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

**WEDNESDAY, DECEMBER 21, 2005, 7:00 P.M.**

**CALL TO ORDER**

Pledge of Allegiance  
Invocation – David Eisner, Congregation Ohr Shalom

**PRESENTATIONS**

**PROCLAMATIONS / RECOGNITIONS**

PROCLAIMING THE MONTH OF JANUARY 2006 AS “VOLUNTEER BLOOD DONOR MONTH” IN THE CITY OF GRAND JUNCTION

PROCLAIMING THE MONTH OF JANUARY 2006 AS “NATIONAL MENTORING MONTH” IN THE CITY OF GRAND JUNCTION

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

TO THE HISTORIC PRESERVATION BOARD

TO THE VISITOR AND CONVENTION BUREAU BOARD OF DIRECTORS

**CITIZEN COMMENTS**

**\*\*\* CONSENT CALENDAR \*\*\*®**

1. **Minutes of Previous Meetings**

**[Attach 1](#)**

*Action: Approve the Summary of the Minutes of the December 5, 2005 Special Session, the Summary of the December 5, 2005 Workshop and the Minutes of the December 7, 2005 Regular Meeting*

2. **Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation until the March 1, 2006 City Council Meeting** [File #ANX-2005-076] [Attach 2](#)

Request to continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the December 21, 2005 City Council Meeting. The request to continue is due to further research required of the existing legal description and associated land ownership issues regarding the area of the adjacent Grand Valley Canal. City staff is requesting the Annexation Public Hearing be continued until the March 1, 2006 City Council Meeting.

*Action: Continue Annexation Public Hearing regarding Approval of the Resolution Accepting a Petition for Annexation and also Final Passage of the Annexation Ordinance until the March 1, 2006 City Council Meeting*

Staff presentation: Scott D. Peterson, Associate Planner

3. **Setting a Hearing for Amending the PD Zoning for Redlands Mesa, Filing 6** [File # FP-2005-032] [Attach 3](#)

Introduction of a proposed ordinance to amend the PD zoning for Redlands Mesa, Filing 6, to allow six single family residential lots, including accessory units, on 9.8 acres.

Proposed Ordinance Zoning Land Located South and West of the Ridges Known as Redlands Mesa, Filing 6

*Action: Introduction of a Proposed Ordinance and Set a Hearing for January 4, 2006*

Staff presentation: Kathy Portner, Planning Manager

4. **Contract for 2006 LEAF Grant for DUI Enforcement** [Attach 4](#)

In August of this year, the Police Department submitted a request to Council seeking authorization to submit an application to the State of Colorado to obtain grant funds in the amount of \$145,133.00 from the Law Enforcement Assistance Fund (LEAF) for the purpose of purchasing a DUI van and covering the costs of overtime for officers in order to conduct DUI enforcement related activities. Approval was given by Council. The department has recently been notified that

\$35,000.00 of the grant request has been approved to fund the DUI enforcement related activities. Funds to cover the cost of the DUI van were denied.

*Action: Authorize the City Manager to Sign a Grant Contract Accepting for the 2006 LEAF Grant in the Amount of \$35,000.00*

Staff presentation: Harry Long, Services Captain

5. **Grant Contract for Radio Infrastructure Improvements in Mesa County**

[Attach 5](#)

This Grant will provide funding for radio equipment improvements and/or additions to radio sites serving the Grand Junction Regional Communication Center. Simultaneously, this expands the state's 800 MHZ digital trunked radio (DTR) system by adding sites in Mesa County.

Additionally, Motorola, the Contractor working with the State Department of Information Technology (DOIT) on the project, is requesting additional funds for two of the radio sites. This request needs to be made to DOLA and if approved by DOLA, will become an addendum to the Grant Contract. The total grant amount will then be \$1,206,985.

Resolution No. 187-05 – A Resolution Authorizing an Agreement Between the City of Grand Junction and the State of Colorado Department of Local Affairs for the Colorado Wireless Interoperability Network (CWIN) Project in Mesa County

*®Action: Adopt Resolution No. 187-05*

Staff presentation: Paula Creasy, Communication Center Manager

6. **Revocation of Powers of Attorney for Alley Improvements that have been Subsequently Completed**

[Attach 6](#)

Properties which apply for development occasionally are required to grant the City Clerk a Power of Attorney (POA) for Alley Improvements. Subsequent to said properties being included in a completed Alley Improvement District these POA's can be revoked to release the property from future obligation.

Resolution No. 188-05 – A Resolution Revoking Powers of Attorney for Completed Alley Improvements in Alley Improvement Districts

*®Action: Adopt Resolution No. 188-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

7. **Federal Hazard Elimination Funding for the 23 and G Road Intersection**

[Attach 7](#)

After much evaluation staff believes the intersection at 23 Road and G Road will have the highest probability of funding due to the documented accident history. All of the other locations would reduce accidents, but improvements at this intersection have the best chance to actually save a life. A roundabout is being considered due to its ability to reduce both speeds and right angle accidents. The grant application must be submitted to CDOT by January 31, 2006.

Resolution No. 189-05 – A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Construction of Intersection Improvements at 23 Road and G Road

®Action: *Adopt Resolution No. 189-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

8. **Outsource Printing and Copying Contract**

[Attach 8](#)

Historically the City has provided printing and binding services to all City departments through its internal print shop. The print shop has been operated as an enterprise through an internal service fund. However, the decision was made during 2005 to close of the print shop at the end of the year and contract out the services. This request is for approval to award the outsource printing and copying contract.

Action: *Authorize the Purchasing Department to Enter into a Contract with Pyramid Printing, Grand Junction, Colorado to Provide Printing and Binding Services as required, not to Exceed \$100,000 for FY 2006*

Staff presentation: Ron Lappi, Administrative Services and Finance Director  
Ron Watkins, Purchasing Manager

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

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

9. **Public Hearing – Amending the Planned Development Zoning Ordinance for Shadow Run at the Ridges** [File #PP-2005-203] [Attach 9](#)

The applicant's proposal is to develop an attached single family and townhome project on a parcel within the Ridges Planned Development that was previously approved as a multifamily site for a maximum density of 7.5 dwelling units per acres. The plan consists of ten duplex buildings and three four-plex buildings, for a total of 32 dwelling units on 4.99 acres, resulting in a density of 6.4 units per acre. The application includes a request for approval of private streets within the development.

Ordinance No. 3848 – An Ordinance Amending Ordinance No. 2596 Zoning the Ridges Planned Development and as Previously Amended to Include More Specific Information for a Portion of the Original Ridges Development Located at East Lakeridge Drive and Ridges Boulevard to be known as Shadow Run at the Ridges

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3848*

Staff presentation: Kristen Ashbeck, Senior Planner

10. **Public Hearing - Vacating the East/West Alley South of Fourth Avenue on the West Side of S. 7<sup>th</sup> Street** [File # VR-2005-181] [Attach 10](#)

Consideration of a request to vacate the east/west alley south of Fourth Avenue on the west side of South 7<sup>th</sup> Street. The owner of the adjacent properties to the north and south of the alley has requested that the alley be vacated to make the smaller adjacent lots easier to develop.

Ordinance No. 3849 – An Ordinance Vacating Rights-of-Way for an Alleyway Located West of South 7<sup>th</sup> Street and South of Fourth Avenue

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3849*

Staff presentation: Senta L. Costello, Associate Planner

11. **Public Hearing – Hoffman Annexation and Zoning Located at 3041 D Road**  
[File # ANX-2005-239] [Attach 11](#)

Acceptance of a petition to annex and consider the annexation and zoning for the Hoffman Annexation. The Hoffman Annexation is located at 3041 D Road and consists of 1 parcel on 9.55 acres. The zoning being requested is RMF-5.

