chapter 38, Utilities, Concerning Industrial Pretreatment					
Meeting Date	February 2, 2005					
Date Prepared	January 27, 2005				File #	
Author	Jamie B. Kreiling			Assistant City Attorney		
Presenter Name	John Shaver			City Attorney		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop		Formal Agenda	X	Consent	Individual Consideration

Summary: The proposed Ordinance amends Article II of Chapter 38 of the City's Code of Ordinances. The Industrial Pretreatment Program is audited by the Environmental Protection Agency ("EPA") on an annual basis. The EPA has indicated that additional changes are needed to conform with its requirements. The proposed amendments mainly concern defining terms pursuant to definitions of the same or similar terms used within the United States Code and with the Code of Federal Regulations ("CFR"). Additional changes are made to clarify reference to the CFR. The changes to the definitions do not change the program's operational procedures. Other minor changes have been made for clarification purposes.

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

Action Requested/Recommendation: Adoption of Ordinance No. __-05 amending Article II of Chapter 38 of the Code.

Attachments: A copy of the amended sections of Chapter 38 with the changes tracked for review and the proposed Ordinance.

Background Information: See summary.

Sec. 38-26. Definitions.

Interference means an introduction of pollutants into the Wastewater Treatment Works (“WWTW”) from any nondomestic source regulated under section 307(b), (c), or (d) of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*, which alone or in conjunction with other discharges, both:

(a) Inhibits or disrupts WWTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the WWTW’s National Pollutant Discharge Elimination System (“NPDES”) permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (“SWDA”) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (“RCRA”), and including Colorado State regulations contained in any sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, or the requirements of any agency with jurisdiction over discharges by the WWTW into the receiving waters.

Slug means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five (in case of heavy metals, three) times the average twenty-four hour concentration or flows during normal operation and may adversely affect the wastewater facilities.

Sec. 38-29. Authority to enter premises for purposes of inspection, observation, measurement, sampling and testing.

The City Manager and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.

Sec. 38-63. Same--Definitions.

Act or theAct means the Federal Water Pollution Control Act, PL 92-500, also known as the Clean Water Act, and including amendments thereto by the Clean Water Act of 1977, PL 95-217, 33 U.S.C. section 466 *et seq.*, and as subsequently amended.

Approval Authority is is the Regional Administrator for the Environmental Protection Agency as the State of Colorado is an NPDES State without an approved State pretreatment program. If the State is approved as a State pretreatment program with an NPDES permit, then the Approval Authority will be the chief administrative officer of the water pollution control agency.

Categorical industrial user means an industrial user discharging into the City's 201 area wastewater collection, treatment and disposal system, the WWTW, which is classified as a

categorical industry and because of the nature of its discharge is governed by the national categorical pretreatment standards as specified in 40 CFR Chapter I, Subchapter N, and 40 CFR Section 403.6.

Control Authority is the WWTW.

Interference means an introduction of pollutants into the Wastewater Treatment Works (“WWTW”) from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, which alone or in conjunction with other discharges, both:

(a) Inhibits or disrupts WWTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the WWTW’s National Pollutant Discharge Elimination System (“NPDES”) permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (“SWDA”) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (“RCRA”), and including Colorado State regulations contained in any sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, or the requirements of any agency with jurisdiction over discharges by the WWTW into the receiving waters.

National pollutant discharge elimination system (“NPDES”) permit means a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342), allowing discharge of pollutants into navigable waters of the United States or waters of the State.

National pretreatment standard, pretreatment standard, or standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.

National prohibitive discharge standards or prohibitive discharge standard means any federal regulation developed under the authority of section 307(b) of the Clean Water Act, including the general pretreatment regulations (40 CFR Section 403.5).

New Source means any building, structure, facility or installation from which there is or may be a discharge of pollutants as defined in 40 CFR Section 403.3(k)(1) through (k)(3).

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the rate of their introduction into the WWTW, or the alteration of the nature of pollutant properties in wastewater to a less harmful state, prior to or in lieu of discharging or otherwise introducing such pollutants into the WWTW. The reduction or alteration can be achieved by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d).

Toxic pollutant includes, but is not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of section 307(a) of the Act or other applicable laws.

Wastewater treatment works ("WWTW") means wastewater treatment works as defined by section 212 of the Act (33 U.S.C. section 1292) which are owned by the City and County, or which are managed and operated by the City. This term includes any sewers that convey wastewater to the WWTP from within the Persigo WWTP service area. . The term includes "any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature." It further includes, "any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water run off, or industrial waste, including waste in combined storm water and sanitary sewer systems." For the purposes of sections 38-62 through 38-70, "WWTW" shall also include waterworks facilities and any sewers that convey wastewaters to the WWTW from persons or sources outside the City who are, by contract or agreement with the City or connecting sanitation districts, users of the City's and County's WWTW.

Sec. 38-65. Same--Regulations.

(e) *Requirements.* The more stringent requirements and limitations imposed on discharges by the State, federal or those found in this article or otherwise required by City rules and regulations shall apply in any case where the requirements and/or limitations may vary.

Sec. 38-70. Same--Pretreatment authority outside of the City.

(a) In order to achieve and maintain compliance with the Clean Water Act, federal pretreatment standards and requirements, state regulations, sewage grant conditions, and WWTP discharge permit requirements, the City, as manager/operator of the Persigo WWTP, must possess and demonstrate a clear legal right to require compliance with pretreatment standards and requirements by any industrial user of the WWTW located outside of the City's territorial jurisdiction. To that end all governmental sewage connectors, including sanitation districts and the County, have been requested to adopt, and have adopted, by resolution, a regulatory pretreatment program either parallel to Ordinance No. 2169 or incorporating the provisions of Ordinance No. 2169, and requiring industrial users to comply with the City's pretreatment program.

(b) The connector districts and the County shall also be requested to approve necessary revisions to existing sewer service agreements or joint agreements granting the City the right to administer and physically enforce the connector's pretreatment program on behalf of and as agent for the connector district or County. Such supplemental or indirect regulatory authority accorded to the City shall only be used where the industrial discharge permit program has proved insufficient to ensure compliance with the pretreatment program.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS AND/OR PORTIONS OF SECTIONS OF
ARTICLE II OF CHAPTER 38, UTILITIES,
OF THE
CODE OF ORDINANCES

Recitals:

The Industrial Pretreatment Program is audited by the Environmental Protection Agency (EPA) on an annual basis. The EPA has indicated that additional changes are needed to conform with its requirements. The proposed amendments mainly concern defining terms pursuant to definitions of the same or similar terms used within the United States Code and with the Code of Federal Regulations ("CFR"). Additional changes are made clarify reference to the CFR. The changes to the definitions do not change the program's operational procedures. Other changes have been made for clarification purposes.

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

Article II of Chapter 38 of the Code is amended as follows:

1. The definitions in Section 38-26 for *Interference*, *Slug*, and *Wastewater treatment works* are replaced with the following definitions for each word respectively:

Interference means an introduction of pollutants into the Wastewater Treatment Works ("WWTW") from any nondomestic source regulated under section 307(b), (c), or (d) of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq.*, which alone or in conjunction with other discharges, both:

(a) Inhibits or disrupts WWTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the WWTW's National Pollutant Discharge Elimination System ("NPDES") permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Clean Water Act, the Solid Waste Disposal Act

("SWDA") (including title II, more commonly referred to as the Resource Conservation and Recovery Act ("RCRA"), and including Colorado State regulations contained in any sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, or the requirements of any agency with jurisdiction over discharges by the WWTW into the receiving waters.

Slug means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five (in case of heavy metals, three) times the average twenty-four hour concentration or flows during normal operation and may adversely affect the wastewater facilities.

Wastewater treatment works ("WWTW") means wastewater treatment works as defined by section 212 of the Act (33 U.S.C. section 1292) which are owned by the City and County, or which are managed and operated by the City. This term includes any sewers that convey wastewater to the WWTP from within the Persigo WWTP service area. . The term includes "any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature." It further includes, "any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water run off, or industrial waste, including waste in combined storm water and sanitary sewer systems." For the purposes of sections 38-62 through 38-70, "WWTW" shall also include waterworks facilities and any sewers that convey wastewaters to the WWTW from persons or sources outside the City who are, by contract or agreement with the City or connecting sanitation districts, users of the City's and County's WWTW.

2. Section 38-29 shall now read as follows:

Sec. 38-29. Authority to enter premises for purposes of inspection, observation, measurement, sampling and testing.

The City Manager and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.

3. Section 38-63 is amended by adding the definition for *Control Authority* set forth below and the definitions for the listed respective words shall be replaced with the following definitions:

Act or *the Act* means the Federal Water Pollution Control Act, PL 92-500, also known as the Clean Water Act, and including amendments thereto by the Clean Water

Act of 1977, PL 95-217, 33 U.S.C. section 466 *et seq.*, and as subsequently amended.

Approval Authority means the Director in an NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.

Categorical industrial user means an industrial user discharging into the City's 201 area wastewater collection, treatment and disposal system, the WWTW, which is classified as a categorical industry and because of the nature of its discharge is governed by the national categorical pretreatment standards as specified in 40 CFR Chapter I, Subchapter N, and 40 CFR Section 403.6.

Control Authority is the WWTW.

Interference means an introduction of pollutants into the Wastewater Treatment Works ("WWTW") from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, which alone or in conjunction with other discharges, both:

(a) Inhibits or disrupts WWTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the WWTW's National Pollutant Discharge Elimination System ("NPDES") permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder: Section 405 of the Clean Water Act, the Solid Waste Disposal Act ("SWDA") (including title II, more commonly referred to as the Resource Conservation and Recovery Act ("RCRA"), and including Colorado State regulations contained in any sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act, or the requirements of any agency with jurisdiction over discharges by the WWTW into the receiving waters.

National pollutant discharge elimination system ("NPDES") permit means a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342), allowing discharge of pollutants into navigable waters of the United States or waters of the State.

National pretreatment standard, pretreatment standard, or standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with section 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.

National prohibitive discharge standards or prohibitive discharge standard means

any federal regulation developed under the authority of section 307(b) of the Clean Water Act, including the general pretreatment regulations (40 CFR Section 403.5).

New Source means any building, structure, facility or installation from which there is or may be a discharge of pollutants as defined in 40 CFR Section 403.3(k)(1) through (k)(3).

Pretreatment or *treatment* means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the rate of their introduction into the WWTW, or the alteration of the nature of pollutant properties in wastewater to a less harmful state, prior to or in lieu of discharging or otherwise introducing such pollutants into the WWTW. The reduction or alteration can be achieved by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d).

Toxic pollutant includes, but is not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of section 307(a) of the Act or other applicable laws.

Wastewater treatment works ("WWTW") means wastewater treatment works as defined by section 212 of the Act (33 U.S.C. section 1292) which are owned by the City and County, or which are managed and operated by the City. This term includes any sewers that convey wastewater to the WWTP from within the Persigo WWTP service area. . The term includes "any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature." It further includes, "any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water run off, or industrial waste, including waste in combined storm water and sanitary sewer systems." For the purposes of sections 38-62 through 38-70, "WWTW" shall also include waterworks facilities and any sewers that convey wastewaters to the WWTW from persons or sources outside the City who are, by contract or agreement with the City or connecting sanitation districts, users of the City's and County's WWTW.

4. Section 38-65(e) shall now read as follows:

(e) *Requirements.* The more stringent requirements and limitations imposed on discharges by the State, federal or those found in this article or otherwise required by City rules and regulations shall apply in any case where the requirements and/or limitations may vary.

5. Section 38-70(a) and Section 38-70(b) shall now read as follows:

(a) In order to achieve and maintain compliance with the Clean Water Act, federal pretreatment standards and requirements, state regulations, sewage grant

conditions, and WWTP discharge permit requirements, the City, as manager/operator of the Persigo WWTP, must possess and demonstrate a clear legal right to require compliance with pretreatment standards and requirements by any industrial user of the WWTW located outside of the City's territorial jurisdiction. To that end all governmental sewage connectors, including sanitation districts and the County, have been requested to adopt, and have adopted, by resolution, a regulatory pretreatment program either parallel to Ordinance No. 2169 or incorporating the provisions of Ordinance No. 2169, and requiring industrial users to comply with the City's pretreatment program.

(b) The connector districts and the County shall also be requested to approve necessary revisions to existing sewer service agreements or joint agreements granting the City the right to administer and physically enforce the connector's pretreatment program on behalf of and as agent for the connector district or County. Such supplemental or indirect regulatory authority accorded to the City shall only be used where the industrial discharge permit program has proved insufficient to ensure compliance with the pretreatment program.

The remainder of Article II, Chapter 38, not specifically amended herein, shall remain in full force and effect

Introduced on first reading this 2nd day of February 2005.

PASSED and ADOPTED on second reading this _____ day of February 2005.

Mayor

Attest:

City Clerk

Attach 7

Setting a Hearing on Zoning the Pinnacle Ridge Annexation, Located Northeast of Monument Road and Mariposa Drive

CITY OF GRAND JUNCTION

<i>CITY COUNCIL AGENDA</i>							
Subject	Setting a hearing to zone the Pinnacle Ridge Annexation, located northeast of Monument Road and Mariposa Drive						
Meeting Date	February 2, 2005						
Date Prepared	January 24, 2005				File #ANX-2004-236		
Author	Kathy Portner			Planning Manager			
Presenter Name	Kathy Portner			Planning Manager			
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda		X	Consent	Individual Consideration

Summary: Introduction of a proposed ordinance to zone the 45.5 acre Pinnacle Ridge annexation RSF-2 (Residential Single Family, 2 units per acre).

Budget: N/A

Action Requested/Recommendation: Introduce the proposed Pinnacle Ridge Annexation Zoning Ordinance and set a hearing for February 16, 2005.

Background Information: See attached Staff Report/Background Information

Attachments:

1. Staff report/Background information
2. General Location/Annexation Map
3. Aerial Photo
4. Future Land Use Map
5. Zoning Map
6. Contour Map
7. Applicant's General Project Report
8. Zoning Ordinance

AGENDA TOPIC: ANX-2004-236 Zone of Annexation for the Pinnacle Ridge Annexation

ACTION REQUESTED: Zone property located northeast of Monument Road and Mariposa Drive from County RSF-4 to City RSF-2 (Residential Single Family 2 du/ac)

BACKGROUND INFORMATION					
Location:		Northeast of Monument Road and Mariposa Drive			
Applicants:		Owner: Claude & Marie Barlieb; Viola Cassel Representative: Vortex Engineering; Robert Jones II			
Existing Land Use:		Vacant			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential Medium Low, 2-4 du/ac			
	South	Public			
	East	Residential Low, 1/2 - 2 ac/du			
	West	Residential Medium Low, 2-4 du/ac			
Existing Zoning:		County RSF-4			
Proposed Zoning:		RSF-2			
Surrounding Zoning:	North	PD (Planned Development, 4 du/ac)			
	South	CSR (Community Services and Recreation)			
	East	RSF-2 and County RSF-4			
	West	PD (Planned Development, 4 du/ac)			
Growth Plan Designation:		Residential Low 1/2 - 2 ac/du			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: A request to zone the Pinnacle Ridge Annexation, consisting of approximately 45.5 acres, from County RSF-4 (Residential Single Family, 4 units per acre) to City RSF-2 (Residential Single Family, 2 units per acre).

RECOMMENDATION: At their January 25, 2004 hearing, the Planning Commission recommended approval of the RSF-2 zoning. Staff recommends denial of the request for RSF-2 zoning and recommends a zoning of RSF-E (Residential Single Family, Estate, 2-5 acres/unit).

ANALYSIS:

1. Background:

The 45.5 acre Pinnacle Ridge Annexation, located northeast of Monument Road and Mariposa Drive, consists of a parcel, a portion of which contains the Energy Center Subdivision, platted in 1955. The Energy Center Subdivision was never developed and no improvements were ever provided. The City does not recognize the validity of this plat. The annexation does not include a portion of the antiquated Energy Center Subdivision owned by others, which will be enclaved by the Pinnacle Ridge Annexation.

The property is landlocked, which means there is no legal access to any adjoining Right-of-Way. The City has agreed to negotiate with the developer for access across City-owned property, known as Painted Bowl, to Mariposa Drive. Any development of the property will require a second access, which will likely be a future access point to undeveloped property to the northeast. Access to Bella Pago will not be allowed.

The property has steep terrain and a ridgeline visible from Monument Road. An "Existing Slope Analysis" done by Rhino Engineering for the property indicates approximately 21% of the property containing slopes of less than 10%; 24% of the property containing slopes of 10%-20%; 36% of the property containing slopes of 20%-30%; and 19% of the property containing slopes of greater than 30%.

2. Consistency with the Growth Plan:

The Growth Plan designates this property as Residential Low, ½ - 2 acres per unit. The requested RSF-2 zoning is at the high end of the land use designation. There are two other zone districts that can be considered, RSF-1 (Residential Single Family, 1 unit per acre) and RSF-E (Residential Single Family, Estate, 2 – 5 acres per unit). In addition, there are many goals and policies of the Growth Plan, as well as the Redlands Area Plan, that would support a lower density on this property.

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

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

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

The existing zoning of County RSF-4 is not in conformance with the Growth Plan or the Mesa County Countywide Plan designation of Residential Low, ½ to 2 acres per unit. The zone district had been in place for many years. At the time the County adopted the Countywide Plan, they did not follow up with rezoning, as the City did. With annexation, the City must apply a City zone district to the property. Under the Persigo Agreement, the City can either zone the property consistent with the existing

County zoning or zone in compliance with the Growth Plan. Therefore, the options for zoning this property are RSF-E, RSF-1, RSF-2 or RSF-4.

- 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 zoning request is in conjunction with an annexation request. Therefore, this criterion 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 other nuisances*

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 proposed RSF-2 zoning is compatible with the zoning of the property to the east; however, a density of 2 units per acre might be difficult to achieve given the limited access to the site, steep terrain and ridgeline issues.

- 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 density is consistent with the Future Land Use designation of Residential Low, ½ to 2 acres per unit; however, the following goals and policies of the Growth Plan and Redlands Area Plan must also be considered:

Policy 20.7: The City and County will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Bookcliffs, Grand Mesa and Colorado National Monument.

Policy 20.9: The City and County will encourage dedications of conservation easements on land along the hillsides, habitat corridors, drainageways and waterways surrounding the City.

Policy 20.10: The City and County will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, the City may require landscape improvements to reduce the visual impact of such work.

Goal 21: To minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.

Policy 21.2: The City and County will prohibit development in or near natural hazard areas, unless measures are undertaken to mitigate the risk of injury to persons and the loss of property. Development in floodplains and/or drainage areas, steep slope areas, geological fault areas, and other dangerous or undesirable building areas will be controlled through the development regulations.

Policy 21.3: The City and County will encourage the preservation of natural hazard areas for use as habitat and open space areas.

Redlands Plan Goal: Protect the foreground, middleground, and background visual/aesthetic character of the Redlands Planning Area.

Redlands Plan Goal: Minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.

Redlands Plan Policy: Development on prominent ridgelines along the major corridors of Highway 340, South Broadway, South Camp Road and Monument Road shall be minimized to maintain the unobstructed view of the skyline.

Redlands Plan Policy: Development along Monument Road, as an access to the Tabeguache trailhead and gateway to the Colorado National Monument, and along Highway 340, as the west entrance into the Monument, shall be sufficiently setback from the corridors to maintain the open vistas of the Monument.

Redlands Plan Policy: Development in or near natural hazard areas shall be prohibited unless measures are taken to mitigate the risk of injury to persons and the loss of property.

Redlands Plan Policy: The City and County will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, mitigations shall be required to reduce the visual impact of the work.

Development of this property at the high end of the land use designation density would be contrary to the above goals and policies.

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 or can be reasonably extended to address the impacts of development consistent with any of the zone districts within the Residential Low land use category.

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

The zoning request is in conjunction with an annexation request. Therefore, this criterion is not applicable.

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

The zoning request is in conjunction with an annexation request. Therefore, this criterion is not applicable.

FINDINGS OF FACT/CONCLUSIONS:

In accordance with the Persigo Agreement, the City can consider applying a zone district consistent with current County zoning or in compliance with the Growth Plan. The existing County zoning of RSF-4 is clearly not appropriate for this site. The zone districts that can be considered within the Future Land Use designation of Residential Low are RSF-E, RSF-1 and RSF-2. The applicant has requested RSF-2, which is at the high end of the designation.

Staff found that the RSF-2 zoning does not “conform with and further the goals and policies of the Growth Plan” or the Redlands Area Plan. Given the site’s location, steep terrain and ridgeline issues, staff recommended zoning at the low end of the land use designation, RSF-E (Residential Single Family, Estate, 2-5 acres per unit).

The applicant has not provided convincing evidence that the RSF-2 zoning is appropriate, or that it can be achieved, given the ridgeline and steep slope regulations of the City. In addition, staff does not have sufficient information to support the RSF-1 zoning. The density range of the Growth Plan is to allow for variation in zoning depending on the specific constraints or attributes of a property. Staff found that the constraints of this property warrant a zone district at the low end of the land use category. The detailed planning and engineering that is necessary to show that a higher density can be achieved is best suited to a Planned Development review.

After reviewing the Pinnacle Ridge Annexation zoning application, ANX-2004-236, for a zone of annexation, staff recommended that the property be zoned RSF-E with the following findings of fact and conclusions:

1. The RSF-E zone district is consistent with the Growth Plan
2. The review criteria in Section 2.5.A of the Zoning and Development Code have all been met when the RSF-E zone district is applied.

PLANNING COMMISSION RECOMMENDATION:

At the January 25, 2005 hearing, Planning Commission recommended the RSF-2 zone district (5-2), with the findings that the RSF-2 is consistent with the Growth Plan and rezone criteria. The Planning Commission felt that the steep slopes, geologic hazards and ridgeline issues could be adequately addressed by applying the Zoning and

Development Code provisions at the time of development. A copy of the Planning Commission minutes will be provided in the packet for second reading of the ordinance.

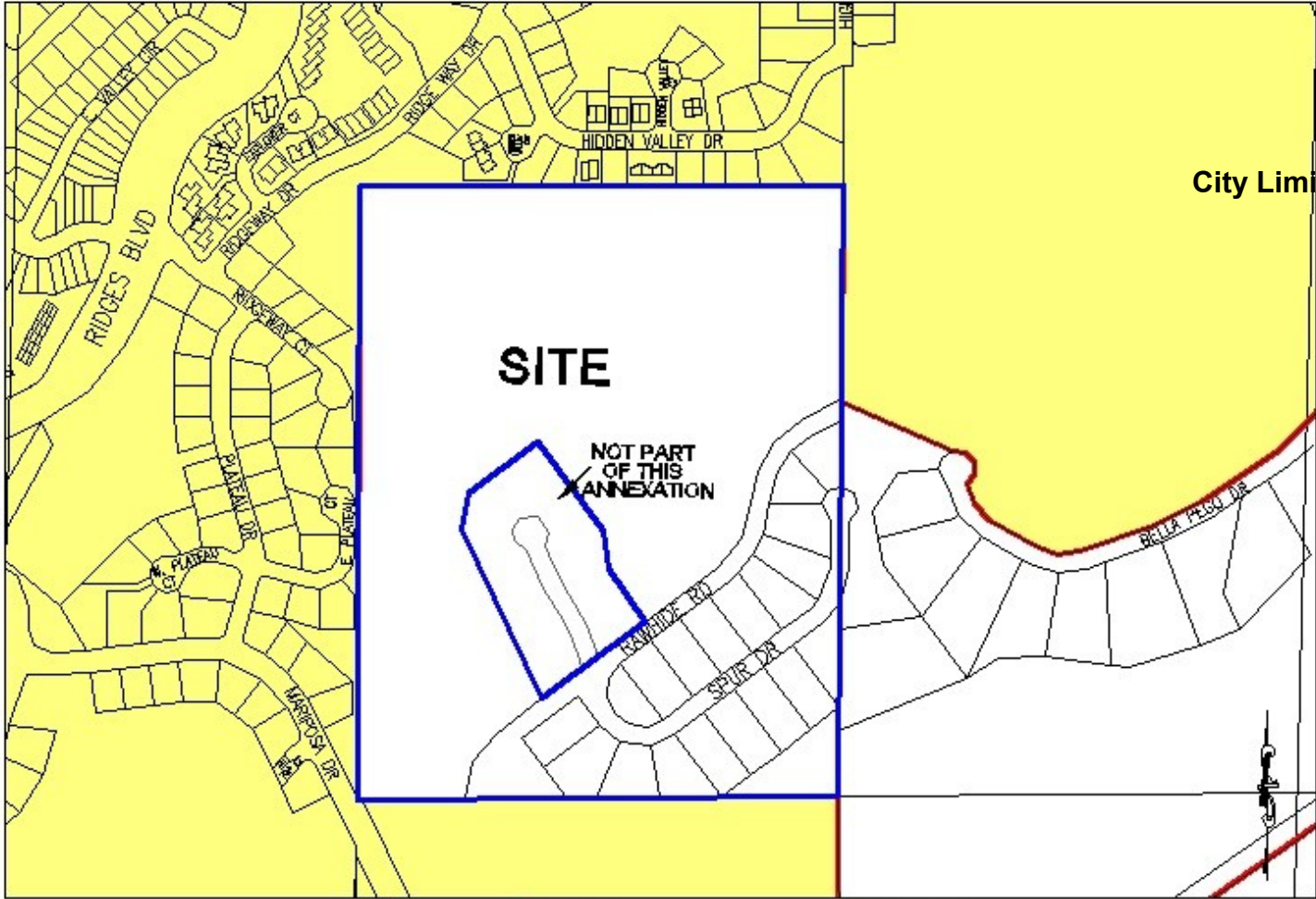
Attachments:

General Location/Annexation Map
Aerial Photo
Future Land Use Map
Zoning Map
Contour Map
Applicant's General Project Report
Zoning Ordinance