**a. Accepting Petition**

Resolution No. 190-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Hoffman Annexation, Located at 3041 D Road is Eligible for Annexation

*®Action: Adopt Resolution No. 190-05*

**b. Annexation Ordinance**

Ordinance No. 3850 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hoffman Annexation, Approximately 9.55 Acres, Located at 3041 D Road

**c. Zoning Ordinance**

Ordinance No. 3851 – An Ordinance Zoning the Hoffman Annexation to RMF-5, Located at 3041 D Road

*®Action: Adopt Resolution No. 190-05 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance Nos. 3850 and 3851*

Staff presentation: Senta L. Costello, Associate Planner

12. **Public Hearing - Ordinances Prohibiting Underage Purchase, Possession or Consumption of Alcohol, Marijuana and Paraphernalia** [Attach 12](#)

In 2004, the Grand Junction Police Department handled 389 cases of minor in possession of alcohol, resulting in 697 arrests. Officers from the Department made 92 arrests of minors in possession of one ounce or less of marijuana. Many municipalities across Colorado, including several on the Western Slope, have ordinances prohibiting minors from purchasing, possessing or consuming alcohol and/or marijuana. The proposed ordinances would prohibit those activities as a matter of local law in Grand Junction.

Ordinance No. 3852 – An Ordinance Prohibiting Purchase, Possession or Consumption of Alcohol by Minors and Prohibiting the Provision of Alcohol to Minors

Ordinance No. 3853 – An Ordinance Prohibiting Purchase, Possession or Consumption of Marijuana by Minors and Prohibiting Possession of Drug Paraphernalia

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3852 and Ordinance No. 3853*

Staff presentation: John Shaver, City Attorney

13. **Utility Rates, Transportation Capacity Payment Fee, and School Land Dedication Fee Increases** [Attach 13](#)

Water and Wastewater rates are described in the long-range financial plans for these two enterprise funds and reviewed annually by the City Council and, in the case of the wastewater rates, the Board of County Commissioners. In June 2004, City Council approved changes for the calculation of the transportation capacity payment along with policy changes. Cash-in-lieu of utility line construction is increasing 2.6%. All government entities are approving the same School Land Dedication rate for 2006 and have agreed to a five-year schedule. The schedule will be adopted by Council via ordinance.

Resolution No. 191-05 – A Resolution Adopting Utility Rates for Water and Wastewater Services Effective January 1, 2006

Resolution No. 192-05 – A Resolution Amending the Development Fee Schedule Modifying the Transportation Capacity Payment Schedule and the Fee for Cash-in-Lieu of Installing Underground Utilities

Resolution No. 193-05 – A Resolution Setting the 2006 School Land Dedication Fee

®Action: *Adopt Resolution Nos. 191-05, 192-05, and 193-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

14. **Purchase of Property at 708, 709 Struthers, and 1236 South 7<sup>th</sup> Street for the Riverside Parkway Project** [Attach 14](#)

The City has entered into a contract to purchase right-of-way of 708 and 709 Struthers and 1236 South 7<sup>th</sup> Street from Wesley A. Bollan and Cheryl A. Bollan. The City's obligation to purchase this right-of-way is contingent upon Council's ratification of the purchase contract.

Resolution No. 194-05 – A Resolution Authorizing the Purchase of Right-of-Way at 708 and 709 Struthers Avenue and 1236 South 7<sup>th</sup> Street from Wesley A. and Cheryl A. Bollan

®Action: *Adopt Resolution No. 194-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

15. **Purchase of Property at 1225 S. 7<sup>th</sup> Street (Elam Property) for the Riverside Parkway Project** [Attach 15](#)

The City has entered into a contract to purchase right-of-way at 1225 S. 7<sup>th</sup> Street from Harold Elam and High Plains Properties, LLC. The City's obligation to purchase this right-of-way is contingent upon Council's ratification of the purchase contract.

Resolution No. 195-05 – A Resolution Authorizing the Purchase of Right-of-Way at 1225 S. 7<sup>th</sup> Street from Harold Elam and High Plains Properties, LLC

®Action: *Adopt Resolution No. 195-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

16. **Purchase of a Lease for Property at 325 River Road (City Shops) for the Riverside Parkway Project** [Attach 16](#)

The City has entered into a contract to purchase the remaining portion of a lease from the State of Colorado Department of Military and Veterans Affairs for a piece of property at 325 River Road. The City's obligation to purchase this lease of property is contingent upon Council's ratification of the purchase contract.

Resolution No. 196-05 – A Resolution Authorizing the Purchase of Real Property at 325 River Road from Colorado Department of Military and Veterans Affairs



®Action: *Adopt Resolution No. 196-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

17. **Public Hearing - 2006 Budget Appropriation Ordinance** [Attach 17](#)

The total appropriation for all thirty-seven accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, the Downtown Development Authority, and the Downtown BID) is \$158,472,377. Although not a planned expenditure, an additional \$2,000,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Ordinance No. 3854 – An Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, the Downtown BID, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District, for the Year Beginning January 1, 2006, and Ending December 31, 2006

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3854*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

18. **Adoption of the 2006-2007 Biennial Budget** [Attach 18](#)

In accordance with the provisions of Section 59 of the Charter of the City of Grand Junction, the City Manager has submitted to the City Council a budget estimate of the revenues and expenditures of conducting the affairs of the City of Grand Junction for the fiscal years ending December 31, 2006 and 2007.

Resolution No. 197-05 – A Resolution Adopting the Budget for the Purpose of Defraying the Expenses and Liabilities for the Fiscal Years Ending December 31, 2006 and 2007

®Action: *Adopt Resolution No. 197-05*

Staff presentation: Ron Lappi, Administrative Services and Finance Director

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

20. **OTHER BUSINESS**

21. **ADJOURNMENT**

**Attach 1**  
Minutes

**GRAND JUNCTION CITY COUNCIL**

**SPECIAL SESSION MINUTES**

**DECEMBER 1, 2005**

The City Council of the City of Grand Junction, Colorado met in Special Session on Thursday, December 1, 2005 at 4:00 p.m. in the Administration Conference Room, 2<sup>nd</sup> Floor of City Hall. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Doug Thomason and President of the Council Bruce Hill. Councilmember Jim Spehar was absent.

Council President Hill called the meeting to order.

Council President Pro Tem Palmer moved to go into executive session for discussion of personnel matters under Section 402 (4)(f)(I) of the Open Meetings Law relative to City Council employees and will not be returning to open session. Councilmember Thomason seconded the motion. The motion carried.

The City Council convened into executive session at 4:10 p.m.

Stephanie Tuin, MMC  
City Clerk

**GRAND JUNCTION CITY COUNCIL  
WORKSHOP SUMMARY  
December 5, 2005**

The City Council of the City of Grand Junction, Colorado met on Monday, December 5, 2005 at 7:04 p.m. in the City Hall Auditorium to discuss workshop items. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Jim Spehar, Doug Thomason and President of the Council Pro Tem Gregg Palmer. Absent was Council President Bruce Hill.

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

1. **THIRD TIER MINERAL LEASE PAYMENTS/SEVERANCE TAX PAYMENT**

**ISSUES:** City Manager Kelly Arnold introduced the topic, Jim Evans, Associated Governments of Northwest Colorado (AGNC) Director, and Tim Sarmo, of DOLA, noting that this is to update the City Council on current issues related to these topics with the upcoming AGNC meeting and legislative breakfast. Mr. Evans distributed some written material and explained the two types of revenues. He said there is a question on whether the mineral leasing funds should go back to the area of origin or distributed statewide. Regarding the severance tax, Mr. Evans referred to a chart of distributions over the last ten years. He said in 2003, there was a drop in price and a drop in production, then the property tax went up and the next year there was a big jump. He said it is anticipated to continue to climb up to \$239 million in 2007. A number of bills and ideas are circulating as to how to utilize these funds and there is also legislation being drafted regarding distribution.