Site Location/Annexation Map

Figure 1

Pinnacle Ridge Annexation
Figure 5



City Limits

City Limits — Annexation Boundary

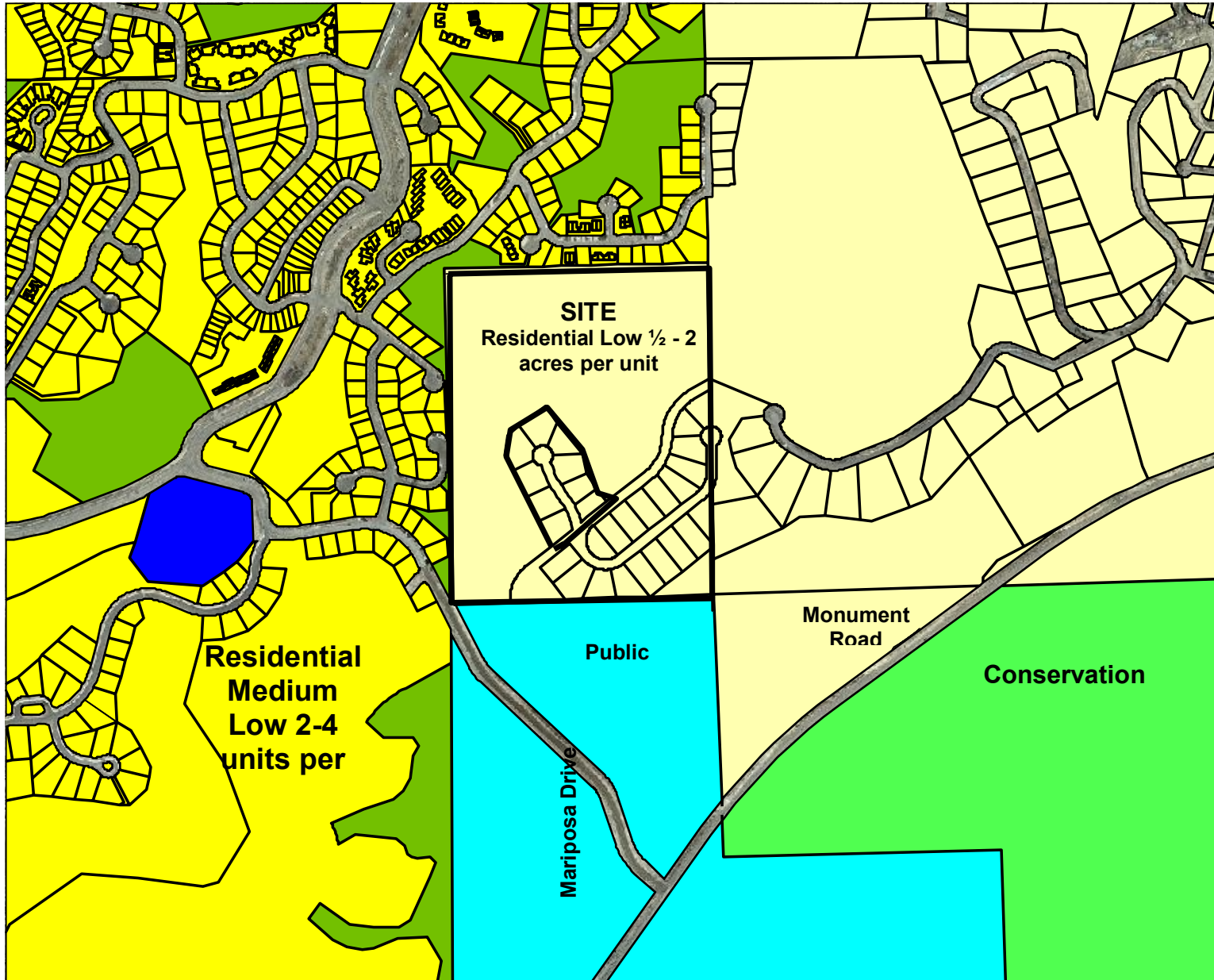
Aerial Photo Map

Figure 2



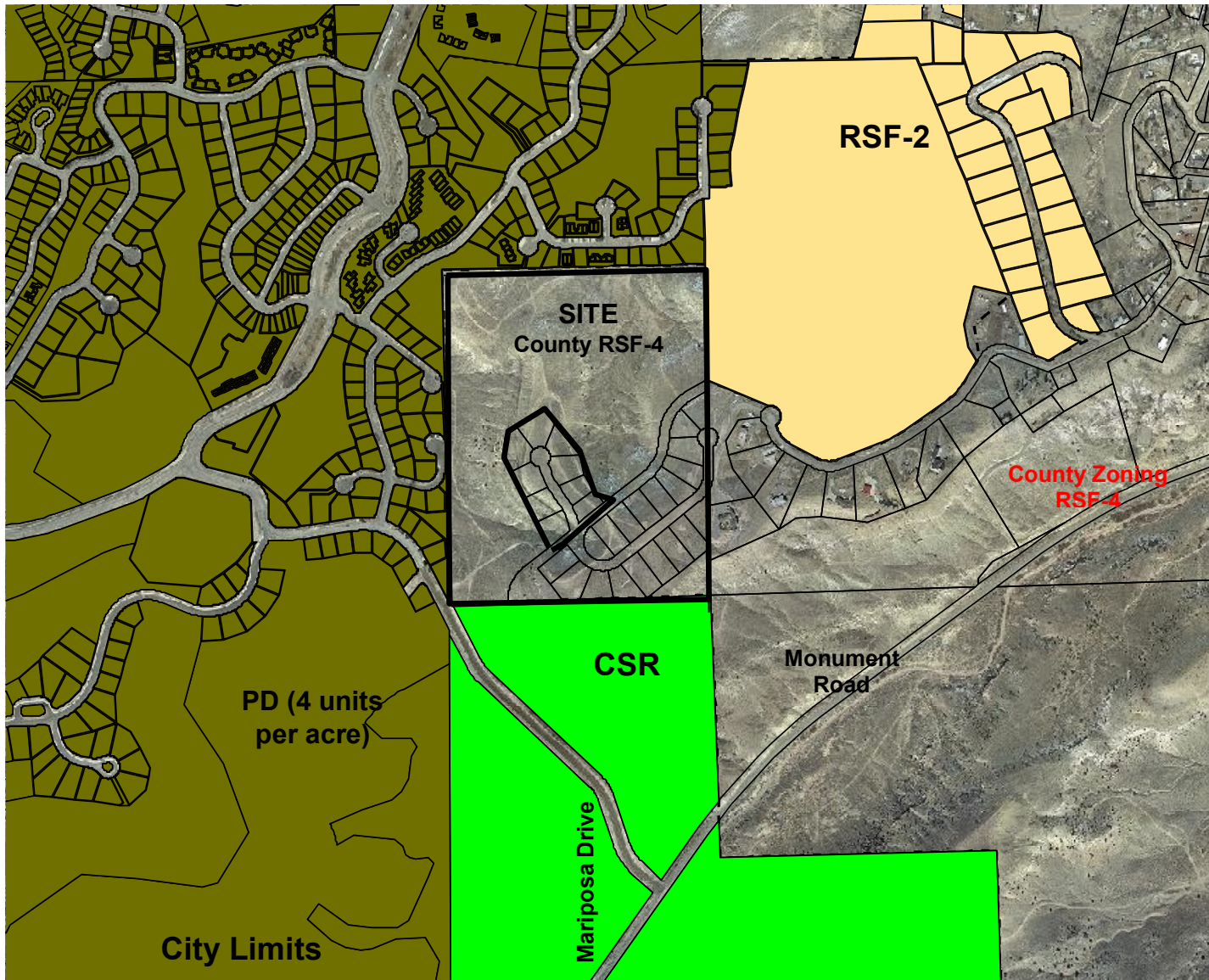
Future Land Use Map

Figure 3



Existing City and County Zoning

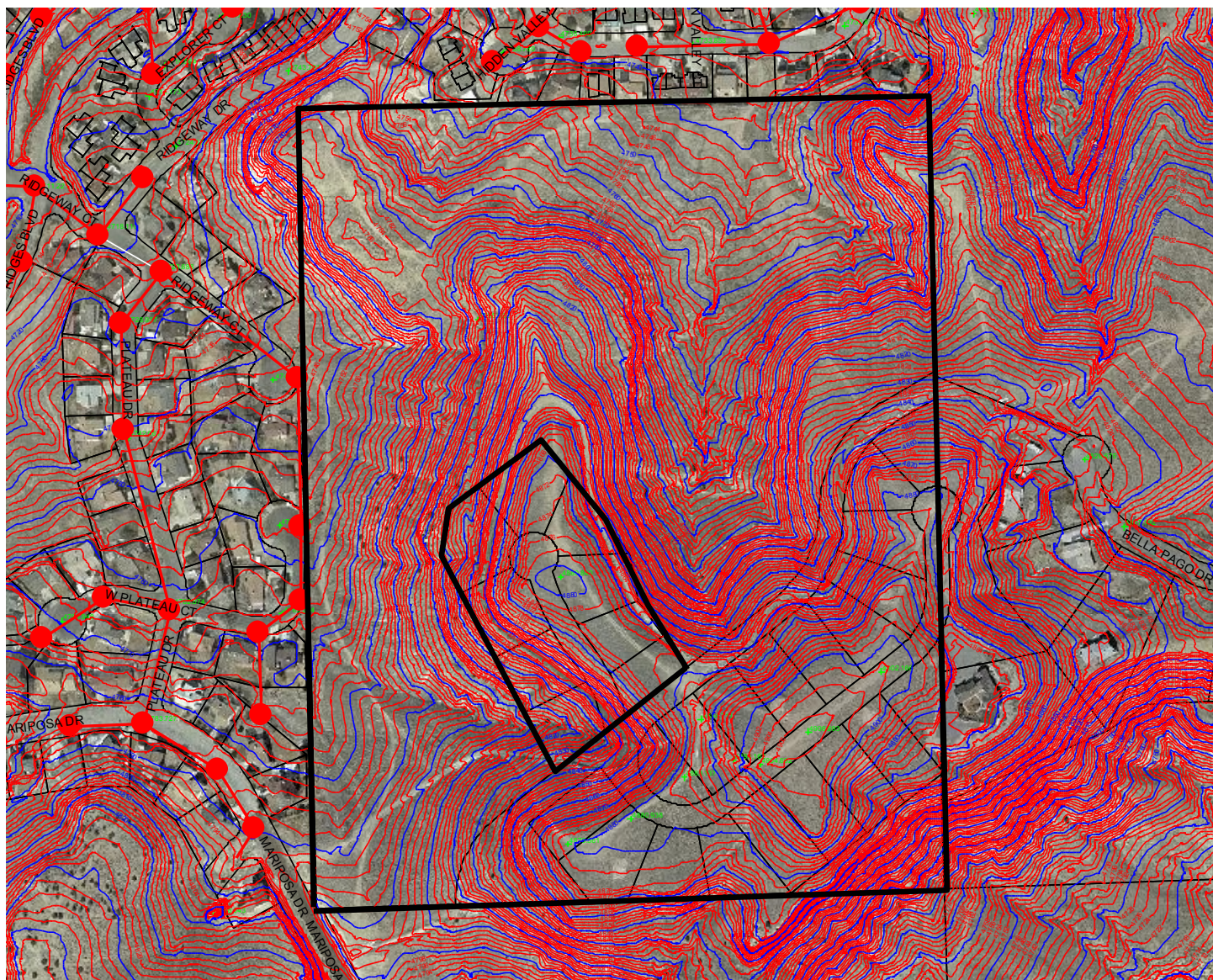
Figure 4



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."

PINNACLE RIDGE ANNEXATION CONTOUR MAP

Figure 5





Vortex Engineering, Inc.

255 Vista Valley Drive
Fruita, CO 81521

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Email: rjones@vortexeng.com

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General Project Report For Pinnacle Ridge Subdivision

Date: September 28, 2004

Prepared by: Robert W. Jones II, P.E.
Vortex Engineering, Inc.
255 Vista Valley Drive
Fruita, CO 81521
970-260-9082
VEI # F04-006

Type of Design: New Residential Subdivision

Owner: Two R & D, LLC
1880 K Rd.
Fruita, CO 81521

Property address: T.B.D.

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Exhibit 'A' – 11X17 Site Vicinity Map

1.0 Introduction/Site History

A. Property Location

The site is located along the north-east side of Mariposa Drive approximately ¼ mile north-west of the intersection of Monument Road in the Ridges/Redlands area of Grand Junction, Colorado. The subject site lies north and west of the intersection of Monument Road and Mariposa Drive. The site is located near various mixed residential uses.

The Ridges Subdivision bound the site to the north and west, vacant ground to the east and south. The property is currently undeveloped and is not used for any specific purpose. This property was originally platted in 1955 and was never developed in accordance with the plat. Given this fact, the City of Grand Junction has requested a complete re-plat and annexation of the property. Please reference Exhibit 'A'—Vicinity Map within this report for further information.

By legal description, the property is described as a parcel of land situated in the W ½ NW ¼ of Section 21, Township 1 South, Range 1 West of the Ute Meridian, Mesa County, Colorado, being described as follows:

The south 10 acres of the NW ¼ NW ¼ and the SW ¼ NW ¼ of said Section 21.

EXCEPTING THEREFROM: Lots 1-9, Block 3 and the adjoining dedicated right-of-way know as Spur Drive and Lot 2, Block 2, Energy Center Subdivision, Phase I as platted and recorded in Plat Book 8 at Page 55 with a Reception Number 644620 of the Mesa County records. The property is approximately 50.0 acres in size.

B. Description of Property and Project

Two R & D, LLC is proposing to develop a residential subdivision with approximately 90 homes. The property is approximately 50.0 acres in size, and is currently located in Mesa County. Two R & D, LLC is proposing to annex the property into the City of Grand Junction, Colorado. The site is currently vacant and has areas of steep terrain. The property is presently zoned RSF-4 and is not zoned in alignment with the current City Master Plan for this area.

The Site Plan for the Pinnacle Ridge development includes approximately 90 homes to be constructed in three phases. One (1) upper lot phase, and two (2) lower lot phases. The first phase of this development includes 18 upper lots owned by the developer, and 10 lots, which are not part of this Site Plan application and will not be developed in conjunction with this subdivision, owned by others. Access for this development is proposed via a full movement access point onto Mariposa Drive with future access being established through the planned development to the northeast.

Stormwater Management on site will be provided in the form of various Detention Basins. Both linear detention basins in series and stand-alone detention basins will be provided. Several outfall points will be utilized at the north and western boundaries of the site.

A water main is planned to be constructed and will connect to the main in Mariposa Drive. A Sewer Main is planned to be constructed and will connect to the main in the Ridges to the west.

The subject site has significant topography, with elevations peaking at 4904, descending to 4746. Two natural plateaus exists on site and dominates much of the southern corner of the property. These elevations are approximate and are the result of a review of the Topographic survey for this site.

A detailed Geotechnical Investigation Report was prepared by Geotechnical Engineering Group and will be submitted for review with the Preliminary Plan of Subdivision application.

C. Purpose of General Project Report

The 50.0 acre parcel is planned to be developed as a residential subdivision with various phases of construction. The purpose of this General Project Report is to provide a general review and discussion of the Site, Zoning, and Planning of the subject site for Staff to properly determine the compatibility of the proposed Annexation and Rezone request in relation to the surrounding uses and classifications.

2.0 Existing Drainage Conditions

A. Major Basin Characteristics

This property is located south and west of the Colorado River. The watershed in this region generally slopes from the south to the north, ultimately draining to the Colorado River.

B. Site Characteristics

The lowest elevations on this site occur near the northwest and southwest corners of the property. Elevations vary from 4904 to 4746 feet. The existing drainage patterns of the property include a combination of sheet flow, shallow concentrated flow, and channel flow. No stormwater management exists on site at present.

This site currently accepts off-site drainage from the north-eastern property. Most of these off-site areas are undeveloped vacant ground in composition. Drainage is generally from the south to the north, although the site has two natural plateaus, which drains storm water off in all directions.

3.0 Proposed Drainage Conditions

A. Design Criteria & Approach

As expected in most developments, conversion and development of this property from bare ground to a residential subdivision will increase the storm water runoff, both in peak rates and volumes. However, with planned on site detention, runoff rates leaving the property will not be increased above the existing rates.

It is anticipated that on-site detention of the storm water runoff in the form of above ground basins will be utilized to attenuate the post development runoff rates to pre-development levels. Generally, the 2-yr and 100-yr storm events must be managed.

4.0 Current Use & Zoning Review

- a) Current Zoning: RSF-4 (Residential-Single-Family District)
- b) Current Zoning Description: The RSF-4, Residential-Single-Family district is primarily intended to accommodate medium density, single-family residential development, and to provide land use protection for areas that develop in such a manner. The RSF-4 district is intended to be applied in the Joint Urban Planning Area's Urban Growth Boundary. It corresponds to and implements the Mesa Countywide Land Use Plan's "Urban Residential/Medium Density" classification.
- c) Current Jurisdiction: Mesa County
- d) Existing Use: Vacant parcel-undeveloped

- e) Proposed Use: Residential Subdivision
- f) Is the property located within the 201 Persigio Agreement Area? YES

5.0 Future Use & Rezone Application Review

The Future Land Use Plan of the Mesa Countywide Land Use Plan is designated to provide guidance for the 15 year period from 1996 to 2010. The goals, policies, and action items are intended to provide guidance, priorities, and implementation strategies needed to accomplish the principles and features of the Future Land Use Plan (Map). The Future Master Planned Zoning for this property is RL (Residential Low District); however, the property is surrounded by Residential/ Medium Low Density Future Land Use Classification (2-4 DU/acre) to the north & west.

The applicant is requesting an Annexation and Rezone for this property. The requested zoning of the property is RSF-2. This zoning is in direct alignment with the Future Land Use Plan as indicated above. This zoning is also justified due to the partial surrounding of the property with a higher land master plan zoning classification of Residential/Medium Low Density.

A review of the Approval Criteria for the Rezoning follows (The discussion and answers which addresses each of the criteria is in red):

1.) *The existing zoning was in error at the time of adoption;* This property is presently located in Mesa County and therefore did not correlate to the City zoning.

2.) *There has been a change in character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc. and such changes were not anticipated and are not consistent with the plan;* There has certainly been a change in the character of this neighborhood in the continuing increase of residential development due to the present growth trend. This is evident by the increasing demand for housing in the Redlands area of Grand Junction and the many new subdivisions completed or under construction. The closest and largest new subdivision, which has impacted this development, is the Redlands Mesa development. The installation of Mariposa Drive and the subsequent public facilities has further opened this area up for development.

3.) *The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, stormwater or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances;* The subject site is surrounded by Residential/ Medium Low Density Future Land Use Classification (2-4 DU/acre) to the north & west. To the south is City owned property with a Future Land Use Classification of CSR, to the east is Residential Low Density Future Land Use Classification (RL). Any adverse impacts, which may be associated with the development of this property, will be mitigated to the guidelines established by the City of Grand Junction. Adequate public facilities exist for the development of this property and the appropriate water systems reports will be submitted to the City for review.

Storm water and drainage for this property will actually be improved over the existing conditions due to the unmanaged state of the drainage presently on site.

4.) *The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and policies, the requirements of this Code, and other City regulations and guidelines;* The proposed zoning of the property is RSF-2, which is in direct alignment with the Future Land Use Classification of this property. Furthermore, RSF-2 zoning will make a nice transition zone from the higher density development to the north and west. The subject site is surrounded by Residential/ Medium Low Density Future Land Use Classification (2-4 DU/acre) to the north & west. To the south is City owned property with a Future Land Use Classification of CSR, to the east is Residential Low Density Future Land Use Classification (RL).

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 or will

be made available concurrent with the projected impacts of the proposed development. Please reference Section 6 of this report for further information.

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 is one of the last available pieces for development in this area. To the applicant's knowledge, no other reasonable site is available.

7.) *The community or neighborhood will benefit from the proposed zone;* This project will offer many amenities that are currently not available, such as improved trails and open space areas. Additionally, this development should serve an important community service in this area by providing much needed housing. The current availability of suitable building sites in the Ridges/Redlands area is poor. This subdivision should prove to uplift the existing subdivision and neighborhood in aesthetics and value by providing higher comparable homes and greater community amenities.

6.0 Utilities/Public Facilities

A. Electric

The provider for electric service in this area is Xcel Energy. It is estimated that there is adequate capacity to service the proposed subdivision with electric power.

B. Water

The provider for water service in this area is Ute Water Company. A 10" water main is located in Mariposa Drive. The applicant is proposing to connect to this main to supply this development with water service. Fire Flow tests completed by Ute Water, indicate that adequate pressure and supply exists to service this development.

C. Sewer

The provider for sewer service in this area is the City of Grand Junction/Persigio. It is not presently anticipated that an off-site sewer main extension will be required with the development of this property. An 8" sewer line is located in Plateau Ct. and north of the development. It is estimated that there is adequate capacity to service the proposed subdivision with sewer service.

D. Natural Gas

The provider for gas service in this area is Xcel Energy. It is anticipated that this main will have the capacity to service the proposed subdivision.

E. Telephone

The provider for telephone service in this area is U.S. West. It is estimated that there is adequate capacity to service the proposed subdivision with telephone services.

F. Cable Television

The provider for cable service in this area is Bresnan. It is estimated that there is adequate capacity to service the proposed subdivision with cable services.

G. Irrigation

The provider for irrigation service in this area is the Ridges Irrigation District and the Redlands Water and Power Company.

H. Fire Protection

The provider for Fire Protection service in this area is the Grand Junction Rural Fire District.

I. Police Protection

The provider for Police Protection service in this area is the City of Grand Junction Police Department & the Mesa County Sheriff's Department.

J. School District

The provider for public education in this area is Mesa County School District 51. It is not anticipated at this time that a mere 90 homes will have a significant impact on the existing facilities in terms of capacity. Furthermore, the school impact fees generated from this development should off-set any additional expenses incurred by the School District.

K. Parks/Trails

Presently no neighborhood parks or trails exist in this area of the Ridges. The developer of this subdivision has planned for ample open space and a system of improved trails to be constructed in conjunction with the development. These community amenities are a major improvement for this area of the Ridges.

7.0 Transportation

Currently the site is planned to be accessed from Mariposa Drive. Mariposa Drive is soon to be finished as a 2-lane, no median, paved, City owned and maintained roadway.

Approximately 90 homes are planned for this development. An increase in the traffic of approximately 861 Vehicle Trips per day (VTPD) will occur at the ultimate build-out of this subdivision. The main entrance into the planned subdivision would be from Mariposa Drive. It is not anticipated that this will create congestion or a major decrease in the level of service for Mariposa Drive. The planned subdivision will have a full Transportation Impact Analysis completed and submitted to the City of Grand Junction for review.

8.0 Public Benefit & Development Schedule/Phasing

This development appears to be an excellent opportunity and should serve an important community service in this area by providing much needed housing. The current availability of suitable building sites in the Ridges/Redlands area is poor. This subdivision should prove to uplift the existing subdivision to the north in aesthetics and value by providing higher comparable homes and a greater community amenities.

This development is planned to be completed in three (3) phases. The first phase of the subdivision will be completed upon final approval from the City of Grand Junction and re-platting of the property.

9.0 Limitations/Restrictions

This report is a site-specific investigation and is applicable only for the client for whom our work was performed. Use of this report under other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering Incorporated and is to be taken in its entirety. Excerpts from this report may be taken out of context and may not convey the true intent of the report. It is the owner's and

owner's agents responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within 5 days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineer should be contacted to develop any required report modifications. Vortex Engineering, Inc. is not responsible and accepts no liability for any variation of assumed information.

Vortex Engineering, Inc. represents this report has been prepared within the limits prescribed by the owner and in accordance with the current accepted practice of the civil engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or in any of our contracts.

10.0 References

The following manuals and computer web sites were used for this General Project report:

- Storm water Management Manual, City of Grand Junction and Mesa County, May 1996.
- Zoning Ordinance Manual, City of Grand Junction, January 20, 2002.
- Mesa County Land Development Manual, Mesa County, May, 2000.
- T.E.D.S. Manual, City of Grand Junction, July 2003.
- City of Grand Junction GIS Master Web Site and the Mesa County Web Site.
- Growth Plan Manual, City of Grand Junction, October 2, 1992.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE No. _____

An Ordinance Zoning the Pinnacle Ridge Annexation to Residential Single Family, 2 units per acre (RSF-2),
Located Northeast of Monument Road and Mariposa Drive

Recitals:

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Pinnacle Ridge Annexation to the RSF-2 zone district.

After public notice and public hearing, the Grand Junction City Council finds that the RSF-2 zone district meets the recommended land use category as shown on the Future Land Use map and the Growth Plan's goals and policies, and meets the criteria found in Section 2.5 of the Zoning and Development Code.

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

The following property is zoned RSF-2, Residential Single Family, with a density not to exceed 2 units per acre:

**PERIMETER BOUNDARY LEGAL DESCRIPTION
PINNACLE RIDGE ANNEXATION**

A certain parcel of land lying in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) and the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 21, Township 1 South, Range 1 West of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of the SW 1/4 NW 1/4 of said Section 21, LESS HOWEVER, Block Three and all of Spur Drive lying within said Block Three lying North of the North right of way for Rawhide Drive, as shown on Energy Center Subdivision, Phase 1, as same is recorded in Plat Book 8, Page 55, Public Records of Mesa County, Colorado, TOGETHER WITH, all of the NW 1/4 NW 1/4 of said Section 21 lying South of and adjacent to, the South line of The Ridges Filing No. Three, as same is recorded in Plat Book 12, Page 373, Public Records of Mesa County, Colorado.

CONTAINS 45.4667 Acres (1,980,529.8 Sq. Ft.), more or less, as described

Introduced on first reading this 2nd day of February, 2005.

PASSED and ADOPTED on second reading this _____ day of February, 2005.

Mayor

ATTEST:

City Clerk

Attach 8

Setting a Hearing for the Catlin Annexation Located at 2830 C 1/2 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a hearing for the Catlin Annexation located at 2830 C 1/2 Road						
Meeting Date	February 02, 2005						
Date Prepared	January 24, 2005				File #ANX-2004-308		
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 10.14 acre Catlin Annexation consists of one parcel of land.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Catlin Annexation petition and introduce the proposed Catlin Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for March 16, 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:		2830 C 1/2 Road	
Applicants:		Owner: Rick & Peggy Catlin Representative: Crane Associates	
Existing Land Use:		Residential	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential / Agricultural	
	South	Residential / Agricultural	
	East	Residential	
	West	Residential	
Existing Zoning:		County RSF-4	
Proposed Zoning:		City RMF-8	
Surrounding Zoning:	North	City RMF-8	
	South	County RSF-4	
	East	County RSF-R	
	West	County RSF-R	
Growth Plan Designation:		Residential Medium 4-8 du/ac	
Zoning within density range?		X	Yes
			No

Staff Analysis:

ANNEXATION:

This annexation area consists of 10.14 acres of land and is comprised of one parcel. The property owners have requested annexation into the City as the result of a request to develop in the County. Under the 1998 Persigo Agreement all new residential 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 Catlin Annexation is eligible to be annexed because of compliance with the following:

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

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

The following annexation and zoning schedule is being proposed.

<u>ANNEXATION SCHEDULE</u>	
February 02, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
February 22, 2005	Planning Commission considers Zone of Annexation
March 02, 2005	Introduction Of A Proposed Ordinance on Zoning by City Council
March 16, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
April 17, 2005	Effective date of Annexation and Zoning

CATLIN ANNEXATION SUMMARY

File Number:		ANX-2004-308
Location:		2830 C 1/2 Road
Tax ID Number:		2943-192-00-260
Parcels:		1
Estimated Population:		2
# of Parcels (owner occupied):		1
# of Dwelling Units:		1
Acres land annexed:		10.14 Acres
Developable Acres Remaining:		10.14 Acres
Right-of-way in Annexation:		0
Previous County Zoning:		RSF-4
Proposed City Zoning:		RMF-8
Current Land Use:		Residential / Agricultural
Future Land Use:		Residential
Values:	Assessed:	\$32,040
	Actual:	\$326,510
Address Ranges:		2830 C 1/2 Road
Special Districts:	Water:	Ute Water
	Sewer:	Central Grand Valley
	Fire:	Grand Junction Rural
	Irrigation/ Drainage:	Grand Junction Drainage Grand Valley Irrigation
	School:	District 51
	Pest:	N/A

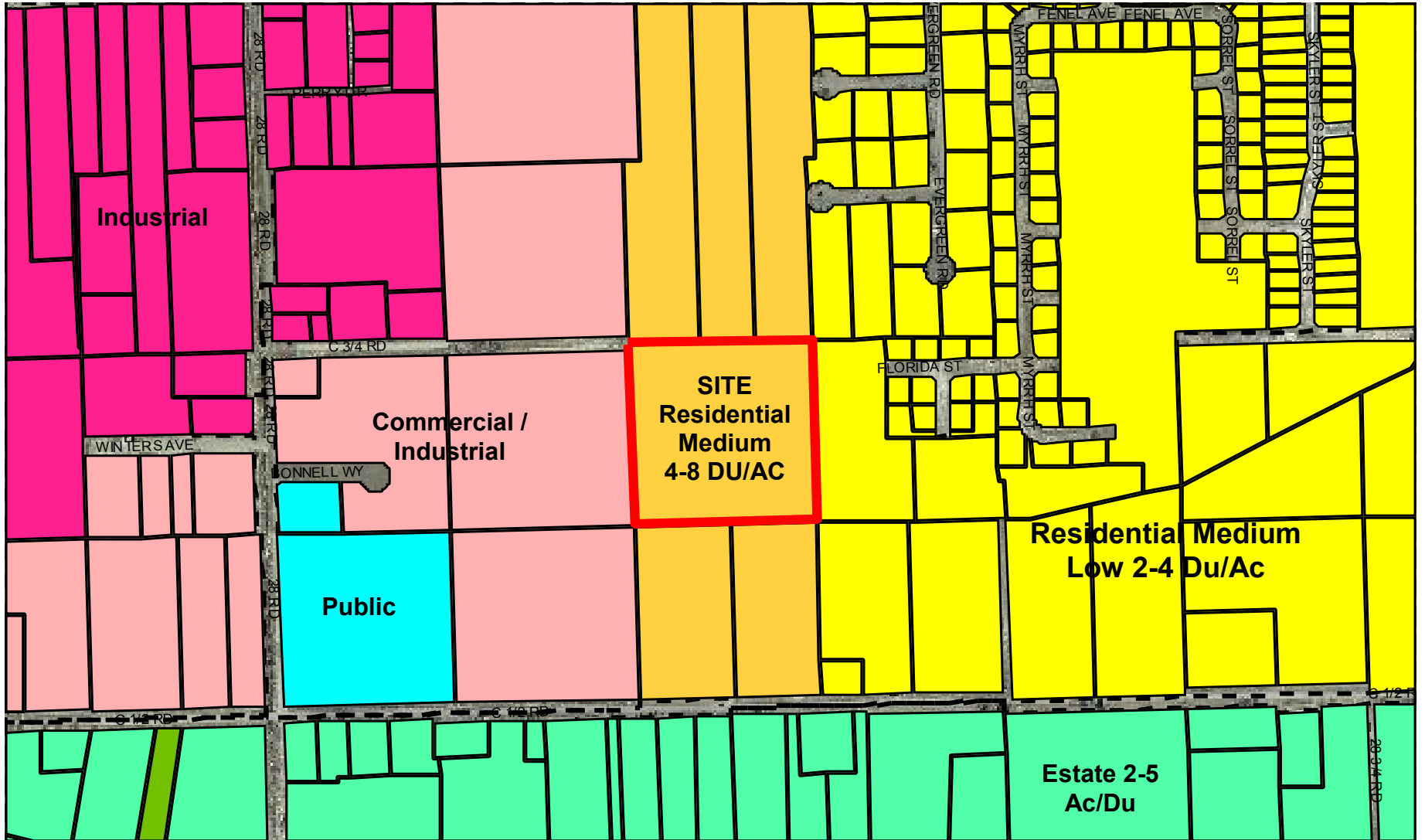
Site & Aerial Photo Map

Figure 1



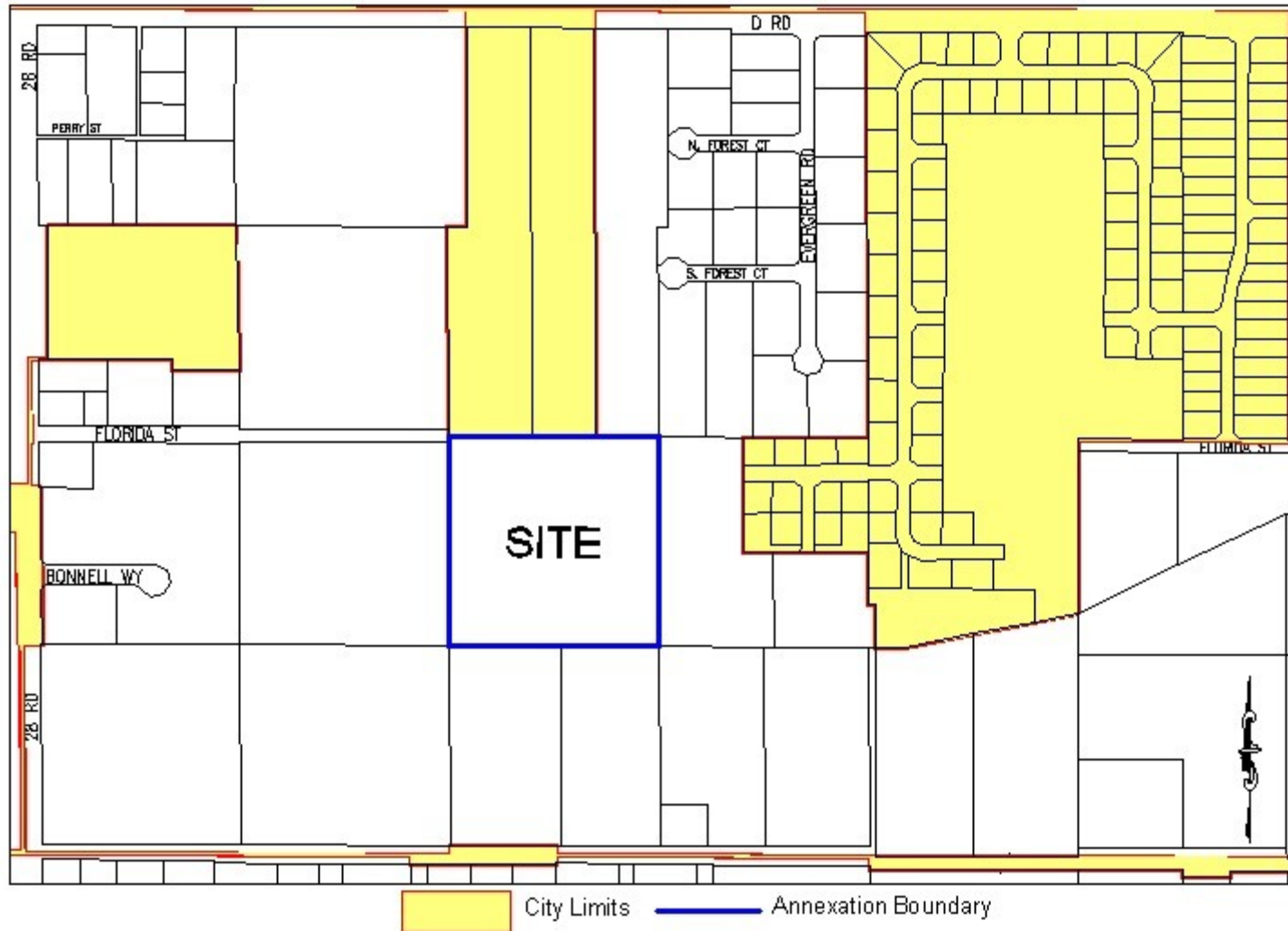
Future Land Use Map

Figure 2



Catlin 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 2nd day of February, 2005, 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**

CATLIN ANNEXATION

LOCATED AT 2830 C 1/2 ROAD

WHEREAS, on the 2nd day of February, 2005, 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:

A certain parcel of land lying in Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

The Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW 1/4 SE 1/4 NW 1/4) of Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian.

CONTAINING 10.1399 Acres (441,693.89 Sq. Ft.), more or less, as described.

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

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

1. That a hearing will be held on the 16th day of March, 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 _____, 2005.

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>
February 04, 2005
February 11, 2005
February 18, 2005
February 25, 2005

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

CATLIN ANNEXATION

APPROXIMATELY 10.14 ACRES

LOCATED AT 2830 C 1/2 ROAD

WHEREAS, on the 2nd day of February, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of March, 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 Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

The Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW 1/4 SE 1/4 NW 1/4) of Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian.

CONTAINING 10.1399 Acres (441,693.89 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 2nd day of February, 2005 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 9

Setting a Hearing for the Hawk's Nest Annexation Located at 157 30 Road

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Setting a hearing for the Hawk's Nest Annexation located at 157 30 Road						
Meeting Date	February 02, 2005						
Date Prepared	January 24, 2005				File #ANX-2004-298		
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 proposed ordinances. The 33.22 acre Hawk's Nest Annexation is a five part serial annexation which consists of two parcels of land and portions of the B Road and 30 Road rights-of-way.

Budget: N/A

Action Requested/Recommendation: Approval of the Resolution of Referral, accepting the Hawk's Nest Annexation petition and introduce the proposed Hawk's Nest Annexation Ordinance, exercise land use jurisdiction immediately and set a hearing for March 16 , 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:		157 30 Road	
Applicants:		Owner: Parkerson Brothers, LLC - Alan Parkerson Developer: 30 Road, LLC - Alan Parkerson Representative: O'Connor Design Group, Inc - Pat O'Connor	
Existing Land Use:		Residential / Agricultural	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential	
	South	Residential / Cowboy Corral Kia	
	East	Agricultural	
	West	Residential / Mesa View Elementary School	
Existing Zoning:		County RSF-R	
Proposed Zoning:		RSF-4	
Surrounding Zoning:	North	County RSF-R & City PD (Chipeta Pines)	
	South	County RSF-R	
	East	County AFT	
	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 Hawk's Nest annexation area consists of 33.22 acres of land and is comprised of two parcels of land and portions of B Road & 30 Road rights-of-way. The property owners have requested annexation into the City as the result of a request to develop in the County. Under the 1998 Persigo Agreement all new residential 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 Hawk's Nest 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.

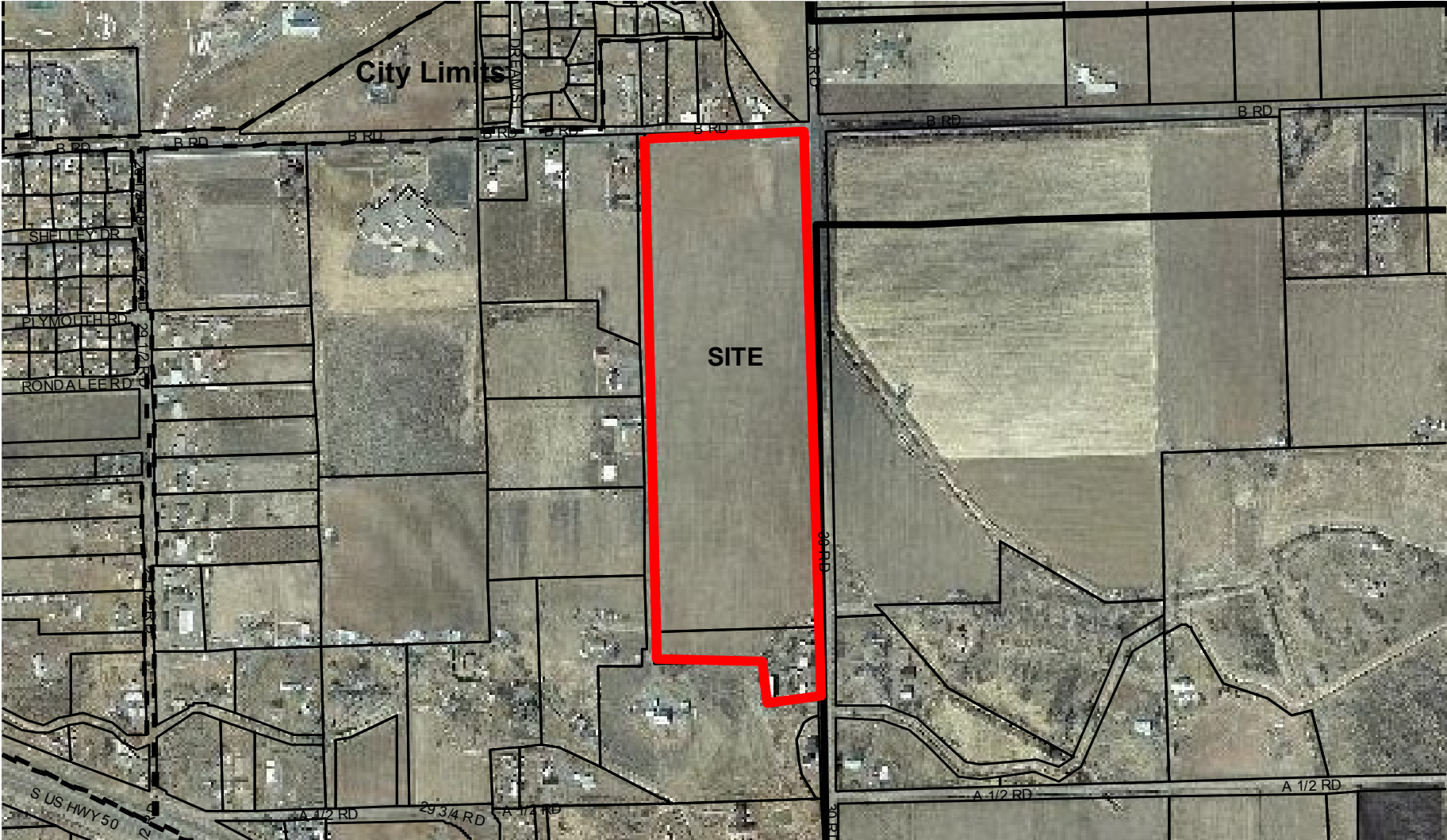
<i>ANNEXATION SCHEDULE</i>	
February 02, 2005	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
February 22, 2005	Planning Commission considers Zone of Annexation
March 02, 2005	Introduction Of A Proposed Ordinance on Zoning by City Council
March 16, 2005	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council
April 17, 2005	Effective date of Annexation and Zoning

HAWK'S NEST ANNEXATION SUMMARY

File Number:		ANX-2004-298
Location:		157 30 Road
Tax ID Number:		2943-321-00-154 & 162
Parcels:		2
Estimated Population:		2
# of Parcels (owner occupied):		2
# of Dwelling Units:		1
Acres land annexed:		33.22 acres
Developable Acres Remaining:		30.69 acres
Right-of-way in Annexation:		2.52 acres
Previous County Zoning:		RSF-R
Proposed City Zoning:		RSF-4
Current Land Use:		Residential / Agricultural
Future Land Use:		Residential
Values:	Assessed:	\$8,130
	Actual:	\$28,000
Address Ranges:		2995-2999 (odd only) B Road 157-199 (odd only) 30 Road
Special Districts:	Water:	Ute Water
	Sewer:	Orchard Mesa Sanitation
	Fire:	Grand Junction Rural Fire
	Irrigation/ Drainage:	Orchard Mesa Irrigation & Drainage
	School:	District 51
	Pest:	N/A

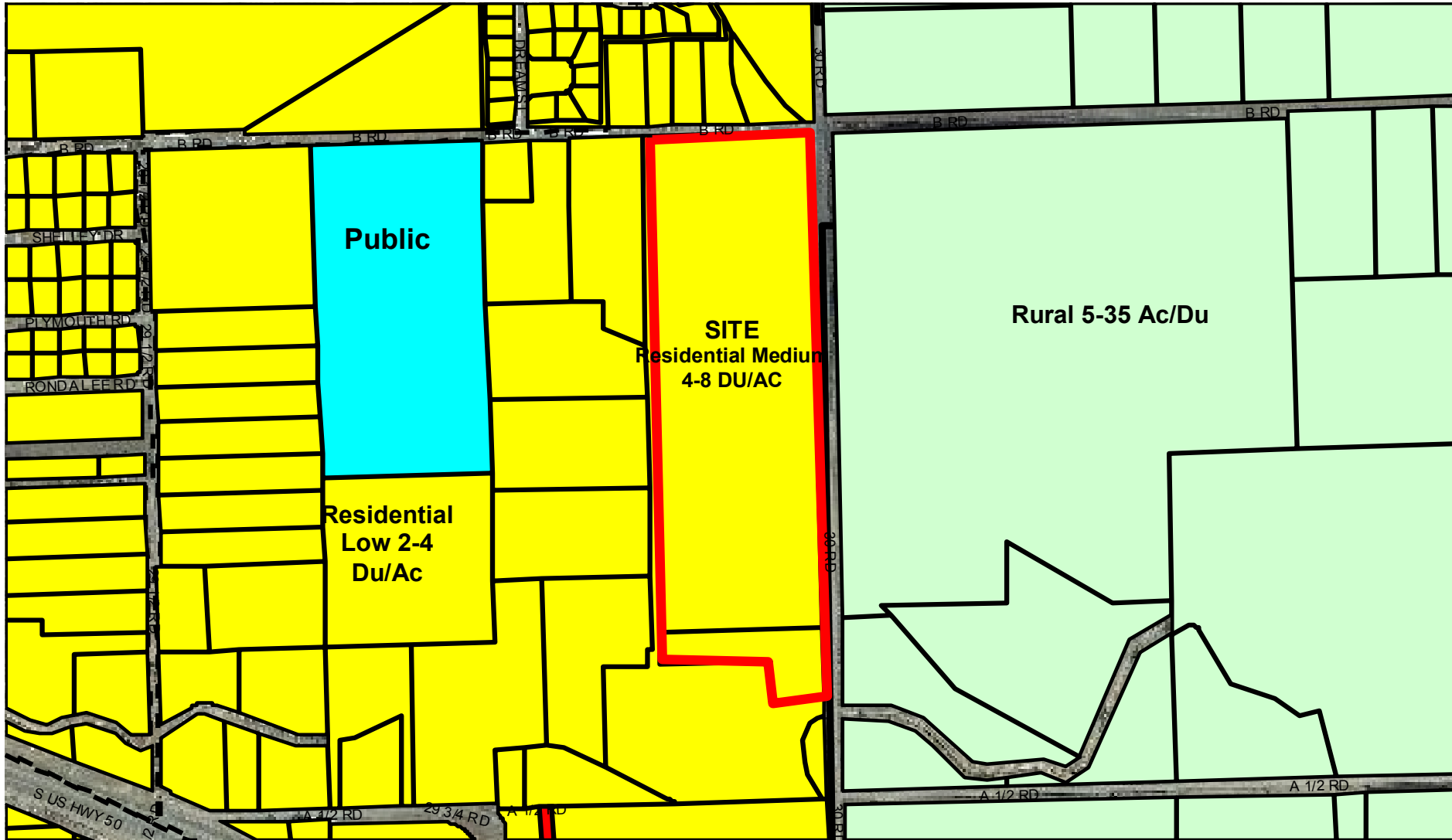
Aerial Photo Map

Figure 1



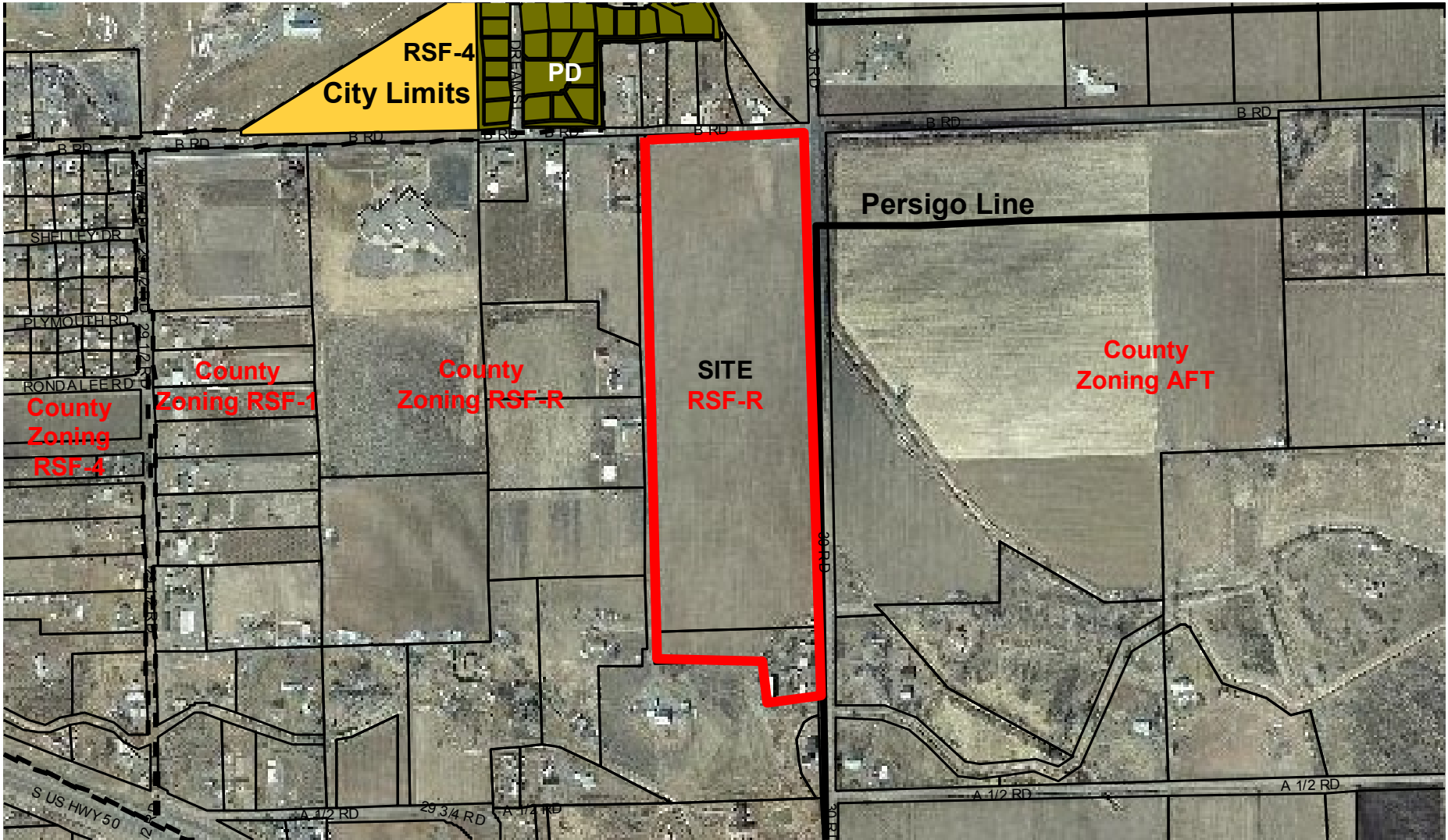
Future Land Use Map

Figure 2



Existing City and County Zoning

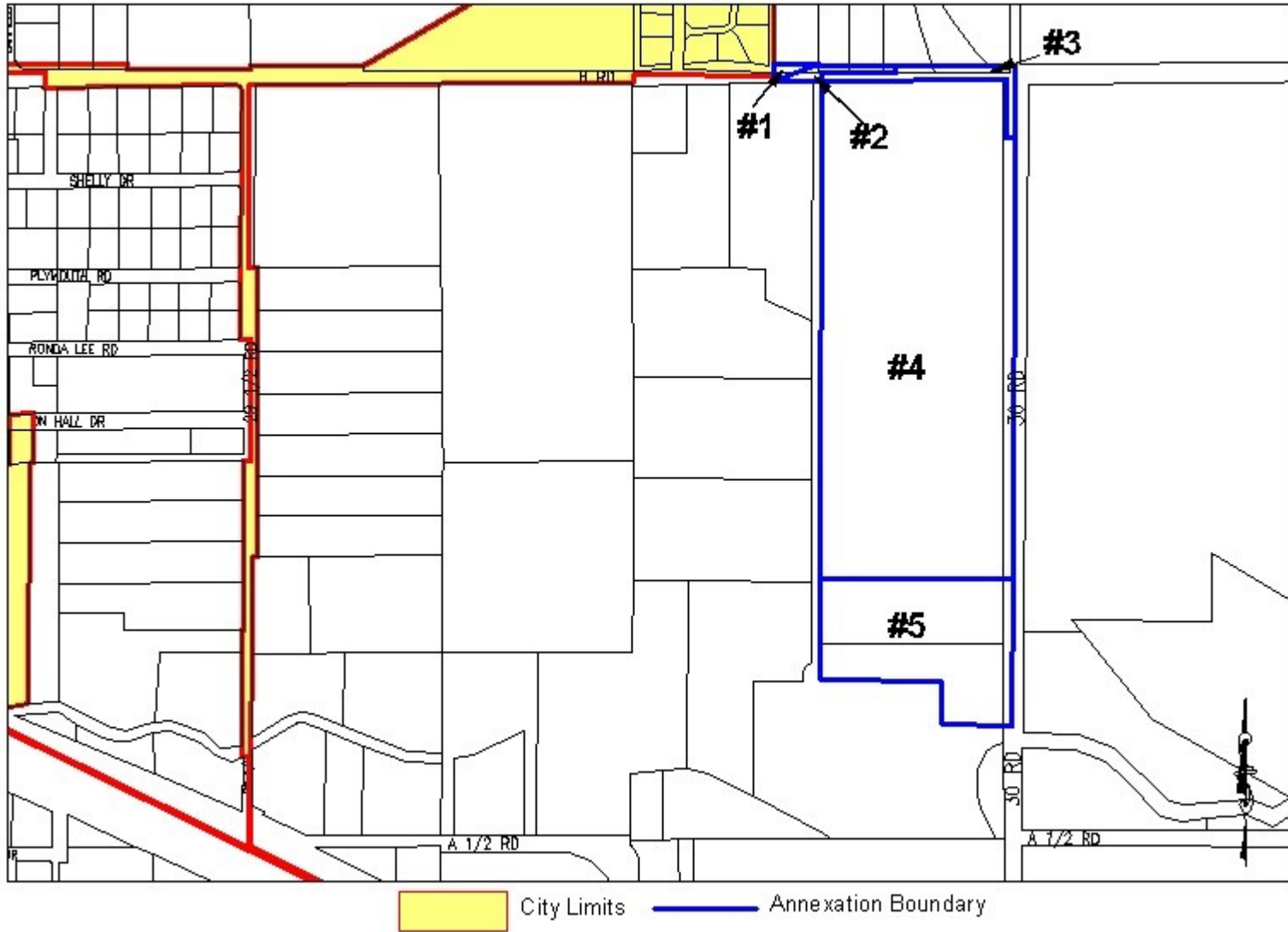
Figure 3



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 "