Council President Pro Tem Palmer inquired if the severance tax is only paid on production workers or applied to administrative personnel too. Mr. Evans said only production workers but there has been a change in interpretation of the law which changed the number of employees counted in Grand Junction. He said that is in dispute and a Task Force is being convened to look into it.

Councilmember Doody asked about technical staff. Mr. Evans said the employer determines that, if they spend more than 50% of their time for a six month threshold at the site then they are considered production staff.

Councilmember Spehar asked if AGNC is seeking legal advice on the Attorney General's opinion and secondly what will AGNC's policy be. Mr. Evans said any policy adopted must be unanimously adopted by the members. If the AG's opinion stands, there are several other distributions that are based on the county of origin so all the distributions would be at stake, not just the Third Tier of Mineral Leasing distribution.

Tim Sarmo, DOLA, Grand Junction, said he doesn't disagree with Mr. Evans regarding severance tax. He does disagree with his interpretation of the AG opinion and DOLA's role. He said DOLA is not about taking funds from western Colorado. Mr. Sarmo said it was a sincere attempt to deal with the interpretation of the law and said there are 44 counties that have activities. He said the third tier is not to be placed back; it is specifically set up to address impacts from the employees to their county.

There was an impact to some counties in western Colorado and said DOLA sees a problem with the merging of this issue with all the other types of distributions. Mr. Sarmo said DOLA has done its own projections and worse case scenario will send \$115,000 to the Front Range, but the remaining funds get shifted throughout western Colorado. He said DOLA welcomes the involvement of local government and encouraged the City Council to send representation to the discussions.

**Action summary:** Council President Pro Tem Palmer thanked both Mr. Evans and Mr. Sarmo and asked Councilmember Spehar to follow up. Councilmember Spehar noted that Councilmember Doody is the City's representative on AGNC and if he would like to be there he should and Mr. Spehar said he would be there in another role, as a CML Board member.

2. **ECONOMIC DEVELOPMENT FOLLOW UP:** Assistant to the City Manager Sheryl Trent reviewed the proposed contracts with the Incubator and GJEP regarding the funding to be distributed from the City. She said both entities have a long history in partnering with the City on economic development efforts. The City has assisted the BIC with a number of projects and has provided annual funding over the years. Ms. Trent said the facility was visited by the City Council at the noon workshop. She said the proposed contract for the 2006 funding includes performance measures, the requirement for a work plan, and regular reporting. The GJEP contract is similar but has two parts for the two funding pieces. The first part has the same requirements as the BIC: performance measurements, a work plan, and reporting requirements. The second piece is for financial incentives, only requires a request letter for the funding, and they will only need to report back on how the funds are working. She said in exchange, the City will have a formal seat on the GJEP board.

City Attorney John Shaver said his concern is that there are time frames inserted into the contract as to when the performance measure, the work plan, and reporting needs are to take place. He said input is solicited and a final contract will be brought back to City Council for formal adoption.

Councilmember Coons inquired if the funds can be transferred from one source to another. Mr. Shaver said as it is written, no.

Council President Pro Tem Palmer asked if the funds are not used what happens to the money. Ms. Trent said the money rolls over into the next year. Mr. Shaver added that the monies can be used for prospect development; it does not have to be for a specific company.

Assistant to the City Manager Sheryl Trent introduced the next topic and gave a brief overview of the history of the Bookcliff Technology Park and introduced Rob Bigley, Chair of Industrial Development Inc. (IDI). Mr. Bigley noted that the City's ownership in the Bookcliff Technology Park was that it would share in the profits from the development of the park to the tune of 2/3rds. Councilmember Spehar noted that the release of that obligation was discussed earlier. Councilmember Coons asked about the downside to the release. City Attorney John Shaver said the downside is relinquishing the rights since it is an asset of the City. City Manager Kelly Arnold asked Mr. Bigley to clarify Bookcliff Technology Park's relation to the other industrial park, Air Tech. Mr. Bigley advised that if Bookcliff gets developed then the monies can be used for development of Air Tech. IDI does not want to be in position where it must compete with the private development sector. Air Tech Park is in the planning process now. The infrastructure funding is in place for Air Tech but not for Bookcliff. IDI is looking for ways to unlock the potential of Bookcliff Technology Park. Councilmember Spehar said this is an unusual situation, but the return of monies to the City is a hindrance to the development of the property.

**Action summary:** City Council directed Staff to schedule formal action for the BIC and GJEP contracts. City Attorney Shaver advised if direction is given to Staff by Council, then further negotiating can occur and the formal documents can be brought forward for the release of the obligation on Bookcliff Technology Park. Direction as such was given to Staff.

3. **AMENDMENT TO THE MOU WITH THE DDA TO INCLUDE THE BID:**

Assistant City Manager David Varley introduced the history of the agreement and relationship with the DDA including the development of the Downtown Partnership and the funding of such. Recently the creation of the Business Improvement District and the subsequent election for the Special Assessment was completed and was successful. The request now is to fold the Business Improvement District into the DDA. He said the DDA currently pays water and sewer but does not pay a 5% administrative overhead or the 2% for budgeting and accounting services and said the BID would be treated the same. Mr. Varley said another change is to amend the reporting requirements in the MOU.

Council President Pro Tem Palmer disclosed that he is a downtown property owner and will be assessed. Council had no problem with Council President Pro Tem Palmer participating. Mr. Varley continued that lists all the services to be provided will be included in the contract.

Councilmember Spehar had no problem as long as there are mechanisms in place to get records and reports. Mr. Shaver said there are, including such things as the open records act.

Council President Pro Tem Palmer asked Ron Lappi, Finance Director if he is still the DDA's treasurer. Mr. Lappi said he is and all of the DDA's funds are in the City's bank accounts and are under the control of the City's budgeting and accounting division and said that he imagines the same would be true for the BID.

Councilmember Spehar said, having to generate it internally is not the way it should be, but rather DDA should comply with reporting requests.

Councilmember Coons said that other things besides money also need to be reported.

Councilmember Doody said an annual report is fine but there is a good relationship with DDA and they are in contact with the City Council regularly.

**Action summary:** City Council would like to continue to keep in the contract the requirement of the annual report and the ability to request additional reports as deemed necessary by the City Manager or the City Finance Director. Staff was directed to make the changes to the MOU amendment and place it on Wednesday's agenda for formal approval.

## **ADJOURN**

The meeting adjourned at 8:49 p.m.

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

**December 7, 2005**

The City Council of the City of Grand Junction convened into regular session on the 7<sup>th</sup> day of December 2005, at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Doug Thomason and Council President Pro Tem Gregg Palmer. Absent were Council President Bruce Hill and Councilmember Jim Spehar. Also present were City Manager Kelly Arnold, City Attorney John Shaver and City Clerk Stephanie Tuin.

Council President Pro Tem Palmer called the meeting to order. Councilmember Thomason led in the pledge of allegiance. The audience remained standing for the invocation by Howard Hays, First Church of the Nazarene.

**APPOINTMENTS**

**TO THE HISTORIC PRESERVATION BOARD**

Councilmember Coons moved to reappoint Bill Cort and appoint Kathy Jordan to the Historic Preservation Board for four year terms expiring December 2009. Councilmember Thomason seconded the motion. Motion Carried.

**TO THE VISITOR AND CONVENTION BUREAU BOARD OF DIRECTORS**

Councilmember Thomason moved to reappoint Lynn Sorlye and appoint Bill Hill for three year terms until December 2008 and appoint Denise Henning for an unexpired term until December 2006 to the Visitor and Convention Bureau Board of Directors. Councilmember Coons seconded the motion. Motion carried.

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

**TO THE COMMISSION ON ARTS AND CULTURE**

Jeanine Howe and Kat Rhein were present to receive their certificates.