Hawks Nest Annexations 1, 2, 3, 4, & 5

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 2nd day of February, 2005, 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**

HAWK'S NEST ANNEXATION #1-5

LOCATED AT 157 30 ROAD & PORTIONS OF THE B & 30 ROAD RIGHTS-OF-WAY

WHEREAS, on the 2nd day of February, 2005, 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:

HAWKS NEST ANNEXATION NO. 1

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 29 and the Northeast Quarter (NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 32 and assuming the North line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 32 bears S 89°52'02" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°52'02" W along the North line of the NE 1/4 NE 1/4 of said Section 32 a distance of 767.51 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 67°06'39" W a distance of 77.56 feet to a point on the South right of way for B Road, being a line 30.00 feet South of and parallel with the North line of the NE 1/4 NE 1/4 of said Section 32; thence N 00°05'43" W a distance of 60.00 feet to a point on the North right of way for said B Road, being a line 30.00 feet North of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 32; thence N 89°52'02" E along said North right of way, a distance of 143.00 feet; thence S 67°06'39" W a distance of 77.56 feet, more or less, to the Point of Beginning.

CONTAINING 0.0985 Acres (4,290.00 Sq. Ft.), more or less, as described.

HAWKS NEST ANNEXATION NO. 2

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 29 and the Northeast Quarter (NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 32 and assuming the North line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 32 bears S 89°52'02" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°52'02" W along the North line of the NE 1/4 NE 1/4 of said Section 32 a distance of 410.33 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°52'02" W along the North line of the NE 1/4 NE 1/4 of said Section 32, a distance of 253.00 feet; thence S 00°15'40" W a distance of 30.00 feet to a point on the South right of way for B Road, being a line 30.00 feet South of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 32; thence S 89°52'02" W along said South right of way, a distance of 175.50 feet; thence N 67°06'39" E a distance of 155.11 feet to a point on the North right of way for said B Road, being a line 30.00 feet North of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 32; thence N 89°52'02" E along said North right of way, a distance of 7.00 feet; thence S 00°05'43" E a distance of 10.00 feet; thence N 89°52'02" E along a line 20.00 feet North of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 32, a distance of 278.67 feet; thence S 00°07'58" E a distance of 20.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.2537 Acres (11,051.47 Sq. Ft.), more or less, as described.

HAWKS NEST ANNEXATION NO. 3

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 29 and the Northeast Quarter (NE 1/4) of Section 32, 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 said Section 32 and assuming the North line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 32 bears S 89°52'02" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°52'02" W along the North line of the NE 1/4 NE 1/4 of said Section 32 a distance of 410.33 feet to the POINT OF BEGINNING; thence from said Point of Beginning, S 00°15'13" W along the East line of the NE 1/4 of said Section 32, a distance of 225.00 feet; thence N 89°44'47" W a distance of 30.00 feet to a point on the West right of way for 30 Road, being a line 30.00 feet West of and parallel with, the East line of the NE 1/4 of said Section 32; thence N 00°15'13" E along said West right of way, a distance of 195.00 feet to a point on the South right of way for B Road, being a line 30.00 feet South of and parallel with, the North line of the NE 1/4

NE 1/4 of said Section 32; thence S 89°52'02" W along said South right of way, a distance of 633.33 feet; thence N 00°15'40" E a distance of 30.00 feet; thence N 89°52'02" E along the North line of the NE 1/4 NE 1/4 of said Section 32, a distance of 253.00 feet; thence N 00°07'58" W a distance of 20.00 feet; thence N 89°52'02" E along a line 20.00 feet North of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 32, a distance of 410.36 feet, more or less, to a point on the East line of the SE 1/4 of said Section 29; thence S 00°02'41" E along the East line of the SE 1/4 of said Section 29, a distance of 20.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.7796 Acres (33,959.78 Sq. Ft.), more or less, as described.

HAWKS NEST ANNEXATION NO. 4

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 32 and assuming the North line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 32 bears S 89°52'02" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°15'13" W along the East line of the NE 1/4 of said Section 32, a distance of 225.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°15'13" W along the East line of the NE 1/4 of said Section 32, a distance of 1517.75 feet; thence N 89°44'20" W a distance of 663.54 feet, more or less, to a point on the East line of that certain property with Mesa County Parcel Control Number 2943-321-00-160, the description of same being recorded in Book 2096, Page 142 and Book 2417, Page 383, Public Records of Mesa County, Colorado; thence N 00°15'40" E along the East line of said parcel, a distance of 1708.40 feet to a point on the South right of way for B Road, being a line 30.00 feet South of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 29; thence N 89°52'02" E along said South right of way, a distance of 633.33 feet, more or less, to the Point of Beginning.

CONTAINING 25.9196 Acres (1,129,056.28 Sq. Ft.), more or less, as described.

HAWKS NEST ANNEXATION NO. 5

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 32 and assuming the North line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 32

bears S 89°52'02" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°15'13" W along the East line of the NE 1/4 of said Section 32, a distance of 1,742.95 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°15'13" W along the East line of the NE 1/4 of said Section 32, a distance of 500.00 feet; thence N 89°44'20" W a distance of 239.90 feet; thence N 00°15'40" E a distance of 149.00 feet; thence N 89°44'20" W a distance of 423.70 feet, more or less, to a point on the East line of that certain property with Mesa County Parcel Control Number 2943-321-00-160, the description of same being recorded in Book 2096, Page 142 and Book 2417, Page 383, Public Records of Mesa County, Colorado; thence N 00°15'40" E along the East line of said parcel, a distance of 351.00 feet; thence S 89°44'20" E a distance of 663.54 feet, more or less, to the Point of Beginning.

CONTAINING 6.1674 Acres (268,653.88 Sq. Ft.), more or less, as described.

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

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

1. That a hearing will be held on the 16th day of March, 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 _____, 2005.

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>
February 04, 2005
February 11, 2005
February 18, 2005
February 25, 2005

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

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

HAWK'S NEST ANNEXATION #1

APPROXIMATELY .0985 ACRES

LOCATED IN THE B ROAD RIGHT-OF-WAY

WHEREAS, on the 2nd day of February, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of March, 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:

HAWKS NEST ANNEXATION NO. 1

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 29 and the Northeast Quarter (NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 32 and assuming the North line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 32 bears S 89°52'02" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°52'02" W along the North line of the NE 1/4 NE 1/4 of said Section 32 a distance of 767.51 feet to the POINT OF

BEGINNING; thence from said Point of Beginning, S 67°06'39" W a distance of 77.56 feet to a point on the South right of way for B Road, being a line 30.00 feet South of and parallel with the North line of the NE 1/4 NE 1/4 of said Section 32; thence N 00°05'43" W a distance of 60.00 feet to a point on the North right of way for said B Road, being a line 30.00 feet North of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 32; thence N 89°52'02" E along said North right of way, a distance of 143.00 feet; thence S 67°06'39" W a distance of 77.56 feet, more or less, to the Point of Beginning.

CONTAINING 0.0985 Acres (4,290.00 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 2nd day of February, 2005 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**

HAWK'S NEST ANNEXATION #2

APPROXIMATELY .2537 ACRES

LOCATED IN THE B ROAD RIGHT-OF-WAY

WHEREAS, on the 2nd day of February, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of March, 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:

HAWKS NEST ANNEXATION NO. 2

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 29 and the Northeast Quarter (NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 32 and assuming the North line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 32 bears S 89°52'02" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°52'02" W along the North line of the

NE 1/4 NE 1/4 of said Section 32 a distance of 410.33 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 89°52'02" W along the North line of the NE 1/4 NE 1/4 of said Section 32, a distance of 253.00 feet; thence S 00°15'40" W a distance of 30.00 feet to a point on the South right of way for B Road, being a line 30.00 feet South of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 32; thence S 89°52'02" W along said South right of way, a distance of 175.50 feet; thence N 67°06'39" E a distance of 155.11 feet to a point on the North right of way for said B Road, being a line 30.00 feet North of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 32; thence N 89°52'02" E along said North right of way, a distance of 7.00 feet; thence S 00°05'43" E a distance of 10.00 feet; thence N 89°52'02" E along a line 20.00 feet North of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 32, a distance of 278.67 feet; thence S 00°07'58" E a distance of 20.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.2537 Acres (11,051.47 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 2nd day of February, 2005 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**

HAWK'S NEST ANNEXATION #3

APPROXIMATELY .7796 ACRES

LOCATED IN THE B ROAD & 30 ROAD RIGHTS-OF-WAY

WHEREAS, on the 2nd day of February, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of March, 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:

HAWKS NEST ANNEXATION NO. 3

A certain parcel of land lying in the Southeast Quarter (SE 1/4) of Section 29 and the Northeast Quarter (NE 1/4) of Section 32, 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 said Section 32 and assuming the North line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 32 bears S 89°52'02" W with all other bearings contained herein being relative thereto; thence from said Point of Beginning, S 89°52'02" W along the North line of the NE 1/4 NE 1/4 of said Section 32 a distance of 410.33 feet to the POINT OF BEGINNING;

thence from said Point of Beginning, S 00°15'13" W along the East line of the NE 1/4 of said Section 32, a distance of 225.00 feet; thence N 89°44'47" W a distance of 30.00 feet to a point on the West right of way for 30 Road, being a line 30.00 feet West of and parallel with, the East line of the NE 1/4 of said Section 32; thence N 00°15'13" E along said West right of way, a distance of 195.00 feet to a point on the South right of way for B Road, being a line 30.00 feet South of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 32; thence S 89°52'02" W along said South right of way, a distance of 633.33 feet; thence N 00°15'40" E a distance of 30.00 feet; thence N 89°52'02" E along the North line of the NE 1/4 NE 1/4 of said Section 32, a distance of 253.00 feet; thence N 00°07'58" W a distance of 20.00 feet; thence N 89°52'02" E along a line 20.00 feet North of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 32, a distance of 410.36 feet, more or less, to a point on the East line of the SE 1/4 of said Section 29; thence S 00°02'41" E along the East line of the SE 1/4 of said Section 29, a distance of 20.00 feet, more or less, to the Point of Beginning.

CONTAINING 0.7796 Acres (33,959.78 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 2nd day of February, 2005 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**

HAWK'S NEST ANNEXATION #4

APPROXIMATELY 25.9196 ACRES

LOCATED AT 157 30 ROAD & A PORTION OF THE 30 ROAD RIGHT-OF-WAY

WHEREAS, on the 2nd day of February, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of March, 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:

HAWKS NEST ANNEXATION NO. 4

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 32 and assuming the North line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 32 bears S 89°52'02" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°15'13" W along the East line of the NE 1/4 of said Section 32, a distance of 225.00 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°15'13" W along the East line of the NE 1/4

of said Section 32, a distance of 1517.75 feet; thence N 89°44'20" W a distance of 663.54 feet, more or less, to a point on the East line of that certain property with Mesa County Parcel Control Number 2943-321-00-160, the description of same being recorded in Book 2096, Page 142 and Book 2417, Page 383, Public Records of Mesa County, Colorado; thence N 00°15'40" E along the East line of said parcel, a distance of 1708.40 feet to a point on the South right of way for B Road, being a line 30.00 feet South of and parallel with, the North line of the NE 1/4 NE 1/4 of said Section 29; thence N 89°52'02" E along said South right of way, a distance of 633.33 feet, more or less, to the Point of Beginning.

CONTAINING 25.9196 Acres (1,129,056.28 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 2nd day of February, 2005 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**

HAWK'S NEST ANNEXATION #5

APPROXIMATELY 6.1674 ACRES

LOCATED AT 157 30 ROAD & A PORTION OF THE 30 ROAD RIGHT-OF-WAY

WHEREAS, on the 2nd day of February, 2005, the City Council of the City of Grand Junction considered a petition for the annexation of the following described territory to the City of Grand Junction; and

WHEREAS, a hearing on the petition was duly held after proper notice on the 16th day of March, 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 situates in Mesa County, Colorado, and described to wit:

HAWKS NEST ANNEXATION NO. 5

A certain parcel of land lying in the Northeast Quarter (NE 1/4) of Section 32, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 32 and assuming the North line of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of said Section 32 bears S 89°52'02" W with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 00°15'13" W along the East line of the NE 1/4 of said Section 32, a distance of 1,742.95 feet to the POINT OF BEGINNING; thence from said Point of Beginning, continue S 00°15'13" W along the East line of the

NE 1/4 of said Section 32, a distance of 500.00 feet; thence N 89°44'20" W a distance of 239.90 feet; thence N 00°15'40" E a distance of 149.00 feet; thence N 89°44'20" W a distance of 423.70 feet, more or less, to a point on the East line of that certain property with Mesa County Parcel Control Number 2943-321-00-160, the description of same being recorded in Book 2096, Page 142 and Book 2417, Page 383, Public Records of Mesa County, Colorado; thence N 00°15'40" E along the East line of said parcel, a distance of 351.00 feet; thence S 89°44'20" E a distance of 663.54 feet, more or less, to the Point of Beginning.

CONTAINING 6.1674 Acres (268,653.88 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 2nd day of February, 2005 and ordered published.

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

Attest:

President of the Council

City Clerk

Attach 10

Engineering and Construction Contract Limekili Gulch Interceptor

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Construction Contract for Limekiln Gulch Interceptor					
Meeting Date	February 2, 2005					
Date Prepared	January 27, 2005	File # - N/A				
Author	T. Kent Harbert,			Project Engineer		
Presenter Name	Mark Relph,			Public Works and Utilities Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			X Individual Consideration

Summary: Award of a Construction Contract for **Limekiln Gulch Interceptor** to M.A. Concrete Construction, Inc. in the amount of \$306,783.00.

Budget: Project No.: 905-F10223

Project costs:

Construction contract	\$306,783
Right-of-way/easement acquisition	2,000 [1]
Design	5,000 [1]
Construction Inspection and Administration (est.)	<u>15,000</u>
Total Project Costs	\$328,783

[1] – 2005 costs only. Costs incurred for right-of-way and easement acquisition and for design in prior years is not shown.

Project funding:

City budgeted funds for 2005 in Fund 905	\$212,142
Carry forward from 2004	658,300
Amount budgeted for Sherwood Park Sewer	<u>(312,142)</u>
Total Project Funds Available	\$558,300

The excess funds in Fund 905 will be allocated to other project this year or carried forward to next year.

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for **Limekiln Gulch Interceptor** to M.A. Concrete Construction, Inc. in the amount of \$306,783.00.

Attachments: none

Background Information: The **Limekiln Gulch Interceptor** project consists of the installation of about one-half mile of 8" sewer line in Limekiln Gulch from Panorama Lift Station No. 2, which will be removed, to Redlands Village Northwest Lift Station.

The following bids were opened on January 18, 2005:

Bidder	From	Bid Amount
M.A. Concrete Construction	Grand Junction	\$306,783.00
Continental Pipeline	Mesa	\$334,000.00 [2]
Mendez, Inc.	Grand Junction	\$351,225.20
Sorter Construction	Grand Junction	\$362,114.50
Engineer's Estimate		\$ 295,530.00

[2] – The bid from Continental Pipeline was submitted on the original Bid Schedule instead of the revised one that was issued in an addendum. A review of the unit prices shows that if the revised form had been used their price would still have been above the low bid.

In 2002, during the construction of the Redlands Village Northwest Sewer Improvement District, it was observed that if the lift station planned for that SID was moved a few hundred feet north to near the mouth of Limekiln Gulch and upsized it could function as a regional lift station, allowing the eventual removal of two existing lift stations. One of the lift stations to be removed is Panorama Lift Station No. 2 which is located about ¼ mile north of the Safeway store on the Redlands. The removal of this lift station and the installation of the sewer line in Limekiln Gulch were scheduled to be performed under a change order to the Redlands Village Northwest SID in 2002. The change order was submitted to and approved by City Council. However, because of physical restrictions and concerns expressed by property owners adjacent to the gulch, the project was not constructed at that time.

The project design is essentially the same as it was prepared in 2002, except for three significant changes:

- The sewer line will be installed by directional drilling instead of trenching in the lower section of the gulch where the stability of the side slopes was a major concern.
- The amount of area the contractor will be allowed to use has been restricted to better protect and enhance the rehabilitation of the environment.
- A vault has been added adjacent to the lift station to provide emergency storage in case the lift station has to be shut down.

The schedule in the Bid Documents has an anticipated start of construction date of February 22. However, the low bidder indicates that they might start as early as February 7, which will be acceptable to City staff. The construction period is 7 weeks, so the work will be completed by the end of March.

Attach 11

24 ½ Road & G Road Intersection Reconstruction

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Construction Contract for 24½ Road and G Road Intersection Reconstruction					
Meeting Date	February 2, 2005					
Date Prepared	January 27, 2005				File # - N/A	
Author	T. Kent Harbert, Project Engineer					
Presenter Name	Mark Relph, Public Works and Utilities Director					
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: Award of a Construction Contract for the **24½ Road and G Road Intersection Reconstruction** project to M.M. Skyline Contracting, Inc. in the amount of \$604,322.00.

Budget: Project No.: 2011-F39001

The design, construction and construction administration for this project is totally funded by a hazard elimination grant of up to \$771,241 from the Federal Highway Administration.

Project Costs:

Construction	\$604,322
Design	47,000
Construction Inspection and Administration (est.)	<u>60,000</u>
Total Project Costs	\$711,322

Project Funding:

Federal grant	\$771,241
City funds	<u>24,759</u>
Total Project Funds	\$796,000

The amount of funds available through the grant exceeds the project cost. These funds cannot be reallocated to a different project, so a portion of the grant will go unused. The budgeted City funds will probably not be needed and will be reallocated to other capital improvement projects.

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **24½ Road and G Road Intersection Reconstruction** with M.M. Skyline contracting, Inc. in the amount of \$604,322.00.

Attachments: none

Background Information: The **24½ Road and G Road Intersection Reconstruction** project consists of the reconstruction of the intersection as a roundabout with concrete pavement, the removal of the bridge over Leach Creek on the south side of the intersection and the installation of twin 90” reinforced concrete pipes.

The following bids were opened on January 11, 2005

Bidder	From	Bid Amount
M.M. Skyline Contracting, Inc.	Grand Junction	\$ 604,322.00
M.A. Concrete	Grand Junction	\$ 605,076.93
United Companies	Grand Junction	\$ 802,043.75
Engineer's Estimate		\$ 558,860.50

The City applied for and received a grant for the reconstruction of the intersection of 24½ Road and G Road as a hazard elimination project from the Federal Highway Administration. The grant is administered by the Colorado Department of Transportation. As part of the grant administration requirements CDOT needs to concur with the award of the construction contract. They issued their concurrence January 19.

Construction on the project is scheduled to begin on February 22 and be completed by May 23. During the removal of the existing bridge and installation of the 90” culverts 24½ Road will be closed south of G Road. During the construction of the roundabout all four legs of the intersection will be closed and the detour routes will be properly signed.

Rights-of-way and Easements: Rights-of-way and easements were acquired in 2003 and 2004 with funds budgeted in those years at a total cost of \$41,153. The right-of-way and easement acquisition costs are not eligible for reimbursement under the grant.

Open house: An open house was held the evening of January 26 for the public to view the construction plans and make comments. Over 600 notices went out to residents and property owners in the area. Approximately 40 people came to the open house. The biggest issue that concerned people was the access during construction. However, most people expressed that this will be a welcome and needed improvement to the intersection. It was explained that access during the construction period would be awkward with detour routes adding one to two miles to some trips, but that the project is on an aggressive schedule to get the traffic flowing as soon as possible. There was one citizen who expressed the opinion that this should be a signalized intersection instead of a roundabout.



Attach 12

Submittal of Conditional Letter of Map Revision of FEMA for Ranchmen’s Ditch Drainage Improvements

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Submittal of Conditional Letter of Map Revision to FEMA for Ranchmen’s Ditch Drainage Improvements							
Meeting Date	February 2, 2005							
Date Prepared	January 27, 2005			File # - N/A				
Author	Bret Guillory			Utility Engineer				
Presenter Name	Mark Relph			Public Works and Utilities Director				
Report results back to Council	X	No		Yes	When			
Citizen Presentation		Yes	X	No	Name			
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: Request Council approval of a resolution for the City Manager’s signature on the submittal of a Conditional Letter of Map Revision (CLOMR) to the Federal Emergency Management Agency (FEMA) for the Ranchmen’s Ditch Drainage Improvements project. Approval of the CLOMR indicates that FEMA is in agreement with the approach and method proposed to mitigate flooding concerns along the Ranchmen’s Ditch Drainage.

Budget: Staff has estimated a project cost of \$7.4 million. We currently have \$5.9 million available in budgeted funds for the project. Staff is in the process of completing an application for a Pre Disaster Mitigation (PDM) Grant that is offered through DOLA/FEMA. The maximum grant amount available is \$3 million. Based on conversations with DOLA, this project is a very good fit for the PDM grant in that 1) the area has a past history of flooding, and 2) the City of Grand Junction is obviously committed to completing the project since we have over half of the funding already in place and are currently completing design.

Action Requested/Recommendation: Request a City Council motion approving a resolution allowing the City Manager to sign the CLOMR submittal to FEMA.

Attachments: none

Background Information: The Ranchmen's Ditch drainage improvement project has been proposed to reduce the potential for flooding along the Ranchmen's Ditch and remove large commercial areas, including Grand Mesa Center, Valley Plaza Shopping Center, and restaurant row along the south side of Mesa Mall, from the 100 year flood plain. The project will include construction of detention facilities in the upper reaches of the basin and improved conveyance system through the lower portions of the basin.

The City is pursuing a CLOMR with FEMA that will provide the City with a level of confidence that FEMA is in agreement with our proposed mitigation efforts prior to making the large investment in the project. Approval of the CLOMR does not change the existing Flood insurance Rate Map (FIRM). Changes, or amendments, to the FIRM are made when the project is completed and a Letter of Map Revision (LOMR) is requested. The LOMR request must be submitted to FEMA within 90 days after completion of the proposed improvements.

As a requirement for submittal of the CLOMR the governing entities; City of Grand Junction, and Mesa County, are required to acknowledge the proposed floodplain mapping changes that are based on the project being constructed. FEMA recommends that the City provide:

1. Concurrence with the CLOMR.
2. Statement that all property owners impacted by the changes to the floodway along Ranchmen's Ditch have been notified.
3. Statement that all improvements will be completed on City property; or easement for the improvements have been granted, or will be granted, by the time the construction takes place.
4. Statement that individual notification has been given to the properties located immediately upstream of 26 Road and 26½ Road where a rise was identified between existing and proposed conditions.
5. Statement that public notification has been provided in the local newspaper for the proposed changes to the flood hazard area along Ranchmen's Ditch, Leach Creek, and North Leach Creek.

Timing for submittal of the CLOMR

Staff recommends that we have the CLOMR in hand prior to construction of the proposed facilities. There will be roughly a three to six month review process by FEMA prior to issuing a CLOMR for the project. The current schedule is to accomplish items one through five as stated above during the month of January, 2005 and submit the CLOMR to FEMA in February. This will allow a six month review period prior to starting construction in September, 2005.