**PROCLAMATIONS / RECOGNITIONS**

**PROCLAIMING DECEMBER 9, 2005 AS "DALTON TRUMBO DAY" IN THE CITY OF GRAND JUNCTION**



## **CITIZEN COMMENTS**

Walker Field Airport Board Chairman Craig Springer introduced Mr. Rex Tippets as the new Airport Manager. Mr. Tippets thanked the City Council and expressed his enthusiasm to be in Grand Junction. He then gave a brief overview of his experience.

## **CONSENT CALENDAR**

It was moved by Councilmember Beckstein, seconded by Councilmember Doody and carried by roll call vote to approve Consent Calendar Items #1 through #10 and item #12, thus adding item #12 to the Consent Calendar.

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

*Action: Approve the Minutes of the November 14, 2005 Special Session, the Summary of the November 14, 2005 Workshop, the Minutes of the November 16, 2005 Special Session, the Minutes of the November 16, 2005 Regular Meeting, and the Minutes of the December 1, 2005 Special Session*

### 2. **Setting a Hearing on the 2006 Budget Appropriation Ordinance**

The total appropriation for all thirty-seven accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$158,207,557. Although not a planned expenditure, an additional \$2,000,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District, for the Year Beginning January 1, 2006, and Ending December 31, 2006

*Action: Introduction of a Proposed Ordinance and Set a Hearing for December 21, 2005*

### 3. **Setting Hearings on Ordinances Prohibiting Underage Purchase, Possession or Consumption of Alcohol, Marijuana and Paraphernalia**

In 2004, the Grand Junction Police Department handled 389 cases of minor in possession of alcohol, resulting in 697 arrests. Officers from the Department made 92 arrests of minors in possession of one ounce or less of marijuana. Many municipalities across Colorado, including several on the Western Slope, have ordinances prohibiting minors from purchasing, possessing or consuming alcohol and/or marijuana. The proposed ordinances would prohibit those activities as a matter of local law in Grand Junction.

Proposed Ordinance Prohibiting Purchase, Possession or Consumption of Alcohol by Minors and Prohibiting the Provision of Alcohol to Minors

Proposed Ordinance Prohibiting Purchase, Possession or Consumption of Marijuana by Minors and Prohibiting Possession of Drug Paraphernalia

*Action: Introduction of Proposed Ordinances and Set Hearings for December 21, 2005*

4. **Setting a Hearing on Vacating the East/West Alley South of Fourth Avenue on the West Side of S. 7<sup>th</sup> Street** [File # VR-2005-181]

Introduction of a proposed vacation ordinance to vacate the east/west alley south of Fourth Avenue on the west side of S. 7<sup>th</sup> Street. The owner of the adjacent properties to the north and south of the alley has requested that the alley be vacated to make the smaller adjacent lots easier to develop.

Proposed Ordinance Vacating Rights-of-Way for an Alleyway Located West of South 7<sup>th</sup> Street and South of Fourth Avenue

*Action: Introduction of a Proposed Ordinance and Set a Hearing for December 21, 2005*

5. **Setting a Hearing on Zoning the Hoffman Annexation, Located at 3041 D Road** [File # ANX-2005-239]

Introduction of a proposed zoning ordinance to zone the Hoffman Annexation RMF-5 located at 3041 D Road.

Proposed Ordinance Zoning the Hoffman Annexation to RMF-5 Located at 3041 D Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for December 21, 2005*

6. **Setting a Hearing for the Hammer-Whitt Annexation Located at 29 ½ Road and Ronda Lee Road** [File # ANX-2005-107]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 6.20 acre Hammer-Whitt Annexation consists of 3 parcels and contains a portion of the Ronda Lee Road, Jon Hall Drive, and 29 ½ Road rights-of-way.

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

Resolution No. 171-05 – 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, Hammer-Whitt Annexation, Located at 29 ½ Road and Ronda Lee Road and a Portion of the Ronda Lee Road, Jon Hall Drive, and 29 ½ Road Rights-of-Way

*Action: Adopt Resolution No. 171-05*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hammer-Whitt Annexation, Approximately 6.20 Acres, Located at 29 ½ Road and Ronda Lee Road and a Portion of the Ronda Lee Road, Jon Hall Drive, and 29 ½ Road Rights-of-Way

*Action: Introduction of a Proposed Ordinance and Set a Hearing for January 18, 2006*

7. **Setting a Hearing for the Ward-Mudge Annexation Located at 3113 and 3117 E ½ Road** [File # ANX-2005-256]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 3.68 acre Ward-Mudge Annexation consists of 2 parcels and contains a portion of the E ½ Road right-of-way.

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

Resolution No. 176-05 – 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, Ward - Mudge Annexation, Located at 3113 and 3117 E ½ Road and a Portion of the E ½ Road Right-of-Way

Action: Adopt Resolution No. 176-05

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ward-Mudge Annexation, Approximately 3.68 Acres, Located at 3113 and 3117 E ½ Road and a Portion of the E ½ Road Right-of-Way

Action: Introduction of a Proposed Ordinance and Set a Hearing for January 18, 2006

8. **Spyglass Ridge Subdivision Revocable Permit** [File # FP-2005-090]

A request for a Revocable Permit for trail construction and the placement of trail benches and signs on city-owned property adjacent to the water plant.

Resolution No. 177-05 – A Resolution Concerning the Issuance of a Revocable Permit to Spyglass Ridge Homeowners Association, Inc.

Action: Adopt Resolution No. 177-05

9. **Setting a Hearing on Amending the Planned Development Zoning Ordinance for Shadow Run at the Ridges** [File # PP-2005-203]

The applicant's proposal is to develop an attached single family and townhome project on a parcel within the Ridges Planned Development that was previously approved as a multifamily site for a maximum density of 7.5 dwelling units per acre. The plan consists of ten duplex buildings and three four-plex buildings, for a total of 32 dwelling units on 4.99 acres, resulting in a density of 6.4 units per acre. The application includes a request for approval of private streets within the development.

Proposed Ordinance Amending Ordinance No. 2596 Zoning the Ridges Planned Development to Include More Specific Information for a Portion of the Original Ridges Development Located at East Lakeridge Drive and Ridges Boulevard to be Known as Shadow Run at the Ridges

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 21, 2005

10. **Accepting a Grant of Federal Funds to Improve Main Street Between 7th and 8th Streets**

A Federal Enhancement Grant has been awarded to the City of Grand Junction in the amount of \$204,427 to install medians, streetscape, and landscape improvements on Main Street between 7<sup>th</sup> and 8<sup>th</sup> Streets.

Resolution No. 178-05 – A Resolution Accepting a Grant of Federal Funds and Authorizing City Funds for Median Installation, Streetscaping and Landscaping Renovations to Main Street Between 7<sup>th</sup> and 8<sup>th</sup> Streets

*Action: Adopt Resolution No. 178-05*

12. **Amendment to the MOU with the DDA to Include the BID**

Approval of this amendment will add the downtown business improvement district (BID) to the Memorandum of Understanding between the City and the Downtown Development Authority. The downtown BID will then receive the same City services that the DDA currently receives.

*Action: Approve Amendment #1 to the Grand Junction/DDA Memorandum of Understanding and Authorizing the Mayor to Sign*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Public Hearing – Assessments for the Grand Junction Downtown Business Improvement District**

The recent Special Election authorized the Downtown Grand Junction Business Improvement District Special Assessment. Pursuant to 31-25-1219 C.R.S., the governing body must hold a public hearing on the question of the imposition of the assessments. Immediately following the hearing, the Special Assessments will be certified to the County Treasurer for collection in 2006.

The public hearing was opened at 7:15 p.m.

Council President Pro Tem Palmer disclosed that he is a downtown property owner but legal staff has assured him there is no conflict.

Harold Stalf, DDA Executive Director, reviewed this item. He reviewed the formation of the bid and the election to impose the Special Assessments.

City Attorney John Shaver asked Mr. Stalf to describe how the proceeds will be used. Mr. Stalf stated it will be used for marketing and promoting downtown events. Mr. Shaver asked if that is for existing events. Mr. Stalf said yes, the proceeds will replace monies that are currently coming from the City, parking fees, and DTA dues which currently fund the marketing and promotion of downtown events. No new programs are planned for the monies.

Council President Pro Tem Palmer noted the Council received a letter from Carol A. Newton and such letter will be entered into the record. (see attached)

There were no public comments.

The public hearing was closed at 7:16 p.m.

City Clerk Stephanie Tuin requested the Council include in their motion the authority for her to correct any calculation or clerical errors in the assessments before she files it with the County Treasurer.

Resolution No. 179-05 – A Resolution Approving the Assessment and Ordering the Preparation of the Local Assessment Roll

Councilmember Coons moved to adopt Resolution No. 179-05 and authorized the City Clerk to make any calculation corrections needed. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

**Amendment to the MOU with the DDA to Include the BID** moved to the Consent Calendar

**Public Hearing – Vacating a Portion of the Elvira Drive Right-of-Way, Located North of G Road and West of 26 Road** [File # PFP-2004-163]

Consideration of a request to vacate a portion of the Elvira Drive right-of-way, located north of G Road and west of 26 Road. The applicant has requested vacation of the right-of-way in conjunction with a new subdivision that will take access from a new internal street. Access from Elvira Drive is unsafe and the applicant would like to create a safer entrance to the new subdivision.

The public hearing was opened at 7:20 p.m.

Lisa E. Cox, Senior Planner, reviewed this item. She described the location and the reason for the request. The vacation will allow a new access point that is safer. The developer wants to retain a portion of the right-of-way for future development and the City will retain a multipurpose easement for utilities. Ms. Cox said the request meets the criteria and Staff supports the request. She said there will be a shared access to lots 7 and 8. The estimated value of the property to be vacated, less the multipurpose easement, is \$25,500 and said Planning Commission recommends approval.

The applicant, Ted Martin, was present but had nothing to add.

There were no public comments.

The public hearing was closed at 7:25 p.m.

Ordinance No. 3844 – An Ordinance Vacating a Portion of the Elvira Drive Right-of-Way Located North of G Road and West of 26 Road

Councilmember Doody moved to adopt Ordinance No. 3844 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing – Prairie View South Annexation and Zoning, Located at 3028 and 3032 D ½ Road** [File #ANX-2005-233]

Acceptance of a petition to annex and consider the annexation and zoning for the Prairie View South Annexation. The Prairie View South Annexation is located at 3028 and 3032 D ½ Road and consists of 2 parcels on 7.68 acres. The zoning being requested is RMF-5.

The public hearing was opened at 7:25 p.m.

Bob Blanchard, Community Development Director, reviewed this item. Mr. Blanchard described the property, which is two parcels, and their location. He said the owners request annexation as a result of a rezone request, which requires annexation and City review. Mr. Blanchard said the request meets the criteria for annexation and said the zoning being requested is RMF-5 which is in compliance with the Future Land Use designation and meets the rezone criteria that applies.

The applicant was not present.

There were no public comments.

The public hearing was closed at 7:29 p.m.

Councilmember Thomason asked for clarification on City limits in that area, specifically a subdivision to the south. Mr. Blanchard said that subdivision is not in the City limits but is built out at 3 units per acre.

**a. Accepting Petition**

Resolution No. 180-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Prairie View South Annexation, Located at 3028 and 3032 D ½ Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3845 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Prairie View South Annexation, Approximately 7.68 Acres, Located at 3028 and 3032 D $\frac{1}{2}$  Road

**c. Zoning Ordinance**

Ordinance No. 3846 – An Ordinance Zoning the Prairie View South Annexation to RMF-5, Located at 3028 and 3032 D  $\frac{1}{2}$  Road

Councilmember Coons moved to adopt Resolution No. 180-05 and Ordinance Nos. 3845 and 3846 on Second Reading and ordered them published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

**Sewer Trunk Extension Funds to Cover the Design and Construction of the 24  $\frac{1}{2}$  Road Trunk Sewer Extension**

This project is being recommended due to new development proposed along the 24 $\frac{1}{2}$  Road corridor. The project includes design review that would occur in 2005, advertisement/award of a construction contract in January and February 2006, and construction in early 2006. This schedule is contingent upon the developer depositing adequate funds to cover the required trunk extension fees.

Councilmember Jim Spehar entered the meeting at 7:32 p.m.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the reason for the trunk line extension and how some of the costs will be repaid to the City as new developments connect onto the line. He said the current developers would initially have to pay \$67,500 or 15% toward the design, construction and construction management costs. The extension of sewer into this area will open up the possibility of development in the area. Mr. Relph says the project anticipates a payback in ten years of the cost of the extension.

Councilmember Coons moved to authorize Staff to move forward with design review, receiving bids, and revision of the Trunk Extension Fund 2005 and 2006 budget contingent on approval by the Mesa County Commissioners. Councilmember Doody seconded the motion. Motion carried.

**Construction Contract for the Crosby Avenue Pipe Bores and Storm Outfall**

The Crosby Avenue Pipe Bores and Storm Outfall project is the first phase of a multi-phase project to construct a major storm drainage system and to improve Crosby Avenue. Phase 1 includes the installation of two 54 - inch pipe bores beneath the Union Pacific Railroad near the intersection of W. Grand Avenue and Crosby Avenue and two



54 inch diameter storm drain pipes from the railroad tracks to the Colorado River. Bids were received for this project on September 27, 2005.

Mark Relph, Public Works and Utilities Director, reviewed this item. He said the completion of this project is important for the drainage and the rest of the improvements planned for the El Poso area. Mr. Relph said there have been challenges with this project, particularly with the budget. Between the lack of competition in bidding and the cost of materials, the cost is nearly \$700,000 more than anticipated. He said another factor is the cobble in the ground which is difficult to bore through. In order to have sufficient funds, Staff is suggesting borrowing funds from the Riverside Parkway project.

Councilmember Coons inquired where the storm drainage will go and if the water will need to be treated. Mr. Relph said it will drain behind City shops and will not need treatment.

Councilmember Doody asked about postponing the Orchard Avenue project (where the money is being borrowed). Mr. Relph explained how that will work.

Council President Pro Tem Palmer asked about premium prices for construction and other impacts regarding delays. Mr. Relph said they have discussed that in regard to every project and are looking at ways to aggregate some projects and delaying some projects. More discussions are anticipated.

Councilmember Spehar noted the City does a good job balancing the need to control dollars and still have enough smaller projects available for the local contractors to bid on.

Council President Pro Tem Palmer noted that the time is unique with all the school projects and St. Mary's projects going on at the same time.

Councilmember Spehar moved to authorize the City Manager to sign a construction contract for the Crosby Avenue Pipe Bores and Storm Outfall Project with M.A. Concrete Construction, Inc. in the amount of \$1,503,900.88. Councilmember Beckstein seconded the motion. Motion carried.

### **Initiate Condemnation Proceedings to Acquire Right-of-Way for the Riverside Parkway Project**

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire a 20% interest in property located at 902-1110 S. 5<sup>th</sup> Street owned by the Eldon K. VanGundy Irrevocable Trust, Quinton VanGundy, Trustee, for right-of-way for Riverside Parkway.

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the purpose of the request is to acquire the 20% interest of the VanGundy property, owned by the Eldon VanGundy Trust, for right-of-way for the Riverside Parkway project. He

advised the City has closed on the other 80% of the property from Dean VanGundy. He said prices were adjusted for inflation and said 20% would be \$433,876 and that offer was made. Mr. Relph said a counter was received for \$472,703 and the City made its final offer at \$450,000. That offer was declined.