RESOLUTION NO. ____-05

A RESOLUTION APPROVING THE FILING OF A CONDITIONAL LETTER OF MAP REVISION (CLOMR) WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE RANCHMEN'S DITCH DRAINAGE IMPROVEMENTS PROJECT

Recitals.

The Ranchmen's Ditch drainage improvement project ("Project") has been proposed to reduce the potential for flooding along the Ranchmen's Ditch. If the Project is constructed it will remove large commercial areas, including Grand Mesa Center, Valley Plaza Shopping Center and "restaurant row" along the south side of Mesa Mall, from the 100 year floodplain.

The Project will include construction of detention facilities in the upper reaches of the basin and improved storm water conveyance facilities in and through the lower portions of the basin.

The City has performed detailed engineering studies and is requesting a CLOMR based on that work. If FEMA approves, then the City will be afforded a level of confidence that FEMA agrees with the proposed mitigation. Approval of the CLOMR is important prior to and in anticipation of a significant City investment in the Project. Approval of the CLOMR does not change the existing Flood insurance Rate Map (FIRM). Changes or amendments to the FIRM are made when the Project is completed and a Letter of Map Revision (LOMR) is requested. A request for a LOMR must be submitted to FEMA within 90 days of completion of the Project.

As a requirement for submittal of the CLOMR the City of Grand Junction and Mesa County, are required to acknowledge changes to the floodplain mapping that are likely to occur with construction of the Project. Furthermore, the City must concur with those anticipated changes. That concurrence is expressed by and through this resolution.

The City has worked carefully with and through the FEMA regulations and has notified potentially affected property owners and by this resolution acknowledges that all improvements will be completed on City property or easement(s) for the improvements have been or will be granted by the time the construction takes place. The City further acknowledges that all other applicable requirements have been or will be met.

NOW THEREFORE, for the reasons stated in the recitals above, be it resolved that the City Manager is authorized to sign and file with the Federal Emergency Management

Agency a request for a Conditional Letter of Map Revision for the Ranchmen's Ditch drainage improvements project.

ADOPTED this _____ day of _____ 2005.

Bruce Hill, President of the Council

ATTEST:

Stephanie Tuin, City Clerk

Attach 13

Submittal of an Application for Federal Pre-Disaster Mitigation Grant Funding

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Resolution Authorizing the Submittal of an Application for Federal Pre-Disaster Mitigation Grant Funding					
Meeting Date	February 2, 2005					
Date Prepared	January 27, 2005				File #	
Author	Mike McDill			City Engineer		
Presenter Name	Mark Relph			Public Works & Utilities Director		
Report results back to Council		No	X	Yes	When	On Approval
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: A City Council Resolution authorizing the submission of the above grant application to assist in the funding of the construction of storm water capacity improvements along the Ranchman's Ditch Drainage System.

Budget: The City of Grand Junction has programmed about \$7,400,000 in 2004-07 under the Capital Improvement Plan to construct storm water capacity improvements along the Ranchman's Ditch Drainage System. Approximately 42% of these allocations will be reimbursed by the Pre-Disaster Mitigation Program if this grant is approved.

Action Requested/Recommendation: Based on the attached information we recommend that the City submit an application for this grant program. It appears that this project will compete very well for funding from this national grant source. This recommendation is based on our in depth analysis of the situation and comments from the State Office of Emergency Management.

If the Council wished to pursue this funding, please adopt a resolution to authorize the submission of this grant application.

Attachments:

1. Project Evaluation Spreadsheet
2. Resolution

Background Information: The FEMA Pre-Disaster Mitigation Grant Program is a nationally competitive funding source developed to encourage communities to be pro-active in efforts to minimize damage due to natural hazards. There are about \$255

million available for all projects. The maximum grant amount for any one application is \$3 million. Typically projects cost-shares are 75% federal and 25% local. The funds must be spent within three years. Applications must be submitted by the end of February, 2005. Awards are expected to be announced sometime between May and August of 2005.

Our staff has developed the e-grant application for this program. It will include the CLOMR package to define the problem and how the proposed solution will address the problem. We will also attach a complete set of our design drawings to demonstrate the detail to which we have designed the proposed improvements in support of our project estimate. Finally, the Flood Damage Assessment and Benefit/Cost evaluation provided by ICON Engineering will document the long term benefits of constructing this project for the whole community.

Based on the plans that have been developed, this work will amount to about \$7.4 million. We currently have just under \$6 million programmed in the Storm Water fund for this work. Full funding of this grant will provide more than enough money to complete this work. If this application is not successful, the City will have to consider a number of less desirable options to address the shortfall.

Our application proposes a cost-share of 42% federal and 58% local. This exceptional local match is due mostly to the fact that this funding source caps their participation at \$3,000,000. However, this ratio will demonstrate to FEMA the level of commitment our community has to rectifying this situation. Fortunately, because we are performing nearly all of the work along an established drainage route, there will be no problems with many of the typical environmental issues like historic buildings, farmland protection, environmental justice or archeological resources. Because the project limits end at the confluence of Ranchman's Ditch and Leach Creek we avoid issues relating to endangered species and the Rivers & Harbors Act. All of these simplifications should improve our chances of a favorable response. We will, however, need to plan to mitigate about 1.5 acres of wetlands within the project limits. Funding is included in the proposed project budget to complete this mitigation.

If this application is fully funded we should be able to begin construction this fall on the detention facilities at Walker Field Airport and channel widening along Leach Creek from the Colorado River to the Ranchman's Ditch outfall. Pipe work through the Mesa Mall parking lot could begin in mid-January 2006 and be complete by June. The widening of Ranchman's Ditch east of 24 ½ Road will have to be coordinated with the irrigation season of either 2005-6 or 2006-7.

Full funding of this application will provide extra funding in our Storm Water Fund that might be used to address other flooding situations along Leach Creek.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO ASSIST IN THE FUNDING OF THE CONSTRUCTION OF STORM WATER CAPACITY IMPROVEMENTS ALONG THE RANCHMAN'S DITCH DRAINAGE SYSTEM

RECITALS:

WHEREAS, the City Council of the City of Grand Junction, hereby resolved in Resolution No. _____ to apply for Federal Pre-Disaster Mitigation funding in the amount of \$3,000,000.

WHEREAS, Federal, funds are allotted for such purposes.

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

That submittal of an application for Federal Pre-Disaster Mitigation funding for improvements along the Ranchman's Ditch are hereby approved in the amount of \$3,000,000.

ADOPTED AND APPROVED THIS _____ DAY OF _____, 2005.

President of the Council

Attest:

City Clerk

**CITY OF GRAND JUNCTION
GRANT DATA SHEET**

Date: 1/19/2005 **Revision Number** _____
Department: Public Works **Contact:** Mike McDill **Phone:** 256-4047
Sub-Recipient: _____ **Contact:** _____ **Phone:** _____

CONTRACT REQUIRED FOR ALL SUB-RECIPIENTS!

Grant Name: FEMA Pre-Disaster Mitigation Grant **Grant #:** _____
Source of Funds: Federal **(Federal, State, Other)**
FEMA or State Office of
Grantor: Emergency Management **Contact:** Marilyn Gally **Phone:** (720) 852-6608

Purpose/Product/Outcome:

Construct storm water capacity improvements along the Ranchman's Ditch Drainage system.

IF FEDERAL /STATE FUNDS, CHECK COMPLIANCE REQUIREMENTS LIST ON BACK!

Requirements/Schedule:

Use to construct a capital improvement in compliance with our CLOMR by the end of 2007.

Will this require: **new employee(s)?** No **new equipment?** No

Financial Summary (Attach Detail):

Projected cost of project or program:	\$ <u>7,200,000</u>	
Estimated cost of administration:	<u>200,000</u>	
Grant in-eligible costs (application):	<u>0</u>	
Total costs of grant.....		\$ <u>7,400,000</u>
Amount of grant	\$ <u>3,000,000</u>	
Other revenues	<u>0</u>	
Total revenues.....		\$ <u>3,000,000</u>
Net cost of the project to the City.....:		\$ <u>4,400,000</u>
Amount to be appropriated:	\$ <u><u>4,400,000</u></u>	

Future Impacts:

Annual ongoing expenditures:	\$ <u>36,000</u>	Description Maintenance of new improvements
Onetime/periodic expenditures:	\$ <u>7,200,000</u>	Initial construction.

Revenue account number: Fund 2011 Org _____ Account _____ Pgm _____ Activity _____
Expenditure account number: Fund 2011 Org _____ Account _____ Pgm _____ Activity _____

(If more than one account, attach a list.)

Are revenues/expenses included in the current budget?

Mostly Revised? 2005

Approvals: Department _____ Date: _____
 Director: _____ Date: _____
 Grant Coordinator: _____ Date: _____
 Finance Director: _____ Date: _____
 City Manager: _____ Date: _____
 City Council: Approved _____ Acceptance _____ Contracts _____
 Council: : _____ : _____ : _____

Dates:
 Application deadline 2/28/2005 Award of grant: _____ Extension deadline _____
 Required completion _____
 Date of receipt: _____ date: _____ Closeout _____
 Report(s) required: _____ (date, monthly, quarterly)

ATTACH NOTES AS NECESSARY – FINANCIAL ANALYSIS, METHOD/TIMING OF PAYMENTS, MULTIPLE REQUIREMENTS, SCHEDULE, OTHER EXPLANATIONS.

City of Grand Junction Compliance Check List

This check list is provided to help the Department Contact in identifying requirements of the grant for which the requestor is responsible. It does not move the responsibility for compliance or the monitoring of compliance of a department or sub-recipient to the Administrative Services Department

- Co-applicants
- Contract(s) Sub-recipient Source of funds Other
- Insurance/bonding

- Single Audit
- Environmental review
- Equal employment opportunity enforcement
- Davis Bacon
- Minority and/or other preference processes

- Matching funds Budgeted Unbudgeted Generate
- Program income

- Federal funds Advance Reimbursement or
- Payment requests, reports
- Debt issuance
- Cost allocation plan for indirect costs

- State checklist available
- Local determinations

- Hearings / public input / notices / signs
- Open competitive bids
- Plan for real property acquisition and replacement, relocation of people
- Inspections / grantee / grantor

- Subsequent maintenance and/or monitoring
- Subsequent restrictions of use
- Asset monitoring, inventions, patents, equipment (subsequent usage)
- Record retention
- System of documentation

Other (explain)

***ATTACH ANY ADDITIONAL COMMENTS.
ATTACH A COPY OF THE GRANT APPLICATION, AWARD, AND OTHER DOCUMENTATION.***

Attach 14

D Road Undergrounding Phase 2 for the Riverside Parkway

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Riverside Parkway – Approval of purchase order for D Road Undergrounding Phase 2					
Meeting Date	February 2, 2005					
Date Prepared	January 27, 2005				File #	
Author	Jim Shanks		Riverside Pkwy Program Manager			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The construction of the Riverside Parkway will require the relocation of many overhead power lines. This 2nd phase will underground approximately 0.9 mile of power line from approximately the Regional Center to 29 Road and a section north of 29 Road. The attached letter is an “invoice” from Xcel Energy stating that the undergrounding cost is estimated at \$599,942.92.

Budget: The table below summarizes the budget for the undergrounding of this Xcel’s overhead utilities from 25 Rd to 29 Rd on the Riverside Parkway project. The figures in this table are rounded to the nearest dollar.

2005 Total undergrounding budget	\$2,500,000
2005 Undergrounding expenses to date:	\$0
D Road Phase I relocation / undergrounding (approved 1/19/05)	\$746,305
D Road Phase 2 relocation / undergrounding	\$599,943
2005 Remaining Undergrounding Budget	\$1,753,695
Total Project Budget	\$88,925,000
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$5,610,000
City Admin Expenses / attorney's fees / stipends	\$2,940,000
Utility relocations / undergrounding / Street Lights	\$2,875,000
Undergrounding	\$2,500,000
Construction	\$55,000,000
Right-of-Way & Land Purchases / relocation expenses	\$15,000,000
Construction oversight	\$5,000,000
Total Estimated Project Costs	\$88,925,000

Action Requested/Recommendation: Authorize City Manager to sign a purchase order with Xcel Energy to relocate the existing overhead power lines underground on D Road from the Regional Center east to 29 Road.



2538 Blichmann Avenue
Grand Junction, Colorado 81505

1/19/2005

Mr. Jim Shanks
City of Grand Junction
2529 High Country Ct.
Grand Junction, CO
81501

RE: Parkway Project, "D" Road.

Dear Jim,

I have completed the design and estimate to convert the overhead power lines to an underground system along the "D" road section of the Riverside Parkway Project. I will refer to this project as "D Rd, Phase 2". The limits of this project is from approximately station 354+00 to station 398+00 and 29 Road north of D Rd.

Xcel Energy will install the underground conductors and ground mounted facilities within the proposed 14' utility easement along the southern ROW of D Road. Xcel will perform all trench and backfill. All trench within road ROW and private driveways will be compacted to 95%. Trench within the easement will be compacted to 85%. As per your request, service lines will not be converted to underground.


The cost of this project to the City of Grand Junction is \$599,942.92. This amount does include the overhead relocation credit of (\$70,184.14). Payment is due at the time construction is complete. We will bill you for the above amount. This amount does not include any street lighting cost. The street lighting cost will be provided on a separate estimate.

This estimate is contingent on the following items;

- 1) All easements are acquired and recorded prior to Xcel starting construction. The City of Grand Junction is responsible for all ROW acquisition.
- 2) The 14' utility easement will be cleared and grubbed prior to Xcel starting construction. The City of Grand Junction is responsible for this item.
- 3) Xcel energy will contract with a local surveying company for construction staking. The City of Grand Junction will provide, at no charge, the most current plans as requested by our survey contractor.

If this estimate is acceptable to you, please have the City Manager or his designee, (accompanied by a delegation of authority letter), reply in writing stating that the City of Grand Junction will release funds for this project. Once I receive this sign letter, I will order the materials and release the project to our construction department. We would like to start construction by February Julyst, 2005.

I look forward to working with you and your team on this project. If you have any concerns with this estimate, please call me at 244-2693. If I am unavailable, you may contact Mr. Dan Steinkirchner at 244-2656.



Jon Price
Xcel Energy
PO Box 849
Grand Junction, CO
81502

cc: Dan Steinkirchner

Attach 15

Purchase of Property 2502 Highway 6 & 50

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA								
Subject	Purchase of Property at 2502 Highway 6 & 50 for the Riverside Parkway Project							
Meeting Date	February 2, 2005							
Date Prepared	January 27, 2004				File #			
Author	Trent Prall			Riverside Pkwy Project Manager				
Presenter Name	Mark Relph			Public Works and Utilities Director				
Report results back to Council	X	No		Yes	When			
Citizen Presentation		Yes	X	No	Name			
	Workshop	X	Formal Agenda			Consent	X	Individual Consideration

Summary: The City has entered into a contract to purchase right of way from the McCallum Family LLC for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Budget: Sufficient funds exist in the 2005 Riverside Parkway budget to complete the City's due diligence investigations and purchase of this right of way: Please note: The figures in this table have been rounded to the nearest dollar.

2005 Right-of-Way Budget	\$8,300,000
2005 Right-of-Way Related Expenses to Date:*	\$602,500
Costs Related to this Property Purchase:	
Purchase Price	\$139,192
Estimated Moving Costs	\$0
Potential Reestablishment Costs	\$0
Estimated Closing Costs (\$300 per lot)	\$300
Environmental Inspections	\$0
Asbestos Removal	\$0
Demolition	\$0
Misc environmental cleanup	\$1,000
Total Costs Related to This Request	\$140,492
2005 Remaining Right-of-Way Funds	\$7,557,009
Total Project Budget	\$88,925,000
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$5,610,000
City Admin Expenses / attorney's fees / stipends	\$2,940,000
Utility relocations / undergrounding / Street Lights	\$5,375,000
Construction	\$55,000,000
Right-of-Way & Land Purchases / relocation expenses	\$15,000,000
Construction oversight	\$5,000,000
Total Estimated Project Costs	\$88,925,000
Remaining Funds / Contingency	\$0
*Includes 930 S 5th St and 1555 Independent Ave approved by Council on 1/5/05.	

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of right of way at 2502 Highway 6 & 50 from the McCallum Family LLC.

Attachments:

1. Proposed Resolution.

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

This property is located just north of Highway 6&50 along 25 Rd. The property is currently vacant but historically has been a trucking company and most recently manufactured home sales. The land required for the Parkway project includes land for ROW and permanent easement (PE) The property is an average of 21 ft. wide. The reason it is an average of 21 feet wide is because the property is uneven. The easement is 14 feet wide.

Parcel	Parcel #	Address	SF	Zoned	Current use	Ownership
B-15	2945-103-00-154	2502 Hwy 6&50	7429	C-2	Vacant	McCallum Family LLC
B-15PE	2945-103-00-154	2502 Hwy 6&50	5123	C-2	Vacant	McCallum Family LLC

The right of way is needed for an additional lane on northbound 25 Road. The easement is necessary for the relocation of the 230 kV Xcel power transmission line.

A Phase I Environmental Audit has been completed for the purchase. No special remediation requirements are anticipated.

As standard practice the City of Grand Junction completes an appraisal of the real estate to be acquired prior to acquisition. The property owner is encouraged, but not required, to also obtain an appraisal. Appraisals were not completed for this acquisition as the property is currently under contract for \$13 per sq ft thereby establishing fair market value.

Closing is planned for **late January 2005**. Staff recommends this purchase as it is necessary for the construction of 25 Road and Highway 6&50 intersection improvements as part of the Riverside Parkway project.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 2502 HIGHWAY 6 & 50 FROM THE MCCALLUM FAMILY LLC**

Recitals.

A. The City of Grand Junction has entered into a contract with the **McCallum Family LLC** for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway. The street address, Mesa County Assessor parcel number and project parcel numbers are as follows:

Parcel	Parcel #	Address	SF	Zoned	Current use	Ownership
B-15	2945-103-00-154	2502 Hwy 6&50	7429	C-2	Vacant	McCallum Family LLC
B-15PE	2945-103-00-154	2502 Hwy 6&50	5123	C-2	Vacant	McCallum Family LLC

B. The purchase contract provides that on or before **January 19, 2004**, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of said property.

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

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

1. The above described property shall be purchased for a price of **\$139,191.50**. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. Said **\$139,191.50** is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

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

PASSED and ADOPTED this _____ day of _____, 2005.

Attest:

President of the Council

City Clerk

Attach 16

Purchase of Property 1014 S 4th Street

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of Property at 1014 S 4 th St for the Riverside Parkway Project.					
Meeting Date	February 2, 2005					
Date Prepared	January 27, 2005				File #	
Author	Trent Prall			Riverside Pkwy Project Manager		
Presenter Name	Mark Relph			Public Works and Utilities Director		
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The City has entered into a contract to purchase the property at 1014 S. 4th St from Loretta M Young for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Budget: Sufficient funds exist in the 2005 Riverside Parkway budget to complete the City's due diligence investigations and purchase of this property:

2005 Right-of-Way Budget	\$8,300,000
2005 Right-of-Way Related Expenses to Date:*	\$602,500
Costs Related to this Property Purchase:	
Purchase Price	\$50,000
Purchase Supplement	\$70,000
Estimated Moving Costs	\$1,050
Estimated Closing Costs	\$8,200
Environmental Inspections	\$3,500
Asbestos Removal	\$5,000
Demolition	\$5,000
Misc environmental cleanup	\$1,000
Total Costs Related to This Request	\$143,750
2005 Remaining Right-of-Way Funds	\$7,553,750
Total Project Budget	\$88,925,000
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$5,610,000
Other Prelim. Engineering	\$2,940,000
Construction Engineering	\$5,375,000
Construction	\$55,000,000
Right-of-Way & Land Purchases	\$15,000,000
Relocation Expenses	\$5,000,000
Total Estimated Project Costs	\$88,925,000
Remaining Funds / Contingency	\$0

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of property at 1014 S. 4th St from Loretta M Young.

Attachments:

1. Proposed Resolution.

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

This is the third house to be purchased in the Lower Downtown area. It is located just west of Highway 50 (5th St) just north of the Paintball facility. The subject property contains 0.28 acres of C-2 zoned land and an 882 square foot owner occupied home. The house was constructed in 1907.

A Phase I Environmental Audit has been completed for the purchase. No special remediation requirements are anticipated.

As standard practice the City of Grand Junction completes an appraisal of the real estate to be acquired prior to acquisition. The property owner is encouraged, but not required, to also obtain an appraisal. City staff, as well as the City's real estate consultant HC Peck and

Associates, has reviewed the two independently prepared appraisals and believes that the purchase price for the subject property is indicative of the fair market value.

As part of the acquisition and relocation policy, the City must find three comparable properties to determine the value of a “decent, safe, and sanitary” (DSS) replacement house. The house must also be in a similar or better neighborhood and must be comparable to the relocatee’s lifestyle. One of the homes must be available when an offer is made to the relocate. A comparable house currently on the market has been identified at 2874 Orchard Ave for \$120,000. The determination of the housing supplement is calculated as follows:

Comparable property market price	\$	120,000
Value by Appraisal of the Subject	\$	50,000
Total Replacement Housing Payment	\$	70,000

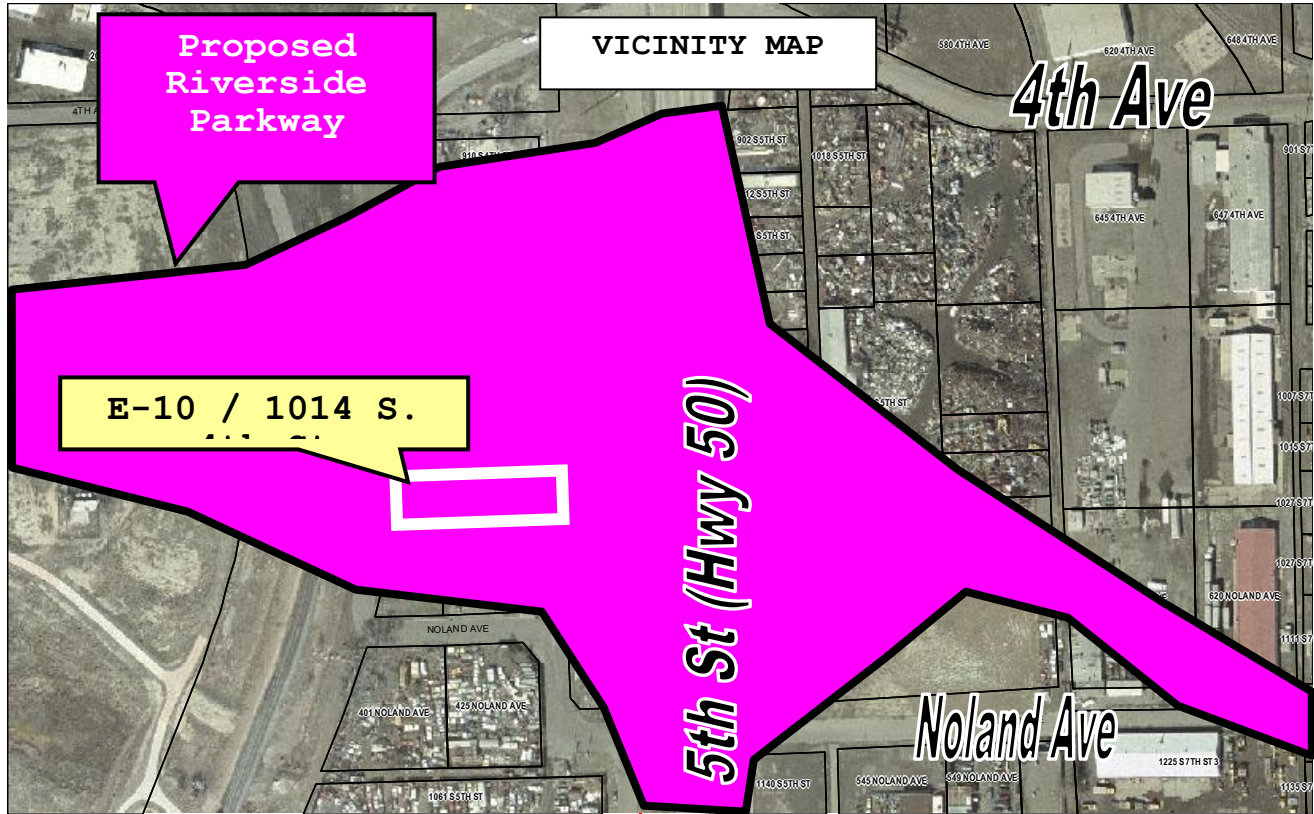
Ms. Young is entitled to \$70,000 as replacement housing payment when they purchase and occupy a DSS replacement house and provide the City of Grand Junction, with the appropriate purchase contract that shows they are spending \$120,000 or more for the property. They are also entitled to some closing costs, interest supplements, and tax supplements totaling \$8,200.

Moving costs are based on a fixed schedule of six furnished rooms plus two rooms (outside storage buildings) for storage of personal property for a total payment of \$1,050 or, the City of Grand Junction will pay a mover directly for a personal property move up to a 50 mile limit.

The total to be paid to Loretta M Young is \$129,250.

Closing is set for February 18, 2005 and the owner would have 30 days to move to a different home at 2874 Orchard Ave. Grand Junction, CO 81501.

Staff recommends this purchase as it is necessary for the construction of the proposed 5th St and Riverside Parkway interchange.



RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 1014 S. 4TH STREET FROM LORETTA M. YOUNG**

Recitals.

A. The City of Grand Junction has entered into a contract with Loretta M Young for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway. The street address of the property is 1014 S. 4th St and the Mesa County Assessor parcel number is 2945-232-01-001, designated as Project Parcel No. E-10.

B. The purchase contract provides that on or before February 2, 2005, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of said property.

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

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

1. The above described property shall be purchased for a price of \$50,000. In addition, the City pays a Replacement Housing Supplement of \$70,000, moving expenses of \$1,050, and closing and tax supplement of \$8,200. The total acquisition cost is \$129,250. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. Said \$129,250 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

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

PASSED and ADOPTED this _____ day of _____, 2005.