Councilmember Coons said Council does not enter this action lightly but she supports the resolution to allow proceedings to begin. She felt the price offered was fair since Mr. Eldon VanGundy has commented publicly that the City has overpaid Mr. Dean VanGundy for his portion and the offer made to him is based on that price. She also would not want to set a precedent in exceeding the amount offered.

Councilmembers Thomason, Beckstein and Doody agreed.

Councilmember Spehar did not support the resolution because the price the court might determine is uncertain so he would rather just meet Mr. VanGundy's price.

Council President Pro Tem Palmer supports staff's recommendation and although he hopes negotiations will be successful he has no problem with taking the matter to court.

Resolution No. 181-05 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Property, by Either Negotiation or Condemnation, for Municipal Public Facilities

Councilmember Beckstein moved to adopt Resolution No. 181-05. Councilmember Thomason seconded the motion. Motion carried by roll call vote with Councilmember Spehar voting NO.

#### **2006 – 2007 Parks and Recreation Department Fees and Charges Policy**

On October 27, 2005 the Parks and Recreation Advisory Board unanimously approved the 2006-2007 Parks and Recreation Department Fees and Charges Policy and is recommending the City Council pass a resolution adopting the 2006-2007 Parks and Recreation Fees and Charges Policy. Additionally, it is also recommended by Staff that the City Council adopt the 2006-2007 Fees and Charges Policy for Two Rivers Convention Center and the Avalon Theatre.

Joe Stevens, Parks and Recreation Director, reviewed this item. He noted the proposed policy and fee schedule has been reviewed by the Parks and Recreation Advisory Board. Mr. Stevens said the board also discussed the resident versus non-resident discount. He said the proposal before Council does not include any change to that policy. He said the golf rates have gone up and they project a 5% increase for the next two years. Other program areas in the schedule are recreation fees. Mr. Stevens said the recreation activities are at 100% cost recovery and said at Two Rivers there will be some new fees, particularly the rental fees for equipment.

Councilmember Spehar asked what percentages of participants pay the higher non-resident fee. Traci Altergott, Recreation Superintendent, said they used to track that but in recent years the number of non-resident participants has decreased. She estimated around 40% to 50% are non-residents. Many participants find ways around the non-resident versus resident fee structure. Mr. Stevens advised that the current generation does not participate in team sports as much as the prior generation. Ms. Altergott added the team sports that this generation plays are not high dollar activities – dodge ball for example.

Councilmember Spehar said that it was due time to eliminate the resident versus non-resident fee structure but that could be discussed at another time.

Resolution No. 182-05 – A Resolution Establishing the 2006–2007 Fees and Charges Policy for the Grand Junction Parks and Recreation Department

Councilmember Coons moved to adopt Resolution No. 182-05. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

### **Public Hearing – Second Supplemental Appropriation Ordinance for 2005**

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

The public hearing was opened at 8:16 p.m. Lanny Paulson, Budgeting and Accounting Manager, reviewed this item. He explained the purpose of the second supplemental appropriation ordinance. He referred to the summary provided to Council.

Council President Pro Tem Palmer asked why additional funds were required for the swimming pool concessions. Mr. Paulson advised additional funds were needed for labor and supplies to run the concessions.

There were no public comments.

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

Ordinance No. 3847 – An Ordinance Making Supplemental Appropriations to the 2005 Budget of the City of Grand Junction

Councilmember Thomason moved to adopt Ordinance No. 3847 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

### **Levying Property Taxes for the Year 2005 for Collection in the Year 2006**

The resolutions set the mill levies of the City of Grand Junction, Ridges Metropolitan District #1, and the Downtown Development Authority. The City and DDA mill levies are for operations, the Ridges levy is for debt service only. The City is also establishing a temporary credit mill levy for the General Fund for the purpose of refunding revenue collected in 2004 in excess of the limitations set forth in the Tabor Amendment, Article X, Section 20 of the Colorado Constitution. The temporary credit is pursuant to CRS 39-5-121 (SB 93-255).

Lanny Paulson, Budgeting and Accounting Manager, reviewed this item. He explained the purpose of the mill levy resolutions. The City's mill levy has remained the same since 1985. There is a mill levy credit this year due to TABOR limitations. The Ridges mill levy has been reduced and its sole purpose is for debt service. The DDA mill levy is the standard of 5 mills and funds the operations of the DDA. There is no mill levy to be levied for the Grand Junction West Water Sanitation District for the first time since the City took over because the City has sufficient funds to pay off the remaining debt.

- a. Resolution No. 183-05 – A Resolution Levying Taxes for the Year 2005 in the City of Grand Junction, Colorado
- b. Resolution No. 184-05 – A Resolution Levying Temporary Credit Taxes for the Year 2005 in the City of Grand Junction, Colorado
- c. Resolution No. 185-05 – A Resolution Levying Taxes for the Year 2005 in the Downtown Development Authority
- d. Resolution No. 186-05 – A Resolution Levying Taxes for the Year 2005 in the Ridges Metropolitan District #1

Councilmember Spehar moved to adopt Resolutions No. 183-05, 184-05, 185-05, and 186-05. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

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

There were none.

### **OTHER BUSINESS**

There was none.

### **ADJOURNMENT**

The meeting adjourned at 8:22 p.m.

Stephanie Tuin, MMC  
City Clerk

ATTACHMENT 11  
cc: City Council

Kelly A.  
John S.

sm 12/7/05

Carol A Newton  
859 Grand Vista Way  
Grand Junction, CO 81506

12/5/05

Grand Junction City Council  
250 North 5Th Street  
Grand Junction, CO 81501

Dear City Council:

As specified in your letter to the downtown property owners, I am writing to object to the Special Assessment tax on these two properties:

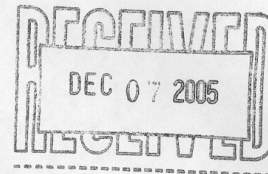
501 Main (AG Edward's)  
202 Ute (vacant land)

As owner of these two properties, I strongly oppose this special assessment tax by the DGJID on a financial institution and vacant land. What can they add to special events, festivals, street fairs and on going events? In my opinion, this is an unfair assessment tax.

Sincerely,

*Carol A. Newton*

Carol A Newton



**Attach 2**

Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Request to Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation until the March 1, 2006 City Council Meeting					
<b>Meeting Date</b>	December 21, 2005					
<b>Date Prepared</b>	December 12, 2005				<b>File #ANX-2005-076</b>	
<b>Author</b>	Scott D. Peterson		Associate Planner			
<b>Presenter Name</b>	Scott D. Peterson		Associate Planner			
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Request to Continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the December 21, 2005 City Council Meeting. The request to Continue is due to further research required of the existing legal description and associated land ownership issues regarding the area of the adjacent Grand Valley Canal. City staff is requesting the Annexation Public Hearing be Continued until the March 1, 2006 City Council Meeting.

**Budget:** N/A

**Action Requested/Recommendation:** Request to Continue Annexation Public Hearing regarding Approval of the Resolution accepting a Petition for Annexation and also final passage of the Annexation Ordinance until the March 1, 2006 City Council Meeting.

**Attach 3**

Setting a Hearing for Amending the PD Zoning for Redlands Mesa, Filing 6

**CITY OF GRAND JUNCTION**

<i>CITY COUNCIL AGENDA</i>							
<b>Subject</b>		Amending the PD Zoning for Redlands Mesa, Filing 6					
<b>Meeting Date</b>		December 21, 2005					
<b>Date Prepared</b>		December 9, 2005			File #FP-2005-032		
<b>Author</b>		Kathy Portner		Planning Manager			
<b>Presenter Name</b>		Kathy Portner		Planning Manager			
<b>Report results back to Council</b>		X	No		Yes	When	
<b>Citizen Presentation</b>			Yes	x	No	Name	
	<b>Workshop</b>	X	<b>Formal Agenda</b>		x	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Introduction of a proposed ordinance to amend the PD zoning for Redlands Mesa, Filing 6, to allow six single family residential lots, including accessory units, on 9.8 acres.