Attest:

President of the Council

City Clerk

Attach 17

Purchase of Property 910 S. 4th Street

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of Property at 910 S 4 th St for the Riverside Parkway Project.					
Meeting Date	February 2, 2005					
Date Prepared	January 27, 2005				File #	
Author	Trent Prall		Riverside Pkwy Project Manager			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda			Consent X Individual Consideration

Summary: The City has entered into a contract to purchase the property at 910 S. 4th St from Saul Reyes and Lainie Reyes for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Budget: Sufficient funds exist in the 2005 Riverside Parkway budget to complete the City's due diligence investigations and purchase of this property: The figures in this table are rounded to the Nearest dollar.

2005 Right-of-Way Budget	\$8,300,000
2005 Right-of-Way Related Expenses to Date:*	\$602,500
Costs Related to this Property Purchase:	
Purchase Price	\$54,000
Moving Costs (owner)	\$3,672
Relocation Supplement (tenant)	\$14,952
Moving Costs (tenant)	\$1,000
Closing Costs	\$750
Environmental Inspections	\$3,500
Asbestos Removal	\$5,000
Demolition	\$5,000
Misc environmental cleanup	\$1,000
Total Costs Related to This Request	\$88,874
2005 Remaining Right-of-Way Funds	\$7,608,627
Total Project Budget	\$88,925,000
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$5,610,000
Other Prelim. Engineering	\$2,940,000
Construction Engineering	\$5,375,000
Construction	\$55,000,000
Right-of-Way & Land Purchases	\$15,000,000
Relocation Expenses	\$5,000,000
Total Estimated Project Costs	\$88,925,000
Remaining Funds / Contingency	\$0

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of property at 910 S. 4th St from Saul Reyes and Lainie Reyes.

Attachments:

1. Proposed Resolution.

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

This is the fourth house to be purchased in the Lower Downtown area. It is located just west of Highway 50 (5th St) just north of the Paintball facility. The subject property contains 0.161 acres of C-2 zoned land and a 660 square foot owner occupied home. The house was constructed in 1920.

A Phase I Environmental Audit has been completed for the purchase. No special remediation requirements are anticipated.

As standard practice the City of Grand Junction completes an appraisal of the real estate to be acquired prior to acquisition. The property owner is encouraged, but not required, to also obtain an appraisal. City staff, as well as the City's real estate consultant HC Peck and

Associates, Inc., reviewed the two independently prepared appraisals and believes that the purchase price of \$54,000 for the subject property is indicative of the fair market value.

Moving costs of the owner's business personal property are based on a moving estimate of Mesa Moving Systems for a total payment of \$3,671.50 or, the City of Grand Junction will pay a mover directly for a personal property move up to a 50 mile limit.

The total to be paid to Saul Reyes and Lainie Reyes is \$54,000.00. The total to be paid to BPS Concrete, Inc. to move the personal property is \$3,671.50.

Tenant Relocation. The tenant will require relocation as part of the acquisition. Per the acquisition and relocation policy, the City must find the tenant three comparable properties to determine the value of a "decent, safe, and sanitary" (DSS) replacement rental house. The house must also be in a similar or better neighborhood and must be comparable to the relocatee's lifestyle. One of the homes must be available when an offer is made to the relocatee. A comparable house currently on the market at the time the relocation offer was presented was identified at 641 N. 3rd St for \$895 including utilities. The determination of the rent supplement is calculated as follows:

Comparable DSS rent	\$	895
Rent at current property	\$	539
Months		42
Total Replacement Housing Payment	\$	14,952

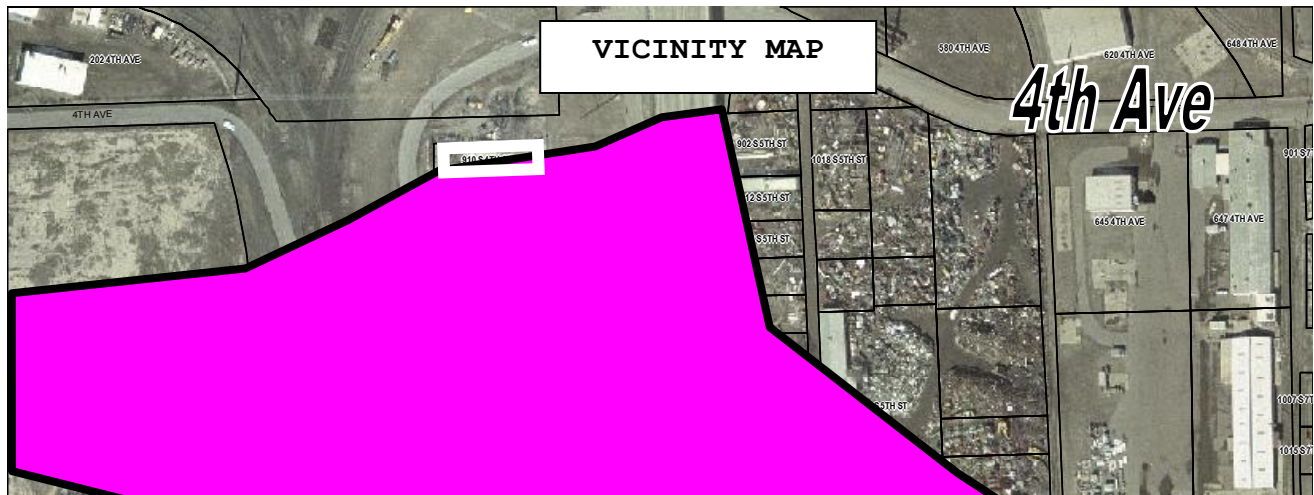
The tenant is entitled to \$14,952.00 as rent supplement, upon occupation of a DSS replacement house and providing the City of Grand Junction, with the appropriate documentation. This rent supplement may be used toward the purchase of a DSS house and would be eligible upon providing a purchase contract that shows they are spending \$14,952.00 or more for the property.

Tenant moving costs are based on a fixed schedule of four furnished rooms plus one room (outside storage building) for storage of personal property for a total payment of \$1,000 or, the City of Grand Junction will pay a mover directly for a personal property move up to a 50 mile limit.

The total to be paid to the tenant is \$15,952.00.

Closing is set for February 17, 2005 and the tenant has 90 days from December 27, 2004 to move to a different home.

Staff recommends this purchase as it is necessary for the construction of the proposed 5th St and Riverside Parkway interchange.



E-1 / 910 S 4th

Proposed
Riverside
Parkway

5th St (Hwy 50)

Noland Ave

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 910 S. 4TH STREET FROM SAUL REYES AND LAINIE REYES**

Recitals.

A. The City of Grand Junction has entered into a contract with Saul Reyes and Lainie Reyes for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway. The street address of the property is 910 S. 4th St and the Mesa County Assessor parcel number is 2945-232-00-001, designated as Project Parcel No. E-1.

B. The purchase contract provides that on or before February 2, 2005, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of said property.

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

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

1. The above described property shall be purchased for a price of \$54,000. In addition, moving expenses of \$3,671.50, and closing costs of \$750.00. The total acquisition cost is \$58,421.50. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. Said \$58,421.50 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

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

PASSED and ADOPTED this _____ day of _____, 2005.

Attest:

President of the Council

City Clerk

Attach 18

Purchase of Property 1554 Independent Ave

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Purchase of Right of Way at 1554 Independent for the Riverside Parkway Project					
Meeting Date	February 2, 2005					
Date Prepared	January 27, 2005				File #	
Author	Jim Shanks		Riverside Pkwy Program Manager			
Presenter Name	Mark Relph		Public Works and Utilities Director			
Report results back to Council	X	No		Yes	When	
Citizen Presentation		Yes	X	No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

Summary: The City has entered into a contract to purchase right of way from Merrill C. and Valerie J. Kennedy for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Budget: Sufficient funds exist in the 2005 Riverside Parkway budget to complete the City's due diligence investigations and purchase of this right of way: The figures in this table are rounded to the nearest dollar.

2005 Right-of-Way Budget	\$8,300,000
2005 Right-of-Way Related Expenses to Date:*	\$742,992
Costs Related to this Property Purchase:	
Purchase Price	\$217,500
Estimated Moving Costs	\$13,000
Potential Reestablishment Costs	\$27,000
Estimated Closing Costs	\$300
Environmental Inspections	\$1,200
Asbestos Removal	\$0
Demolition	\$4,500
Misc environmental cleanup	\$1,000
Total Costs Related to This Request	\$264,500
2005 Remaining Right-of-Way Funds	\$7,292,508
Total Project Budget	\$88,925,000
Estimated Project Costs:	
Prelim. Engineering / 1601 Process	\$5,610,000
City Admin Expenses / attorney's fees / stipends	\$2,940,000
Utility relocations / undergrounding / Street Lights	\$5,375,000
Construction	\$55,000,000
Right-of-Way & Land Purchases / relocation expenses	\$15,000,000
Construction oversight	\$5,000,000
Total Estimated Project Costs	\$88,925,000
Remaining Funds / Contingency	\$0
*Includes 930 S 5th St and 1555 Independent Ave approved by Council on 1/5/05 & 2502 Hwy 6 & 50	

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of property at 1554 Independent Avenue from Merrill C. and Valerie J. Kennedy.

Attachments:

1. Proposed Resolution.

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

This property is located just east of 25 Road and north of Independent Avenue. The property presently has a house with two apartments and a metal shop building. The land required for the Parkway project includes land for ROW and permanent easement (PE):

Parcel	Parcel #	Address	SF	Zoned	Current use	Ownership
B-14	2945-103-00-072	1554 Independent	12,763	C-2	Shop + residential	Merrill C & Valerie J Kennedy

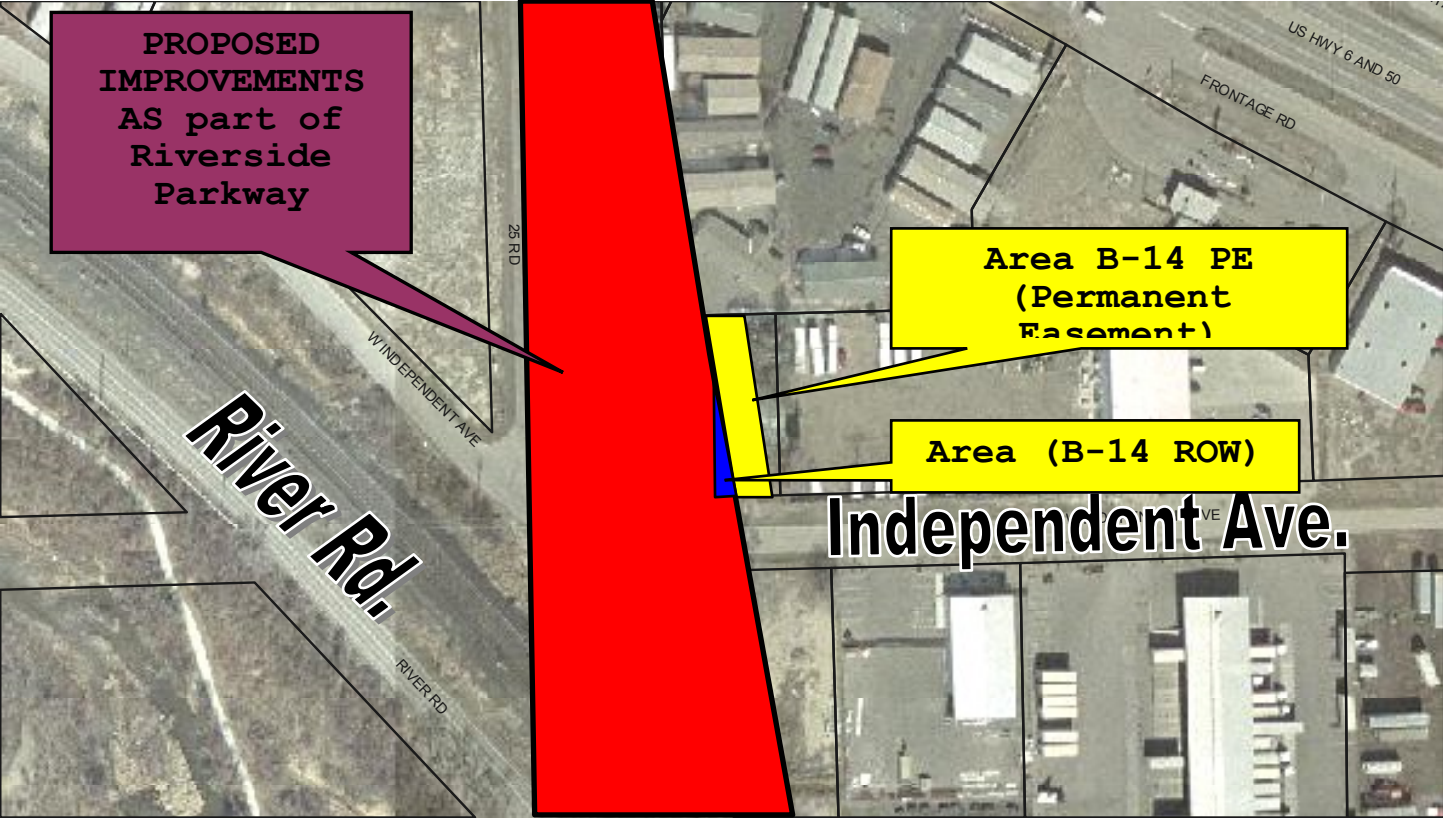
The right of way is needed for the construction of the bridge crossing Independent Avenue and the Union Pacific Railroad and for the construction of a 60" storm sewer line.

A Phase I Environmental Audit has been completed for the purchase. No special remediation requirements are anticipated.

The City's appraisal for this property is \$217,500. The property owner chose not to have his own appraisal completed.

Closing is planned for **mid-March 2005**. Staff recommends this purchase as it is necessary for the construction of 25 Road and Highway 6&50 intersection improvements as part of the Riverside Parkway project.

1555 Independent Avenue (Parcels B-14 and B-14PE)



RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 1554 Independent Avenue from Merrill C. and Valerie J. Kennedy**

Recitals.

A. The City of Grand Junction has entered into a contract with Merrill C. and Valerie J. Kennedy for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway. The street address, Mesa County Assessor parcel number and project parcel numbers are as follows:

Parcel	Parcel #	Address	SF	Zoned	Current use	Ownership
B-14	2945-103-00-072	1554 Independent	12,763	C-2	Shop + Residential	Merrill C & Valerie J Kennedy

B. The purchase contract provides that on or before **February 2, 2005**, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of said property.

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

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

1. The above described property shall be purchased for a price of **\$217,500.00**. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. Said **\$217,500.00** is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

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

PASSED and ADOPTED this _____ day _____, 2005.

Attest:

President of the Council

City Clerk

Attach 19

Public Hearing – Concerning Sampling of Wine & Beer in Retail Liquor Stores

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject		Alcoholic Beverage Ordinance				
Meeting Date		February 2, 2005				
Date Prepared		January 17, 2005			File #	
Author		Shelly Dackonish		Staff Attorney		
Presenter Name		John Shaver		City Attorney		
Report results back to Council		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
Citizen Presentation		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name
<input type="checkbox"/>	Workshop	<input checked="" type="checkbox"/>	Formal Agenda		<input checked="" type="checkbox"/>	Consent
						Individual Consideration

Summary: Amendments to Chapter 32 of the Code of Ordinances are proposed to correct scrivener’s errors, to create consistency in the Code and to facilitate the continued consistent enforcement of Code provisions regarding alcoholic beverages in public areas.

Budget: N/A

Action Requested/Recommendation: Approval of ordinance to correct scrivener’s errors regarding possession and consumption of alcoholic beverages in public areas, and service of alcoholic beverages in sidewalk restaurants.

Attachments: Proposed Ordinance.

Background Information: In 1994 the City Council approved Ordinance No. 2743 which amended Chapter 19, Section 29 (now codified at Chapter 32, Section 10) of the Code of Ordinances, City of Grand Junction (“Code”) to allow consumption of malt and vinous beverages in the City in public ways, and in private ways used by the public, when and if such possession and consumption is authorized under a special events permit. The terms “possess” and “spirituous” were omitted from the amended Code language describing those beverages prohibited from possession or consumption within public ways and private ways used by the public.

On July 7, 2004, the City Council approved Ordinance No. 3650 which amends Chapter 32, Sections 62, 63 and 64 of the Code to allow alcohol beverage service in sidewalk restaurants. This revision is not reflected in Chapter 32, Section 10 of the code.

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART OF CHAPTER 32 OF THE CITY OF GRAND
JUNCTION CODE OF ORDINANCES RELATING TO DRINKING ALCOHOLIC
BEVERAGES IN PUBLIC WAYS

Recitals.

In 1994 the City Council approved Ordinance No. 2743 which amended Chapter 19, Section 29 (now codified at Chapter 32, Section 10) of the Code of Ordinances, City of Grand Junction (“Code”) to allow consumption of malt and vinous beverages in the City in public ways, and in private ways used by the public, when and if such possession and consumption is authorized under a special events permit.

Due to a scrivener’s error, the terms “possess” and “spirituous” were omitted from the amended Code language describing those beverages prohibited from possession or consumption within public ways and private ways used by the public.

Furthermore, on July 7, 2004, the City Council approved Ordinance No. 3650, which amends Chapter 32, Sections 62, 63 and 64 of the Code to allow alcoholic beverage service in sidewalk restaurants. This revision is not reflected in Chapter 32, Section 10 of the Code.

This amendment is designed to correct the scrivener’s error, update Chapter 32, Section 10 of the Code to create consistency with Ordinance 3650, and to facilitate the continued consistent enforcement of the Code.

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

Chapter 32, Section 10 of the Code of Ordinances, City of Grand Junction, Colorado, is hereby amended to read as follows. Deletions are shown in strikethrough; ADDITIONS ARE SHOWN IN ALL CAPS.

**Sec. 32-10. Drinking of alcoholic beverages in public ways; use of glass containers in
grassed areas prohibited.**

(a) It shall be unlawful for any person to POSSESS OR drink ANY malt, ~~or~~ vinous, OR SPIRITUOUS LIQUORS ~~beverages~~ in the City, in or on any public street, road, highway, park or public way which is either publicly or privately owned and used by the public, unless such possession and consumption is pursuant to and in accordance with a special events permit issued in accordance with C.R.S. § 12-48-101 *et seq.* or such ~~public~~ place is a part of the premises designated under a valid license issued pursuant to state law and the

consumption is otherwise lawful. ~~Consumption of spirituous liquors in or on any public street, road, highway or public way which is either publicly or privately owned shall be unlawful.~~

(b) No person shall drink from or use glass containers on the grassed areas of any public park.

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

PASSED for first reading this _____ day of _____, 2005.

PASSED AND ADOPTED this _____ day of _____, 2005 on Second Reading.

Bruce Hill
President of the Council

Attest:

Stephanie Tuin
City Clerk

Attach 20

Public Hearing – Growth Plan Amendment Vista Peak

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA						
Subject	Growth Plan Amendment—Vista Peak					
Meeting Date	February 2, 2005					
Date Prepared	January 24, 2005				File # GPA-2004-191	
Author	Kathy Portner		Planning Manager			
Presenter Name	Kathy Portner		Planning Manager			
Report results back to Council	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When	
Citizen Presentation	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Name	
	Workshop	<input checked="" type="checkbox"/>		Formal Agenda		Consent <input checked="" type="checkbox"/> 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 16 acres, located at 104 29 ¾ Road.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider a resolution amending the Growth Plan. Staff and Planning Commission recommend denial. An affirmative vote of five members of Council is required to reverse the Planning Commission recommendation of denial.

Background Information: See attached Staff Report

Attachments:

- Staff Report
- Site Location Map
- Aerial Photo
- Future Land Use Map
- Existing City and County Zoning Map
- Contour Map
- Applicant’s General Project Report

Public Comment Letter
 Planning Commission Minutes
 Resolution

CITY OF GRAND JUNCTION
 CITY COUNCIL

MEETING DATE: February 2, 2005
 STAFF PRESENTATION: Kathy Portner

AGENDA TOPIC: GPA-2004-191 Growth Plan Amendment—Vista Peak

ACTION REQUESTED: Hold a public hearing and consider a Resolution amending the Growth Plan.

BACKGROUND INFORMATION			
Location:		104 29 ³ / ₄ Road	
Applicants:		Owner: Albert Fisher Representative: Robert Jones II	
Existing Land Use:		Undeveloped	
Proposed Land Use:		Residential, 2 to 4 units per acre	
Surrounding Land Use:	North	Residential Medium Low, 2-4 du/ac	
	South	Public	
	East	Rural, 5-35 ac/du	
	West	Conservation/Residential Medium Low, 2-4 du/ac	
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	County RSF-R	
	South	County RSF-R	
	East	County RSF-R	
	West	County RSF-R/Planned Commercial	
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 16 acres, located at 104 29 ³/₄ Road.

RECOMMENDATION: Staff and Planning Commission recommend denial.

ANALYSIS

1. Background

The property was recently annexed into the City of Grand Junction pursuant to the Persigo Agreement. The applicant is requesting that the Future Land Use Map of the Growth Plan/Orchard Mesa Neighborhood 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 16 acre site is located along the east side of 29 ³/₄ Road near Highway 50 on Orchard Mesa. The property is a large knoll with significant topographic relief, with elevations ranging from approximately 4,832 feet to 4,936 feet. Due to grades and the Orchard Mesa Canal that borders the property on the north, the only access that can be provided to the property is from the existing 29 ³/₄ Road to the southwest.

The applicant did a preliminary slope analysis using a GIS contour file from Mesa County. However, the analysis appears to be based on proposed slopes rather than existing slopes. That analysis indicates approximately 26% of the site containing slopes of 10-20%, 8% of the site containing slopes of 20-30% and 37% of the site containing slopes of 30% or more. The majority of the slopes of less than 20% are on the top of the knoll, resulting in the access road crossing slopes of greater than 20 and 30 percent.

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 property is at the far southeast edge of the Urban Growth Boundary, with the Rural designation to the east, Public designation to the south and Conservation designation to the west. Also, to the southeast of the site, is the Mesa County Landfill. The property has limited development potential due to access and steep slopes. Staff finds there was no error.

- b. Subsequent events have invalidated the original premises and findings.

There have not been subsequent events that have invalidated the original premises and findings of the Growth Plan or the Orchard Mesa Neighborhood

Plan. The development in the surrounding area has been consistent with the Growth Plan/Orchard Mesa Neighborhood Plan designations.

- 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.

- d. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans.

The proposed change is not consistent with the goals and policies of the Growth Plan or the Orchard Mesa Neighborhood Plan.

The following goals and policies from the Growth Plan support leaving the Rural designation on this property:

Policy 20.7: The City and County will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Bookcliffs, Grand Mesa and Colorado National Monument.

Policy 20.9: The City and County will encourage dedications of conservation easements or land along the hillsides, habitat corridors, drainageways and waterways surrounding the City.

Policy 20.10: The City and County will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, the City may require landscape improvements to reduce the visual impact of such work.

Goal 21: To minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.

Policy 21.2: The City and County will prohibit development in or near natural hazard areas, unless measures are undertaken to mitigate the risk of injury to persons and the loss of property. Development in floodplains and/or drainage areas, steep slope areas, geological fault areas, and other dangerous or undesirable building areas will be controlled through the development regulations.

Policy 21.3: The City and County will encourage the preservation of natural hazard areas for use as habitat and open space areas.

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed.

Needed infrastructure would have to be extended to serve the parcel. The City will be working with the Colorado Department of Transportation on an Access Management Plan for Highway 50 in the near future.

- f. An inadequate supply of suitably designated land is available in the proposed land use.

The majority of Orchard Mesa is designated Residential Medium Low (2-4 units per acre). Much of the area with that designation remains undeveloped.

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

The community or area will not derive benefits from the proposed amendment. The property would be difficult, at best, to develop at the proposed densities given the City's hillside development regulations.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Vista Peak application, GPA-2004-191 for a Growth Plan Amendment, staff makes the following findings of fact and conclusions:

1. The proposed amendment is not consistent with the purpose and intent of the Plan.
2. The review criteria in Section 2.5.C of the Zoning and Development Code have not been met.

STAFF RECOMMENDATION:

Staff recommends that denial of the requested Growth Plan Amendment, GPA-2004-191, with the findings and conclusions listed above.