**Budget:** N/A

**Action Requested/Recommendation:** Introduce the proposed Zoning Ordinance and set a hearing for January 4, 2006.

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

**Attachments:**

- Vicinity Map/Aerial Photo
- Growth Plan Map/Zoning Map
- Redlands Mesa, Filing 6 Final Plat/Plan Ordinance



AGENDA TOPIC: FP-2005-032 First reading of an ordinance amending the PD zoning for Redlands Mesa, Filing 6

ACTION REQUESTED: Introduce the proposed Zoning Ordinance and set a hearing for January 4, 2006.

BACKGROUND INFORMATION					
Location:		Monument Road and Mariposa Road			
Applicants:		RC Investment, LLC – Ron Austin Thompson-Langford Corp.—Doug Thies			
Existing Land Use:		Undeveloped			
Proposed Land Use:		Residential Single Family			
Surrounding Land Use:	North	Single Family Residential			
	South	Undeveloped			
	East	Golf Course			
	West	Open Space			
Existing Zoning:		PD (Planned Development)			
Proposed Zoning:		PD (Planned Development)			
Surrounding Zoning:	North	PD			
	South	PD			
	East	PD			
	West	PD			
Growth Plan Designation:		Residential Medium Low (2 – 4 DU/AC)			
Zoning within density range?		x	Yes		No

PROJECT DESCRIPTION: Introduction of a proposed ordinance to amend the PD zoning for Redlands Mesa, Filing 6, to allow 6 single family residential lots, including accessory units, on 9.8 acres.

RECOMMENDATION: Staff recommends approval.

## ANALYSIS

**NOTE: The Redlands Mesa development was originally approved under the 1997 Zoning and Development Code, and continues to be reviewed for conformance with the 1997 Code and the approved Outline Development Plan. The City Council will only be acting on the amended Planned Development ordinance, and not the specifics of the Preliminary/Final Plan. The information specific to the Preliminary/Final Plan is provided for your information so you can better understand the amended ordinance.**

### 1. Background

**Background:** The Redlands Mesa project has an approved ODP (Outline Development Plan) and design density for 526 residential units and 20,000 s.f. of office on 175.69 acres, 145.25 acres of open space and 160.89 acres for the golf course and club house. The total acreage for the development is 494.08. Phases I through IV of the development have been approved and almost all constructed. Phase I consists of 118 single family homes, the golf course, clubhouse and maintenance facility. With the first filing of Phase I the golf course was created and 85 acres of open space was dedicated to the City of Grand Junction. Phase II includes parcels 9, 10A, 10B and 11 from the original ODP and consists of 67 residential lots. Phase III of Redlands Mesa includes the development of parcels 12A, 12B, 13A and 13B for a total of 61 lots. Phase IV of Redlands Mesa includes the development of parcels 16 and 17 as depicted on the approved Outline Development Plan for Redlands Mesa and consists of 25 single family lots.

The proposed filing 6 is a revision to the Preliminary Plan for Parcel 9, which was included in Phase II. The Preliminary Plan for Phase II was approved for 12 lots on Parcel 9. The proposed revised Preliminary/Final Plan consists of 6 residential lots. In addition to the principle structure, the developer is proposing that each lot be allowed an accessory dwelling unit.

The conditions of approval of the ODP are as follows (those conditions of approval that are specifically relevant to the review of Filing 6 are in bold):

- 1. The ODP and design density establishes maximum number of units. However, due to constraints on the property it is unlikely that those maximum numbers will be achieved. The design density does not constitute a commitment to approve subsequent submittals. The specific density shall be established at the time of approval of a Preliminary Plan.**
2. The rough grading of Mariposa Drive to Monument Road will be in place with the first phase of development for emergency access and for the use of construction traffic. The improvements will include an all-weather

surface meeting all structural and horizontal and vertical alignment requirements set forth in the City's engineering and fire protection standards.

3. The completion of Mariposa Drive will be required when the average daily traffic (ADT) generated from the Redlands Mesa Project exceeds that generated by the golf course and 187 homes (2,353 ADT), or when the ADT on Ridges Boulevard exceeds 8,000, whichever occurs first. At the time of platting of the filing that triggers the requirement for the completion of Mariposa, the improvements must be in place or a Development Improvements Agreement and Guarantee executed.
4. The extension of Ridges Boulevard and Mariposa Drive will meet all City standards, but a 10' wide, concrete, detached path on one side of the streets will be allowed rather than attached sidewalks on both sides. The street connection through parcel 5 will match the Rana Road street section through Cobblestone Ridges.
5. Path connections between housing pods must be improved to City standards, unless at the preliminary design it can be shown that an improved trail is impractical.
6. The unimproved single track trail section will be provided along the rim above Monument Road, including through parcels 7 and 9 unless, at the preliminary plan stage, the applicant can show that location to be not feasible.
7. A trail section must be provided as an east-west connection to the Dynamic property to the northwest. The trail alignment and improvement requirements will be determined at the Preliminary Plan stage.
8. A looped water line will be required to serve the Redlands Mesa project. Prior to submitting for Preliminary Plan review the applicant must have any necessary easements in place or written agreements for the easements executed. In addition, necessary approvals and agreements to provide the looped water line must be in place with Ute Water and the City prior to submittal of the preliminary plan.
- 9. The design of lots on parcels 9, 11, 13B, 14 and 17 will be reviewed at the Preliminary Plan stage for ridgeline development issues.**
- 10. Through the Preliminary Plan process areas of "no-disturbance" must be identified to preserve many of the significant natural features.**
- 11. Those areas designated as open space should be left as undisturbed. If disturbance is necessary, a plan for revegetation will be required. The open space areas shall not be used for the stockpiling of dirt and other materials.**
12. The cul-de-sac accessing the proposed parcel 2 will be allowed to exceed the 1000' maximum City standard provided the applicant does one of the following: 1) provide secondary access, 2) widen the street section to a minimum width of 34', or 3) provide residential fire sprinkler systems.
- 13. Unless otherwise stated, the project must meet all City code requirements for all future submittals.**

The proposed Redlands Mesa, Filing 6 Preliminary/Final Plan is consistent with the ODP approval.

### **Traffic Circulation**

Access to all the proposed lots will be directly from West Ridges Boulevard, which is already constructed. The completion of Mariposa Drive was required with the platting of filing 5 in Phase III and is currently under construction and guaranteed through a Development Improvement Agreement.

### **Trails and Open Space**

With the platting of the first filing of Redlands Mesa, over 80 acres of open space was deeded to the City for public access. Included in that open space, and other areas of the development, were designated single-track trails to continue the historic use of the property for pedestrians and bicyclists. In addition to the single-track trails system, the detached, improved pathway along West Ridges Boulevard, High Desert Road, and eventually, Mariposa Drive, will provide additional trail access through the development.

### **Drainage and Utilities**

Drainage is being accommodated through storm drain systems and natural swales to various detention facilities in the development.

To address the need for adequate water pressure for domestic use and fire flow, a pump station was required for the development.

The undeveloped portion of West Ridges Boulevard must be maintained for emergency access.

Prior phases of Redlands Mesa have utilized irrigation water from the Ridges irrigation system for the landscaped open space and right-of-way strips. As the operators of the irrigation system, the City utility department has indicated that irrigation water will not be available for these lots due to inadequate line size feeding the area.

### **Lot Configuration and Design**

Because of the location of the lots in relation to the ridgeline along Monument Road, specific building envelopes have been identified for each lot to minimize the visual impact from Monument Road and South Camp Road. In addition, the site plan establishes a maximum structure height for each lot, some of which vary within various parts of the lots. Setbacks also vary on some lots to provide areas of no-disturbance for rock outcrops and drainages.