PLANNING COMMISSION RECOMMENDATION:

[At their January 11, 2005 hearing, Planning Commission recommended denial of the Growth Plan Amendment.](#)

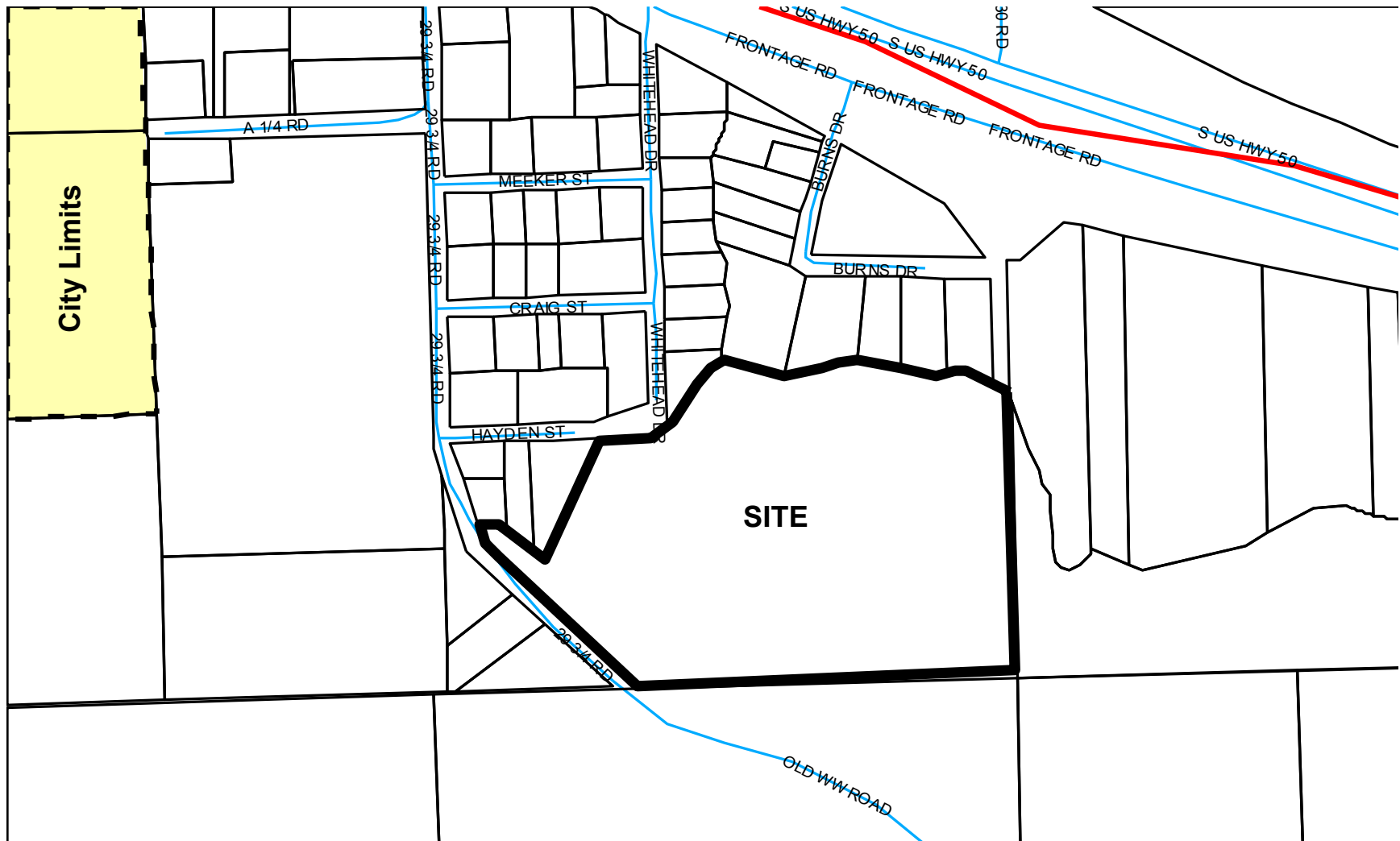
Attachments:

Staff Report
Site Location Map
Aerial Photo
Future Land Use Map

Existing City and County Zoning Map
Contour Map
Applicant's General Project Report
Public Comment Letter
Planning Commission Minutes
Resolution

Site Location Map

Figure 1



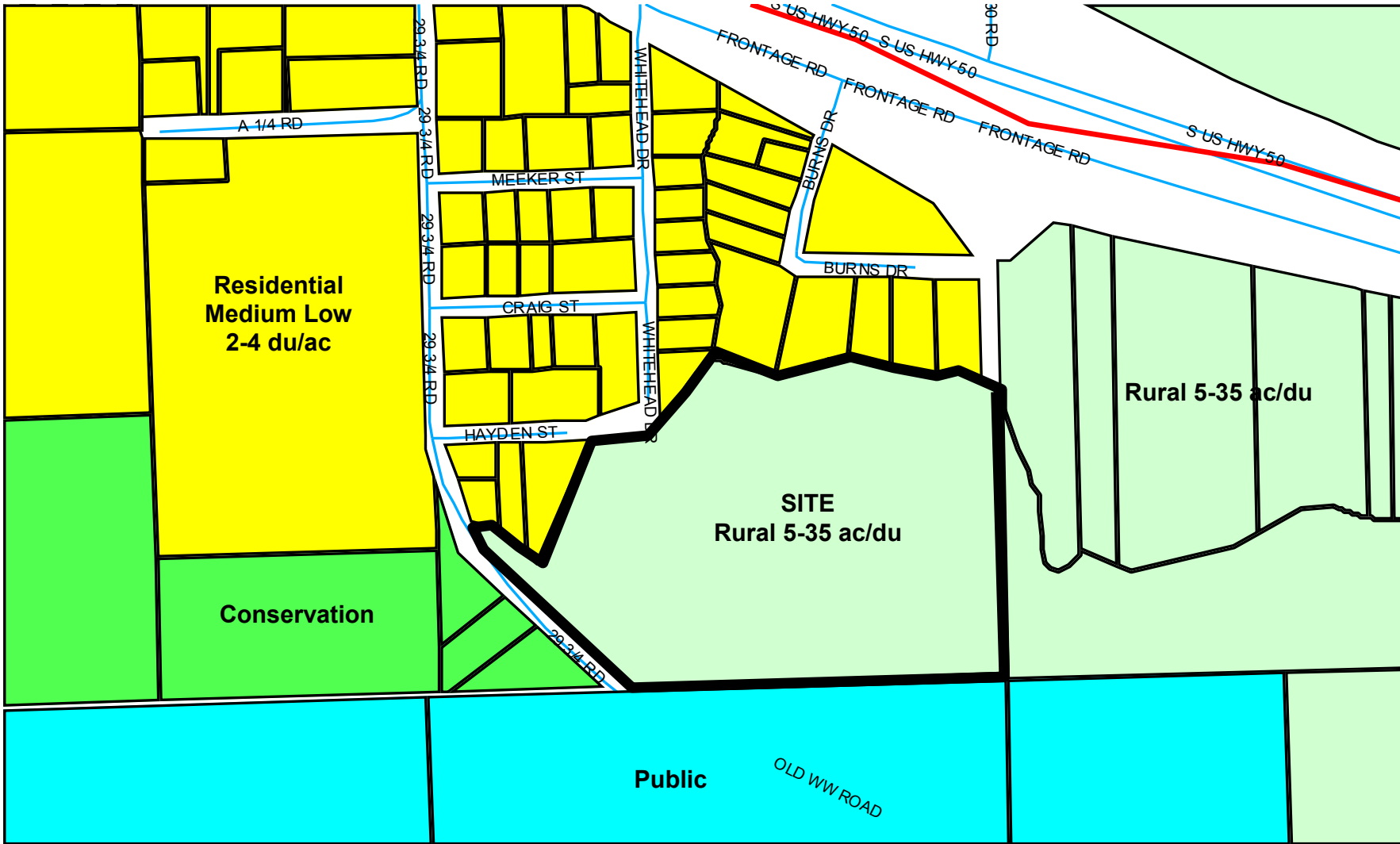
Aerial Photo Map

Figure 2



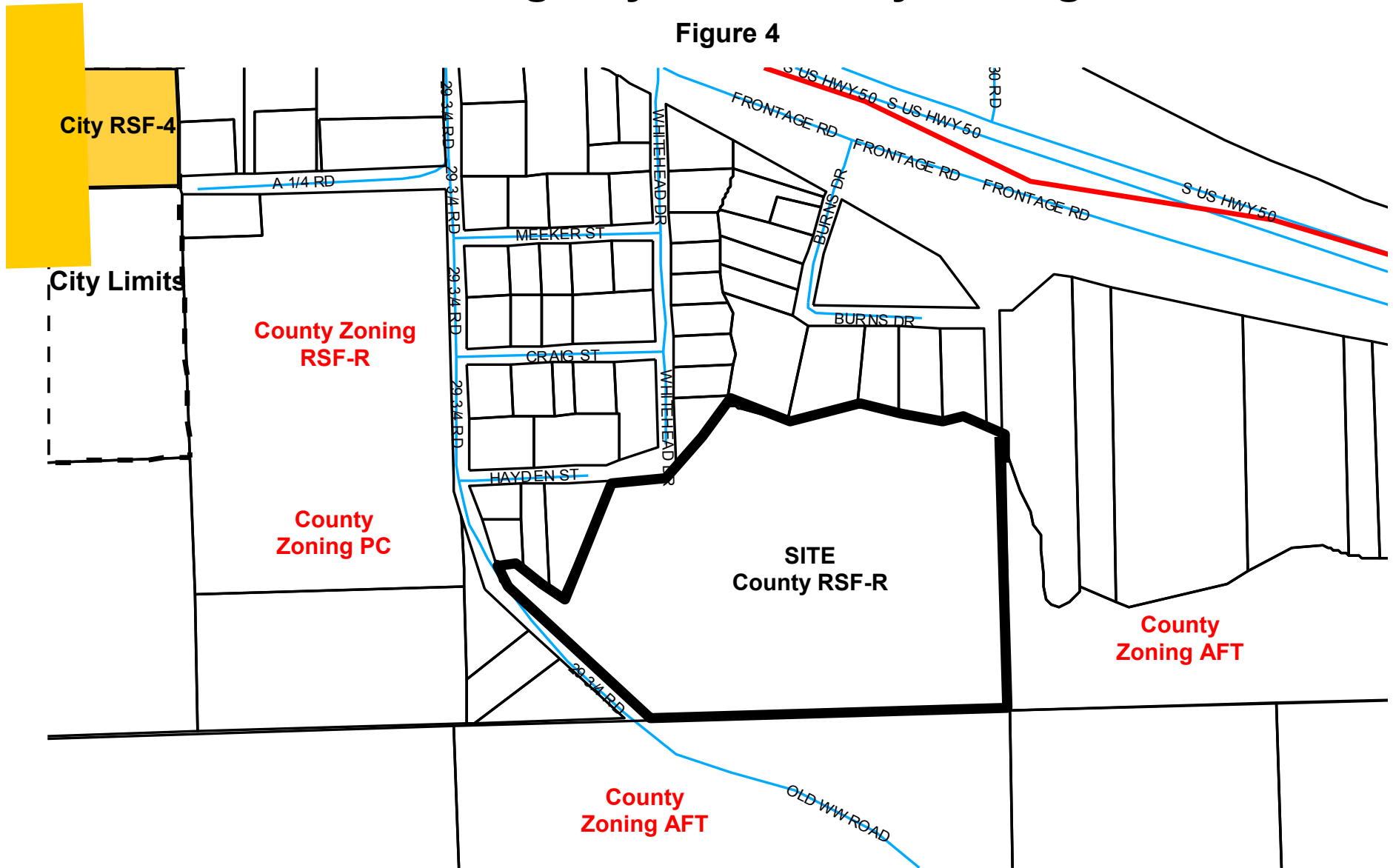
Future Land Use Map

Figure 3

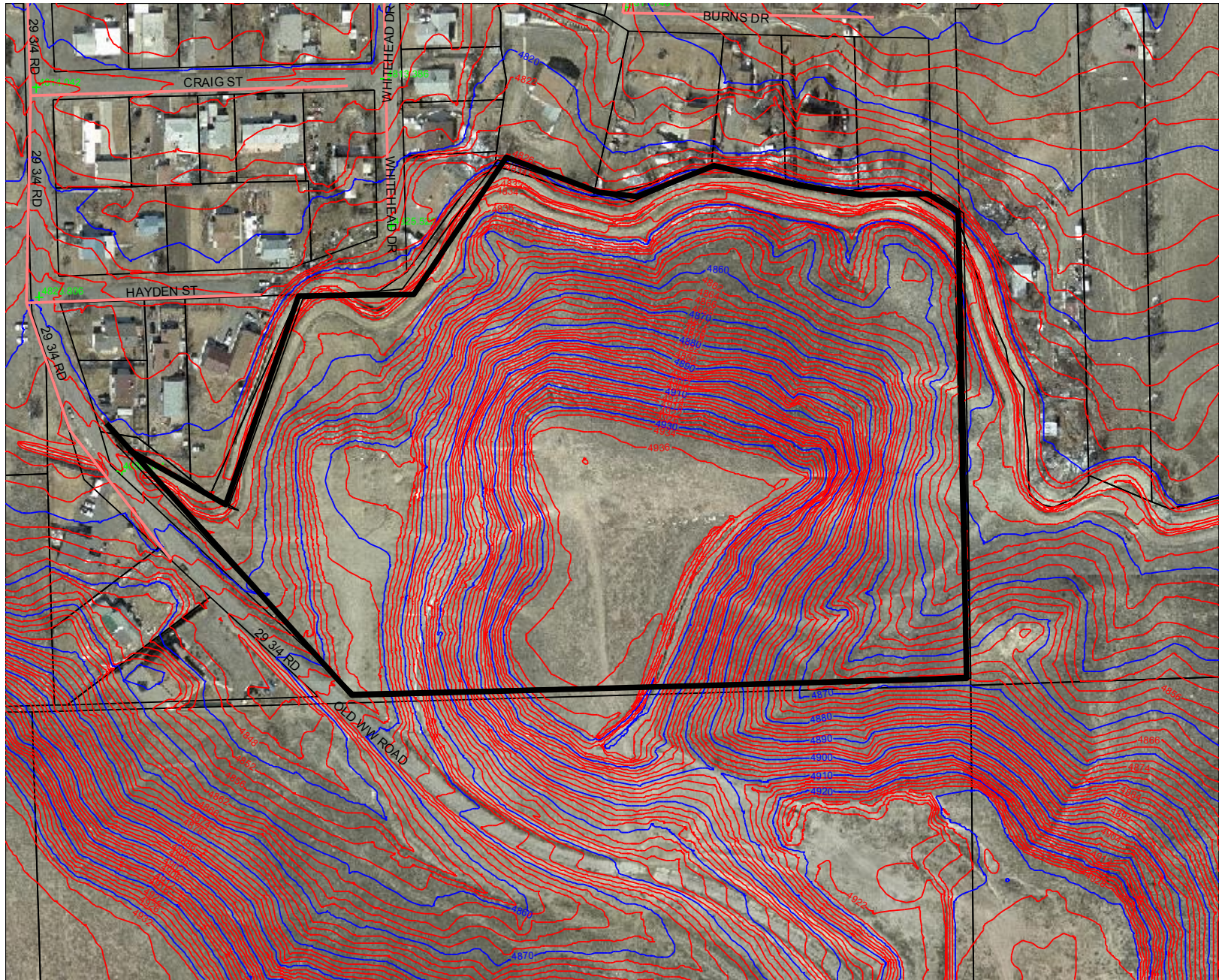


Existing City and County Zoning

Figure 4



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





Vortex Engineering, Inc.

255 Vista Valley Drive
Fruita, CO 81521

Voice: 970-858-4888
Cell: 970-260-9082
Fax: 970-858-7373
Email: rjones@vortexeng.com
Web Site: www.vortexeng.com

General Project Report For Vista Peak Subdivision

Date: August 2, 2004
Revised: November 12, 2004

Prepared by: Robert W. Jones II, P.E.
Vortex Engineering, Inc.
255 Vista Valley Drive
Fruita, CO 81521
970-260-9082
VEI # F04-010

Type of Design: New Residential Subdivision

Owner: Albert M. Fisher
104 29 $\frac{3}{4}$ Rd.
Orchard Mesa, CO 81505

Property address: 104 29 $\frac{3}{4}$ Rd.
Orchard Mesa, CO 81505

Tax schedule No.: 2943-324-10-001

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Exhibit 'A' – 11X17 Site Vicinity Map

1.0 Introduction/Site History

A. Property Location

The site is located along the east side of 29 ¼ Road near Hwy 50 in the Orchard Mesa area of Grand Junction, Colorado. The subject site lies south of the intersection of Hwy 50 and 29 ¼ Rd with an address of 104 29 ¼ Rd. The site is located near various mixed residential uses.

By legal description, the property is described as Lot 1, Block 9, of the Burns Subdivision, Section 32, Township 1 South, Range 1 East in Mesa County, Colorado. The property is approximately 16.0 acres in size.

The site is bounded on the west by 29 ¼ Rd, various residential uses to the north and west, vacant ground to the east and south. Please reference Exhibit 'A'—Vicinity Map within this report for further information.

B. Description of Property

As stated above, the property is approximately 16.0 acres in size. The site is currently undeveloped and does not appear to be utilized for any specific purpose. Sparse natural vegetation covers the parcel. The Orchard Mesa Drainage canal is located along the northern boundary of the property. This area of Mesa County consists of mixed rural residential land uses.

The subject site has significant topography, with elevations peaking at 4936, descending to 4832. A natural plateau exists on site and dominates much of the property. These elevations are approximate and are the result of a review of the USGS Quad Sheet for this area.

A roadside swale presently drains a portion of the site to the north, channeling storm water into the drainage canal at the northern boundary.

According to the Natural Resource Conservation Service (NRCS), the soils across the site consist of two predominant families. The first being the "Badlands-Deaver-Chipeta Complex", 25 to 99 percent slopes (52). The Badlands-Deaver-Chipeta Complex family consists of moderately steep to very steep barren land dissected by many intermittent drainage channels. The areas are ordinarily not stony. Runoff is very rapid and erosion is active. They are composed of well drained soils formed in Residium from the shale on uplands. Typically, the surface layer is very cobbly Silty Clay loam about 3 inches thick. The underlying layer is clay to a depth of 27 inches and is underlain by shale at a depth of 30 inches or more. Hydrologic Soils Group "C-D".

The second being the "Persayo Silty Clay Loam", 5 to 12 percent slopes (Cc). The Persayo Silty Clay Loam family consists of shallow, well drained soils formed in Residium from the shale on ridge crests, side slopes, and toe slopes. Typically, the surface layer is Silty Clay loam about 2 inches thick. The underlying layer is clay to a depth of 13 inches thick. Weathered Shale is at a depth of 15 inches. Hydrologic Soils Group "D".

This property was platted as part of the Burns Subdivision on June 15, 1950 and recorded among the land records of Mesa County, Colorado under Liber 7, Folio 63.

C. Purpose of General Project Report

The 16.0 acre parcel is planned to be developed as a residential subdivision with various phases of construction. The purpose of this General Project Report is to provide a general review and discussion of the Site, Zoning, and Planning of the subject site for Staff to properly determine the compatibility of the proposed Growth Plan category in relation to the surrounding uses and classifications.

2.0 Existing Drainage Conditions

A. Major Basin Characteristics

This property is located east of the Orchard Mesa Drainage Basin. The watershed in this region slopes from the south to the north, ultimately draining to the Colorado River.

B. Site Characteristics

The lowest elevations on this site occur near the northwest and northeast corners of the property. Elevations vary from 4936 to 4832 feet. The existing drainage patterns of the property include a combination of sheet flow, shallow concentrated flow, and channel flow. Please refer to Exhibit 'B'- Pre-Development Drainage Area Map.

This site currently accepts off-site drainage from the southern property and 29 ¾ rd. to the west. Most of these off-site areas are undeveloped vacant ground in composition. A roadside swale presently drains a portion of the site to the north, channeling into the drainage canal at the northern boundary. Drainage is generally from the south to the north, although the site has a natural plateau, which drains storm water off in all directions.

3.0 Proposed Drainage Conditions

A. Design Criteria & Approach

As expected in most developments, conversion and development of this property from bare ground to a residential subdivision will increase the storm water runoff, both in peak rates and volumes. However, with planned on site detention, runoff rates leaving the property will not be increased above the existing rates.

It is anticipated that on-site detention of the storm water runoff in the form of above ground basins will be utilized to attenuate the post development runoff rates to pre-development levels. Generally, the 2-yr and 100-yr storm events must be managed.

4.0 Current Use & Zoning Review

- a) Current Zoning: RSF-R (Residential-Single-Family Rural District)
- b) Current Zoning Description: The RSF-R, Residential-Single-Family Rural District is primarily intended to accommodate low intensity agricultural operations and very low-density single-family uses on large parcels within the Joint Urban Planning Area's Urban Growth Boundary. The district is appropriate for application in areas where very low-density, rural character development is desired, or where terrain, environmental resources or the absence of public facilities and services necessitates very low-intensity development. The RSF-R district corresponds to and implements the Mesa Countywide Land Use Plan's "Rural" land use classification.

- c) Current Jurisdiction: Mesa County
- d) Existing Use: Vacant parcel-undeveloped
- e) Proposed Use: Residential Subdivision
- f) Is the property located within the 201 Persigio Agreement Area? YES

5.0 Future Use & Rezone Application Review

The Future Land Use Plan of the Mesa Countywide Land Use Plan is designated to provide guidance for the 15 year period from 1996 to 2010. The goals, policies, and action items are intended to provide guidance, priorities, and implementation strategies needed to accomplish the principles and features of the Future Land Use Plan (Map). The Future Master Planned Zoning for this property is RSF-R (Residential-Single-Family Rural District); however, the property is surrounded by Residential/ Medium Low Density Future Land Use Classification (2-4 DU/acre) to the north & west.

The applicant is requesting a Growth Plan Amendment and rezoning for this area from the planned "Rural" classification to "Residential/Medium Low Density". This is partly justified due to the partial surrounding of the property with the same land master plan zoning classification of Residential/Medium Low Density.

Additionally, the petitioners desired zoning for the subject site is RSF-4, Residential-Single-Family-4. This District is primarily intended to provide for medium-low density single family uses where adequate public facilities and services are available. The RSF-4 district implements the Residential Medium-Low and medium density future land use classifications of the Growth Plan. Although the desired zoning of this site is RSF-4, the actual density, which will be proposed for this site, is closer to 2 DU/acre.

In accordance with Section 2.5.C of the Zoning & Development Code, "The City and County shall amend the plan if each find is that the amendment is consistent with the purpose and intent of the plan..." A review of the Approval/Review Criteria for the GPA & Rezoning follows (The discussion and answers which addresses each of the criteria is in red):

1.) *There was an error such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;* The City of Grand Junction's Growth Plan was adopted October 2, 1996. In reviewing the Growth Plan, it states that much of the initial assessment for the Growth Plan and the subsequent land use designations were completed in 1995. The various committees that worked to complete the Growth Plan at that time could not possibly have foreseen the unprecedented development and growth trends that have occurred in the Grand Valley over the past ten years. Especially in the Orchard Mesa area of the City and the impact the newly proposed 29 Road project will have in that area.

2.) *Subsequent events have invalidated the original premises and findings;* There has certainly been a change in the character of this neighborhood in the continuing increase of residential development due to the present growth trend. This is evident by the increasing demand for housing in the Orchard Mesa area of Grand Junction and the many new subdivisions completed or under construction. The closest and largest new subdivision, which has impacted this development, is the Redtail Subdivision development. The installation of this subdivision and the subsequent public facilities has further opened this area up for development. Additionally, the 29 Road project planned by the City of Grand Junction will open up the Orchard Mesa area to a variety of development and housing needs.

The original Growth Plan context for Planning was predicated upon an anticipated planning area population increase of 2.0% per year. According to recent Chamber of Commerce statistics, the actual planning area population increase has been almost 3.0% per year. This equates to an increase in population percentage equal to 150% of the anticipated value. This additional population increase has put this area of Grand Junction and others in a definite need of suitable housing.

3.) *The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;* The subject site is surrounded by Residential/ Medium Low Density Future Land Use Classification (2-4 DU/acre) to the north & west. To the south is public land with a Land Use Classification of Public, to the east is Estate Future Land Use Classification. It is doubtful that the original authors of the Growth Plan could have foreseen the drastic changes in character to the area that have been completed in the last five years. The Orchard Mesa area is one of the fastest growing residential areas in the Grand Valley.

The idea of utilizing this site as a “buffer” to public lands by instituting a Rural Land Use Classification holds very little credible value. A decrease in the Land Use Density adjacent to vast areas of open space and public land will not further benefit the citizens of Grand Junction or be consistent with the Growth Plan. If this ideal of the Growth Plan were true, than the entire area north of HWY 6&50 and other areas in Grand Junction would have Land Use Classifications inconsistent with the Growth Plan, since these areas are on the border of the Urban Growth Boundary and have Land Use Classifications of Residential Medium Low (2-4 DU/acre).

4.) *The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans;* The proposed Growth Plan Amendment is consistent with the goals and policies of the plan and the specific neighborhood plan. Please reference the detailed analysis of the applicable neighborhood plan which, follows the general discussion of the Review criteria of Section 2.5.C.

A major Goal and Policy of the Growth Plan is the requirement that “the City and County will limit urban development in the Joint Planning Area to locations within the Urban Growth Boundary with adequate public facilities...” This property is not only located within the Urban Growth Boundary, but has adequate public facilities in place, or planned, to service the proposed development.

The Rural Land Use Classification is further defined by Exhibit V.2 of the Growth Plan which, has typical uses listed as “Orchards and other small scale agriculture operations and homesteads”. Since this property is not suitable for any of the typical uses listed in the Growth Plan, this Growth Plan Amendment can be seen as yet again consistent with the goals and policies of the Growth Plan.

5.) *Public and community facilities are adequate to serve the type and scope of land use proposed;* Adequate public and community facilities are available to serve the type and scope of land use proposed, or will be made available concurrent with the projected impacts of the proposed development. Please reference Section 6 of this report for further information.

6.) *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use;* This property is one of the last available pieces for development in this area of Orchard Mesa. To the applicant’s knowledge, no other reasonable site is available.

7.) *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment;* This project will offer many amenities that are currently not available, such as improved trails and open space areas. Additionally, this development should serve an important community service in this area by providing much needed housing. The current availability of suitable building sites in the Orchard Mesa area is poor. This subdivision should prove to uplift the existing subdivision and neighborhood in aesthetics and value by providing higher comparable homes and greater community amenities.

Orchard Mesa Neighborhood/ City of Grand Junction Growth Plan Review

This site is located within the Orchard Mesa Neighborhood Plan, revised July 13 & August 16, 2000. Specifically, the South Orchard Mesa Neighborhood. The proposed Growth Plan Amendment and rezoning will compliment this plan by meeting the Goals/Objectives section of the report specific to the Housing Action Plan. This will be accomplished by addressing the Goals/Objectives number 3 & 7.

Goal/Objective #3- "Ensure diverse housing types are available to meet the needs and preferences for all income levels."

Goal/Objective met with proposed GPA?- YES.

Goal/Objective #7- "increase the percentage of owner occupied housing units in the west and south Orchard Mesa."

Goal/Objective met with proposed GPA?- YES.

As stated in the Land Use/Zoning Action Plan section of the Orchard Mesa Neighborhood Plan, the "Zoning in the south neighborhood is primarily R-2 (residential 3.5 units per net acre) and is within the County's Persigio Planned Development Overlay Zone (the urbanizing area)."

This GPA and the proposed development of this site is in direct alignment with the statement above, as the proposed density of this development is approximately 2.0 units/acre.

6.0 Utilities/Public Facilities

A. Electric

The provider for electric service in this area is Grand Valley Power Company. It is estimated that there is adequate capacity to service the proposed subdivision with electric power.

B. Water

The provider for water service in this area is Ute Water Company. It is anticipated that an off-site 8"-12" water main extension of approximately 2,000' will be required with the development of this property. A 2" water line is located in Hayden St. and 29 ¾ Rd. An 8" water main is located at the south side of Hwy 50.

C. Sewer

The provider for sewer service in this area is the Orchard Mesa Sanitation District. It is not presently anticipated that an off-site sewer main extension will be required with the development of this property. An 8" sewer line is located in the middle of the west lane of 29 ¾ Rd. According to the Orchard Mesa Sanitation District, the 8" main in 29 ¾ Rd. has adequate capacity.

D. Natural Gas

The provider for gas service in this area is Xcel Energy. A 3" Mil wrapped gas main is located at the intersection of 29 ¾ Rd. & HWY 50 approximately 5' north of the southern right-of-way line of HWY 50. This main has approximately 60 psi pressure. A 2" mil wrapped line is located in 29 ¾ Rd. approximately 15' west of the right-of-way line. This line extends approximately 487' south past the intersection of Hayden Dr. and 29 ¾ Rd. It is anticipated that this main will have the capacity to service the proposed subdivision.

E. Telephone

The provider for telephone service in this area is U.S. West. It is estimated that there is adequate capacity to service the proposed subdivision with telephone services.

F. Cable Television

The provider for cable service in this area is Bresnan. It is estimated that there is adequate capacity to service the proposed subdivision with cable services.

G. Irrigation

The provider for irrigation service in this area is the Orchard Mesa Irrigation District.

H. Fire Protection

The provider for Fire Protection service in this area is the Grand Junction Rural Fire District.

I. Police Protection

The provider for Police Protection service in this area is the City of Grand Junction Police Department & the Mesa County Sheriff's Department.

J. School District

The provider for public education in this area is Mesa County School District 51. It is not anticipated at this time that a mere 35 homes will have a significant impact on the existing facilities in terms of capacity. Furthermore, the school impact fees generated from this development should off-set any additional expenses incurred by the School District.

K. Parks/Trails

Presently no neighborhood parks or trails exist in this area of Orchard Mesa. The developer of this subdivision has planned for a community park and pavilion to be constructed in conjunction with the development. The park area will be maintained by the HOA and will be open to the HOA's community to use.

Additionally, a system of trails will be constructed and maintained for the community to use. These community amenities are a major improvement for this area of Orchard Mesa.

7.0 Transportation

Currently the site is accessed from 29 ¾ Rd. 29 ¾ Rd. is a 2-lane, no median, paved, County owned and maintained roadway. The existing right-of-way of 29 ¾ Rd. is approximately 38'. The ultimate right-of-way of 29 ¾ Rd. is 60'. Approximately 11' of right-of-way dedication is anticipated on the project side of the road with this development.

Approximately 35 homes are planned for this development. An increase in the traffic of approximately 325 Vehicle Trips per day (VTPD) will occur at the ultimate build-out of this subdivision. The main entrance into the planned subdivision would be from 29 ¾ Rd. It is not anticipated that this will create congestion or a major decrease in the level of service for 29 ¾ Rd. The planned subdivision is below the threshold of a required Traffic Impact Study.

8.0 Public Benefit & Development Schedule/Phasing

This development appears to be an excellent opportunity and should serve an important community service in this area by providing much needed housing. The current availability of suitable building sites in the Orchard Mesa area is poor. This subdivision should prove to uplift the existing subdivision to the north in aesthetics and value by providing higher comparable homes and greater community amenities.

This development is planned to be completed in three (3) phases. The first phase of the subdivision will be completed upon final approval from the City of Grand Junction and re-platting of the property.

9.0 Limitations/Restrictions

This report is a site-specific investigation and is applicable only for the client for whom our work was performed. Use of this report under other circumstances is not an appropriate application of this document. This report is a product of Vortex Engineering Incorporated and is to be taken in its entirety. Excerpts from this report may be taken out of context and may not convey the true intent of the report. It is the owner's and owner's agents responsibility to read this report and become familiar with recommendations and findings contained herein. Should any discrepancies be found, they must be reported to the preparing engineer within 5 days.

The recommendations and findings outlined in this report are based on: 1) The site visit and discussion with the owner, 2) the site conditions disclosed at the specific time of the site investigation of reference, 3) various conversations with planners and utility companies, and 4) a general review of the zoning, growth plan, and transportation manuals. Vortex Engineering, Inc. assumes no liability for the accuracy or completeness of information furnished by the client or municipality/agency personnel. Site conditions are subject to external environmental effects and may change over time. Use of this report under different site conditions is inappropriate. If it becomes apparent that current site conditions vary from those reported, the design engineer should be contacted to develop any required report modifications. Vortex Engineering, Inc. is not responsible and accepts no liability for any variation of assumed information.

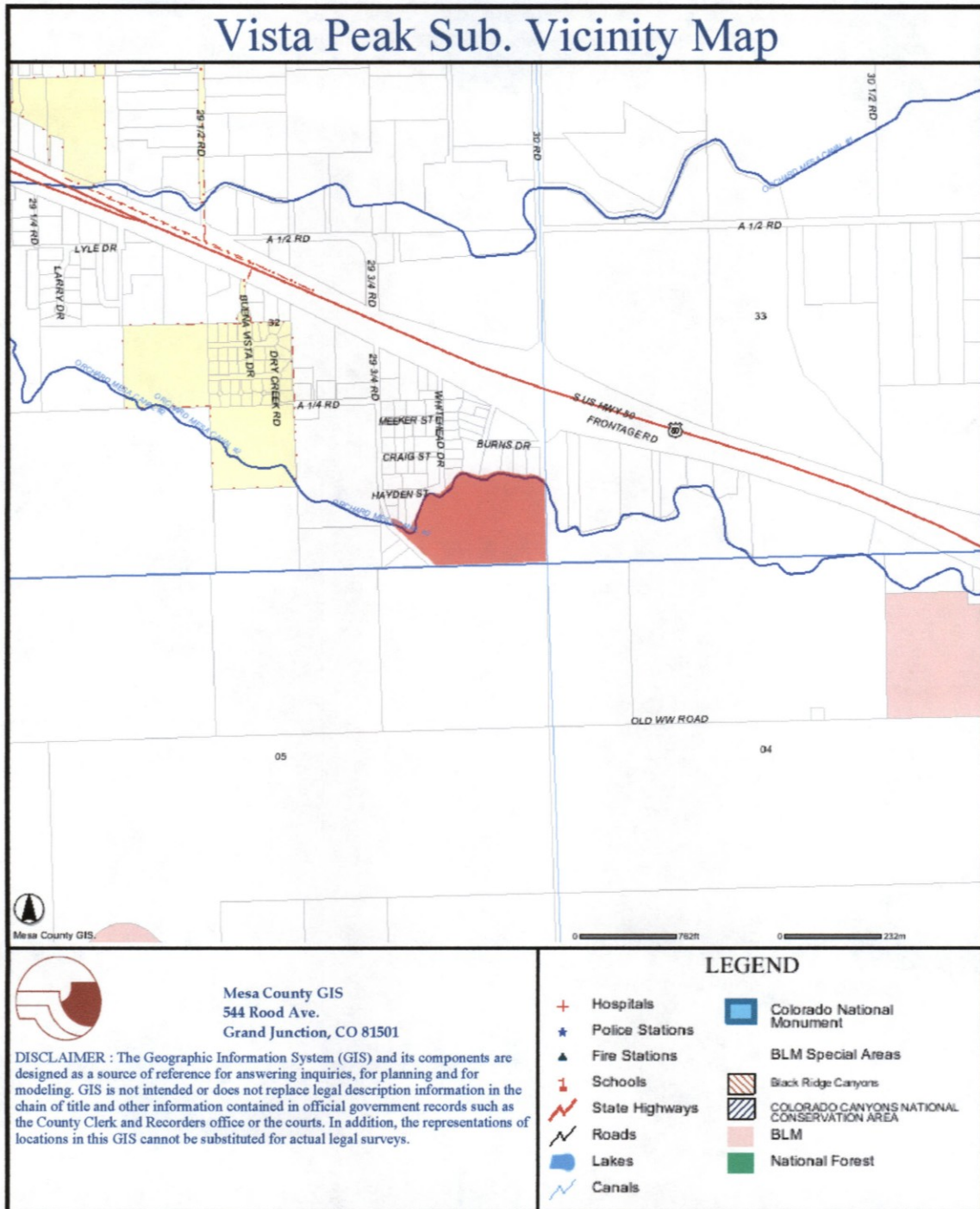
Vortex Engineering, Inc. represents this report has been prepared within the limits prescribed by the owner and in accordance with the current accepted practice of the civil engineering profession in the area. No warranty or representation either expressed or implied is included or intended in this report or in any of our contracts.

10.0 References

The following manuals and computer web sites were used for this General Project report:

- Storm water Management Manual, City of Grand Junction and Mesa County, May 1996.
- Zoning Ordinance Manual, City of Grand Junction, January 20, 2002.
- Mesa County Land Development Manual, Mesa County, May, 2000.
- T.E.D.S. Manual, City of Grand Junction, July 2003.
- City of Grand Junction GIS Master Web Site and the Mesa County Web Site.
- Growth Plan Manual, City of Grand Junction, October 2, 1996.
- Orchard Mesa Growth Plan Manual, City of Grand Junction, amended July 13, 2000 and August 16, 2000

EXHIBIT 'A'
SITE VICINTIY MAP



CHARLES C. DUCRAY
174 31 ROAD
GRAND JUNCTION, CO 81503

From: Charles DuCray
Phone (970)434-8219
FAX (970)242-6728

Date: 1-7-04 RE: VISTA PEAK SUBDIVISION
To: Grand Junction Community Development Attn: KATHY PORTNER
250 North 5th Street Phone: 970-244-1430
Grand Junction, Co FAX: _____

Regarding the Vista Peak Subdivision, located at 104 29-3/4 Road, as landowner of the property adjoining the proposal Vista Peak subdivision on three sides. For the growth plan amendment I am requesting a six-foot chain link fence encompasses the south, east, and west sides of the subdivision property.

Without the fencing requirements we are concerned about the additional number of houses increasing the potential of vandalism and trespassing by off road vehicles, motorcycles, and four-wheel drive vehicles.

Charles C DuCray

IV. FULL HEARING

GPA-2004-191 GROWTH PLAN AMENDMENT--VISTA PEAK ANNEXATION

A request for approval of a Growth Plan Amendment to change the Future Land Use Map designation from Rural (1 unit per 5 acres) to Residential Medium-Low (2 to 4 units/acre).

Petitioner: Albert Fisher

Location: 104 29 3/4 Road

PETITIONER'S PRESENTATION

Robert Jones II, representing the petitioner, gave a Powerpoint presentation containing the following slides: 1) site description and background; 2) vicinity map and site location; 3) Future Land Use Map; 4) outline of the request; 5) development concept plan; 6) pre-development slope analysis; and 7) post-development slope analysis projection. The property was approximately 16 acres in size and currently zoned RSF-R. Surrounding zonings of RSF-R were noted; however, areas north and northwest of the site had been classified as Residential Medium-Low on the Future Land Use Map. Other properties to the west and south of the site were classified as Conservation and Public, respectively. Mr. Jones addressed Code criteria contained in section 2.5.C. He felt that there had been unprecedented growth occurring in the Orchard Mesa area, growth unforeseen by the Growth Plan and that would only increase with completion of the 29 Road extension. The Growth Plan based its assumptions on a 2 percent growth factor when actual growth figures were closer to 3 percent.

Mr. Jones maintained that the property was not suitable for any of the typical uses outlined in the Growth Plan for the Rural classification. The higher density was justified given the area's current rate of growth and the resultant changes to surrounding neighborhoods. Many new nearby subdivisions had either been completed or were currently under construction. He felt that the petitioner's request was consistent with the goals and policies of the Growth Plan, Code criteria, and the Orchard Mesa Neighborhood Plan. Reciting from the land use zoning action plans section of the Orchard Mesa Neighborhood Plan, he stated, "The zoning in the south neighborhood is primarily R2, Residential 3.5 units per net acre, and is within the County's Persigo Plan development overlay zone or the urbanizing area." The density of the petitioner's proposed development (not under current consideration) would be approximately 2.1 units/acre.

Mr. Jones disagreed with staff's assertions that Growth Plan policy sections 20 and 21 had not been met. A slope analysis had been undertaken to calculate percentages of various slopes on the site. Approximately 38 percent of the site had slopes greater than 30 percent (slope analysis data slide referenced). Other less steep slope areas on the site were also noted. Preliminary engineering work had been undertaken at staff's request to show how the site would be developed under the Residential Medium-Low land use classification, if approved. The development's concept plan projected development of 34 homes with an average lot size of 9,400 square feet. A planned park area and trail system had also been incorporated into the plan. A post-development slope analysis based on the concept plan had then been completed to ascertain impacts to those slopes greater than 30 percent. He stated that the actual area of land with slopes greater than 30 percent would be relatively small. The area

most impacted would be that on which the road would be constructed for access to the upper lots. The remaining impacted areas would be preserved and retained as open space.

Mr. Jones said that with the extension of a water main from the 29 3/4 Road/Highway 50 intersection, adequate public facilities and services would be available to serve the site. He maintained that the current site "was the only available piece of property to the applicant for development within the 201 and urban growth boundary in this area of Orchard Mesa"; no other site was available. Thus, he felt it met the criterion in Code section 2.5.C regarding an inadequate supply of suitably designated land. The site's development, he continued, would offer the area many amenities, including improved trails and open space areas. The development would also benefit the area by providing more owner-occupied housing units for the west and south Orchard Mesa areas and improve the aesthetics of the neighborhood. While recognizing the topographic constraints of the site, Mr. Jones felt that with additional engineering and planning, those issues could be satisfactorily mitigated.

In conclusion, Mr. Jones felt that the request met Code criteria, Growth Plan recommendations, and the policies outlined in the Orchard Mesa Neighborhood Plan. He asked for favorable consideration of the request to change the site's land use classification to Residential Medium-Low.

QUESTIONS

Chairman Dibble asked if the slope analyses had been based on the site's actual topography. Mr. Jones reiterated that both pre- and post-development slope analyses had been undertaken. The pre-development analysis had been based on actual topographic conditions. The post-development analysis had been based on the concept plan following construction.

Chairman Dibble asked about the amount of earthmoving that would be required to facilitate the proposed development. Also, what would be the anticipated street grades? Mr. Jones said that the majority of earthwork would be undertaken on the southeastern side of the site in conjunction with construction of the street leading to the upper lots. The street itself, beginning at 29 3/4 Road, would start out with a minor grade of 2 percent. As the street wrapped around the hillside, the grade would increase to 4 percent, with a small portion at 12 percent. The grade would then "flatten out" again at the top at 4 percent.

Chairman Dibble asked for confirmation that most of the street's construction would occur along slopes that were presently greater than 30 percent, which was given. Mr. Jones also confirmed that construction of the development would require a lot of earthwork.

Commissioner Lowrey felt that the petitioner had misinterpreted the Code criterion pertaining to the availability of suitably designated land. The criterion applied to land availability within the community as a whole, not just land owned by the petitioner. The petitioner was contending that the criterion had been met when, in fact, he was basing his assertion on land that was available to him, land that he alone owned. Mr. Jones responded that he'd arrived at a different definition of "availability." While other land in the area may be available, it was not available to the petitioner. Mr. Jones added that, "The community doesn't go out and develop property, developers do. So in terms of availability, we have to look that this criteria as what is available to developers." Commissioner Lowrey pointed out that the petitioner always had the option of purchasing more suitably zoned property elsewhere in the community. Mr. Jones said that he was unaware of any other such property available for sale in that particular area.

Chairman Dibble asked if any accesses other than the one from 29 3/4 Road were planned. Mr. Jones said that there would likely be a stub street constructed to the eastern property line, but no additional through street would be available until such time as the property to the east developed. Another possibility included constructing a second connection from 29 3/4 Road; however, due to the natural barrier of the Orchard Mesa drainage canal, such a connection would be difficult. Chairman Dibble felt that given the number of homes proposed, there should be more than one access available.

Commissioner Cole referenced the petitioner's concept plan and remarked that there seemed to be more land shown on the south side of the property than what planning commissioners had available to them on their maps. Mr. Jones explained that the concept plan included a potential boundary line adjustment. If that didn't occur then the two adjacent properties (referenced on the concept plan) would be combined to make one lot.

STAFF'S PRESENTATION

Kathy Portner gave a Powerpoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; and 5) contour map from the City's GIS system. Surrounding zonings and land use classifications were noted. The Mesa County landfill was located to the southeast of the site. The site plan had been presented because staff had required additional information from the petitioner to support the site's developability. Planning commissioners were asked not to consider the plan itself; rather, just the steep slopes as it pertained to the current GPA request. The property, she said, was currently going through the City's annexation process. Referencing the available contour map, she said that the most developable portion of the property was situated on top of the existing knoll; getting there, however, would be difficult.

Referencing Code section 2.5.C, staff maintained that there had been no error made in determining whether the existing facts or trends had been considered; that while the character of the area had changed, it had been in accordance with the adopted Growth Plan; that the proposed change would not be consistent with the goals and policies of the Growth Plan or Orchard Mesa Neighborhood Plan; and that Growth Plan policy numbers 20.7, 20.9, 20.10, 21, 21.2, and 21.3 all supported the site's current Rural land use designation. In addition, needed infrastructure would have to be extended to serve the parcel. The City would be working with the Colorado Department of Transportation on an Access Management Plan for Highway 50 in the near future. Ms. Portner said that the much of the land on Orchard Mesa currently designated Residential Medium-Low remained undeveloped. Staff concluded that no community benefits would be derived from the site's change in land use. The property would be difficult at best to develop at the proposed densities given the City's hillside development regulations.

Laura Lamberty came forward to further elaborate on grading, erosion, and related issues. She said that even if the centerline of the proposed road were at-grade, it would produce great cut and fill slopes, which would extend the amount of hillside disturbance. If approved, staff would be looking at requiring retaining walls; however, such significant slope disturbance would likely increase slope instability and increased drainage issues. No investigation had yet been undertaken to determine whether sufficient water pressures were available to serve homes located at the highest point of the knoll. Citing Code section 7.2.G.7, street design was restricted in areas where slopes exceeded 30 percent. In such cases, special approval was required. Staff had not seen any conclusive evidence to support the developability of the site to the density proposed and still be in compliance with the City's standards.

QUESTIONS

Commissioner Cole asked if the Growth Plan had been amended previously in the subject area. Neither Ms. Portner nor Ms. Lamberty could recall any Growth Plan Amendments having occurred in the area.

Commissioner Redifer asked if the Growth Plan had been periodically reviewed and updated, to which Ms. Portner replied affirmatively. She added that the Orchard Mesa Neighborhood Plan had also been updated. During the review periods of both plans, the City had reviewed them in terms of community-wide appropriateness given growth trends and other factors. The subject area had not identified as one requiring change.

Commissioner Redifer asked, even if left with its Rural land use designation, if someone wanted to build a home on top of the existing knoll, would the same criteria apply? Ms. Portner said that if serving a single home, the access may be viewed as a driveway and be subject to different development standards. If that same access served more than one home, it would likely be considered a street and be subject to the same criteria as that for the larger-scale development currently being discussed. Ms. Lamberty added that whether serving one home or more than one home, access feasibility still had to be addressed.

Ms. Portner said that the City as a whole was currently experiencing a growth rate of about 2.5 percent/year. Growth in the Orchard Mesa area was just beginning.

Chairman Dibble asked if there were any mining activities occurring in the subject area. Ms. Lamberty said that she was unaware of any.

Chairman Dibble asked if a sewer pumping station would be required to serve the proposed development. Ms. Lamberty did not think that a pumping station would be needed.

Chairman Dibble asked if consideration had been given to bringing in a secondary access via Whitehead Avenue to the north or from the area that appeared to be an easement in the northeastern corner of the property, connecting with Burns Drive. Ms. Lamberty said that crossing the existing canal in either of those areas would be difficult. The canal's location along the subject property's boundary defined a marked change in the area's topography, topography that arose significantly south of the canal. It was something both acknowledged by and factored into the Growth Plan.

When Chairman Dibble asked about the maximum allowable street grade, Ms. Lamberty responded that streets were limited to an 8 percent road centerline grade; however, in hilly areas (slopes greater than 10 percent), the City would permit grades of 12 percent but only for a maximum distance of 500 feet. She added that a number of factors went into whether a 12 percent grade would be allowed (e.g., soil suitability, cul-de-sac length, curvature of corners, etc.). And even if a road could be constructed on the site that met TEDS requirements, the petitioner could still be faced with the challenge of providing suitable building pads next to it.

Commissioner Pitts observed that, from comments made thusfar and staff's report, the biggest issue with the current request was the site's steep topography. He felt that concerns were valid and he didn't want mudslides like those currently happening in California to happen here. Ms. Lamberty acknowledged the concern and said that the Code's criteria specifically addressed hillside development to avoid just those kinds of situations as well as to facilitate the City's maintenance of streets and drainageways.

Chairman Dibble asked how much of the site's area had slopes greater than 30 percent. Ms. Portner replied that 37 percent of the site had slopes greater than 30 percent. That figure, she added, was based on the slope analysis undertaken by the petitioner using the City's GIS contour map.

Ms. Portner said that staff had received a late letter from Mr. Charles Ducray (174 31 Road, Grand Junction) who requested that if the item were approved, the petitioner be required to install a 6-foot chain link fence along the south, east and west sides of the subdivision property. (Copies of the letter were distributed to planning commissioners.)

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Fran Warford (2995 Burns Drive, Grand Junction) pointed out her home's location on an available map, which lay adjacent to and across the canal from the subject property. With the site's slopes rising so steeply behind her property, she was concerned over the loss of her privacy. She also noted that the subject ridgeline, which traversed the petitioner's property as well as the greater part of the Grand Valley, was protected as a natural visual resource for Mesa County. That protected status was recognized and incorporated into the Zoning and Development Code's June 2003 update. Ms. Warford noted the existence of a lot of property north of the canal that was for sale, property that would be better suited to the type of development proposed by the petitioner. She said that she and her neighbors had had to have their homes' foundations specially engineered and expected that the same would be required for homes located on the petitioner's property. She was very concerned that any irrigating done by homeowners would further undermine soils stability on the site.

Lloyd Warford (2995 Burns Drive, Grand Junction) said that he'd actually had to have two different engineered foundations constructed for his home. The first one had been torn out because it hadn't met Mesa County's standards which required a post-tension slab foundation based on the instability of soil conditions in that area. He pointed out other area homes that had been placed on caissons. Given the presence of lakes on the petitioner's property and the likelihood of irrigation, he felt that those elements would adversely affect soils stability. He feared that instability would eventually bring the hillside down into his backyard.

PETITIONER'S REBUTTAL

Mr. Jones clarified that the "lakes" referenced by Mr. Warford were actually stormwater detention basins that would be predominately dry. With no irrigation water rights available to the property, xeriscaping would be encouraged. The petitioner had already presumed that engineered foundations would be required. With regard to Ms. Warford's comments regarding ridgeline protection, he wondered whether that protection extended to the actual ridgeline itself or just to the protection of views. If the latter, he pointed out on an available map the only existing home where he felt the views may be impacted (located in the southwest corner of the property). Citing Growth Plan policy 21.2 which prohibited "...development in or near natural hazards unless measures are undertaken to mitigate the risk of injury to persons and the loss of property," the petitioner was willing to undertake the additional planning and

engineering necessary to meet that and other criteria. Just because a piece of property would be difficult to develop, he said, it should not be precluded from having its land use classification reconsidered.

DISCUSSION

Commissioner Lowrey referenced Code section 2.5.C and agreed with staff that the petitioner had not demonstrated compliance with stated criteria. He also felt that the request was inconsistent with Growth Plan recommendations. Referencing an available map, he pointed out that the only area to have been developed nearby at 2-4 units/acre densities lay to the north of the canal. The majority of the area south of the canal was still classified as Rural, Conservation, or Public. As such, lower densities were more appropriate. Evidence also suggested that there was an adequate supply of appropriately zoned land available elsewhere, and he suggested the petitioner consider other locations for his development. He did not feel he could support the petitioner's request.

Commissioner Pitts felt that the petitioner had failed to comply with Growth Plan policies 20.7, 20.9, 20.10, 21, 21.2 and 21.3. With regard to the property's description as outlined by the Natural Resource Conservation Service regarding the grade and soils consistency, he felt it would be ill-advised to construct such a high density development on such a fragile piece of ground. The area would be opened up to increased risk of runoff and water catastrophes, and that was not something that he could support.

Commissioner Cole concurred with previous planning commissioner comments. He saw no evidence to support the petitioner's claim that the Growth Plan was in error. As such, he could not support the request.

Chairman Dibble said that the Planning Commission had to examine the totality of each request. He expected an increased number of soil-related problems resulting from so much earthwork if the request were approved. Then there were the problems of road construction, ridgeline protection, and irrigation/drainage issues. Since the petitioner had clearly not met the GPA criteria set forth, Chairman Dibble did not feel he could support the request.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on item GPA-2004-191, a request for a Growth Plan Amendment for Vista Peak, I move we forward a recommendation of approval to change the Future Land Use designation from Rural to Residential Medium-Low."

Commissioner Pitts seconded the motion.

A vote was called and the motion failed by a unanimous vote of 0-7.

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO.

A RESOLUTION AMENDING THE GROWTH PLAN
OF THE CITY OF GRAND JUNCTION
VISTA PEAK, 104 29 ¾ 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 16 acres, located at 104 29 ¾ 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.

Lot 1, Block 9, of the Burns Subdivision, Section 32, Township 1 South, Range 1 East in Mesa County, Colorado.

CONTAINING approximately 16 Acres, as described.

PASSED on this _____ day of _____, 2005.

ATTEST:

City Clerk

President of Council