A major issue identified in the ODP was the view of ridgeline lots, including parcel 9. Policy 20.7 of the Growth Plan states: "The City 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". One of the conditions of approval of the ODP for Redlands Mesa was that the design of parcel 9 would be reviewed at the Preliminary Plan stage for ridgeline issues. The prior Preliminary Plan approval for Phase II, which included Parcel 9, stated that lots would not be approved unless at Final Plan the applicant shows specific mitigation to minimize the visual impacts from Monument Road. Design considerations may include, but are not limited to, overhangs, shadows, roof pitch, colors to blend in with the natural surroundings, structure height, alternative construction techniques, natural landscaping buffers and setbacks.

The applicant provided a Ridgeline Analysis for the proposed lots on what was shown as parcel 9 in the ODP (see attached analysis). In addition to increased setbacks and limiting building heights, the following mitigation techniques are proposed:

#### Building Height

1. All structures within the primary building envelope shall be no higher than the maximum building elevation noted on the site plan. That height shall be 26' above the center lot elevation, with the exception of lot 1 and 6, which shall be 32'
2. All structures or portions of structures within the secondary building envelope shall be no higher than the elevation shown on the plan. That height shall be 18' above the center lot elevation.

#### Building Massing

1. Homes shall start low at the edges and mass towards the center.
2. Wall elevations shall be broken with changes in materials, plane, and fenestration.

#### Roofs

1. Roof pitch shall be a minimum of 3:12 and maximum of 6:12 with consistent pitches.
2. The minimum roof overhang shall be 24"
3. Hipped roof forms are encouraged.
4. Covered entries, porches and arcades, at human scale, are encouraged.

#### Exterior Materials and Colors

1. Natural building materials with strong textures shall be required.

2. Enriched, darker earth-tone colors are required.

A visual depiction of the residence relative to the ridgeline will be required for review.

Developable areas based on slopes, vegetation and rock outcroppings, were identified through the ODP process. Specific lot layout and design must also be sensitive to those opportunities and constraints. The developer has designed around significant features as much as possible. The developer has also committed to minimizing site disturbance and cut and fill and much as possible with the final grading plan.

## 2. Consistency with the Growth Plan

The following policies in the Growth Plan must be considered in the review of this project:

*Policy 1.12: The City will require that provisions be made for on-going maintenance of open space areas by an appropriate public or private entity.*

*Policy 4.5: The City will require adequate public services and facilities to be in place or assured so they will be in place concurrently with urban development in the joint planning area.*

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

*Policy 20.7: The City 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 will encourage dedications of conservation easements or land along the hillsides, habitat corridors, drainageways and waterways surrounding the City.*

*Policy 20.10: The City 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.*

*Policy 21.2: The City 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 will encourage the preservation of natural hazard areas for use a habitat and open space areas.*

*Policy 23.8: The City will require vehicular, bike and pedestrian connections between adjacent projects when such connections improve traffic flow and safety.*

The Future Land Use Map designates this area as Residential Medium Low, 2 to 4 units per acre. The overall density of Redlands Mesa is at the low end of the density range, with the exclusion of the golf course, open space and undevelopable land.

The Redlands Mesa Plan is consistent with the goals and policies of the Growth Plan.

In addition to the Growth Plan, the Amended Final Plan for the Ridges, adopted by the City in 1994, also has the following general development standards for the Ridges:

- A. Site planning and design shall preserve, to the maximum extent possible, the existing natural features that enhance the attractiveness of the area and shall blend harmoniously with all uses and structures contained within the surrounding area.*
- B. Land which is unsuitable for development because of geologic constraints shall be preserved in its natural state. This shall include drainageways, steep terrain (slopes in excess of 30%) and rock outcroppings to be identified and mapped by the developer. Areas of “no disturbance” shall be identified around all proposed building sites as applicable.*
- C. Existing trails, whether or not improved or legally dedicated, within the platted and unplatted Ridges shall be preserved, improved and enhanced with future development. For the portion of the Ridges not already platted, each development shall integrate with an overall plan that serves to link existing trails with both new trails and trails which serve other areas.*
- D. All structures shall be setback a minimum of 20’ from all bluff lines (to be identified and mapped by the developer) to maintain visual corridors within the Ridges. For ravines, drainages and washes which are defined by a distinct “rim” or “rimrock”, structures shall be set back far enough that a person 6 feet tall cannot see any portion of a structure while standing in the thread of the stream bed.*

- E. All development in the Ridges, notwithstanding zoning potential or other approvals, will be limited by geologic and transportation system constraints, as well as other infrastructure constraints.*

The overall plan for Redlands Mesa is consistent with the Amended Plan for the Ridges.

### 3. Zoning and Development Code

Because this project was initiated under the previous Zoning and Development Code (Code), it will continue to be reviewed under the old Code. The Preliminary is subject to section 6-7 and 7-5-4 of the Code. Section 6-7-3 states Preliminary Plans shall:

- A. Conform to adopted plans and policies;*
- B. Be compatible with the future development of adjacent properties under the “then existing” zoning;*
- C. Provide for functional arrangement of lot sizes for compliance with zoning;*
- D. Provide correct naming of streets;*
- E. Conform to the design standards in the SSID Manual and other applicable development standards; and*
- F. Provide basic engineering solutions of all major physical site problems, i.e. drainage.*

Section 7-5-4 state: “A Preliminary Plan constitutes a major step in the review process. The submittal shall be detailed enough to answer the question, ‘Should this use, designed in this particular manner, be constructed on this site?’ The accepted ‘design’ density indicated in the Outline Development Plan approval cannot be presumed as a matter of right from the PD zoning designation, but shall be justified at the preliminary stage through site and structure design.”

The review of the Preliminary Plan will include traffic circulation, trails and open space, drainage, utility provision and lot configuration and design.

In addition, the Final Plat and Plan is subject to section 6-8 and 7-5-5 of the previous Zoning and Development Code. The final plat and plan review is for conformance with the approved Preliminary Plan. The Redlands Mesa, Filing 6 conforms to the relevant sections of the 1997 Zoning and Development Code.

The Redlands Mesa Filing 6 Preliminary/Final Plan conforms with the Outline Development Plan approval and to the relevant sections of the 1997 Zoning and Development Code.



Because only a design density was approved with the original zoning ordinance for the Redlands Mesa ODP, an amended ordinance is required with each Preliminary Plan to specify uses and final density. The applicant is proposing that the allowed uses be one principal single family residence per lot and one caretaker unit for each lot. The standards that will apply to the caretaker unit are as follows:

Each of lots 1,2,3,4,5 and 6 shall have the right, in addition to normal accessory structures, such as garages, to have one Accessory Dwelling Unit (ADU), attached or detached, which may have a full kitchen facility. The Accessory Dwelling Unit may not exceed 30% of the living space area of the primary dwelling unit, and must comply with all bulk standards, ridgeline and height restrictions, Redlands Mesa Design Guidelines, Conditions, Covenants and Restrictions and any other restriction applicable to the building site for each lot.

The design and location of the ADU shall be subordinate to the Principal Dwelling Unit. One off-street parking space shall be required.

The developer will also restrict the use of the unit as a caretaker employee unit for the primary dwelling, or as a guest house, but may not be rented to a non-employee of the primary dwelling. That restriction will be enforced by the developer/HOA, not the City.

#### FINDINGS OF FACT/CONCLUSIONS

After reviewing the Redlands Mesa, Filing 6 application, PFP-2005-032, for an amended zoning ordinance and Preliminary/Final Development Plan/Plat, staff makes the following findings of fact and conclusions:

1. The requested amended zoning ordinance and Preliminary Development Plan is consistent with the Growth Plan and the Amended Plan for the Ridges.
2. The review criteria in Section 6-7, 6-8 and 7-5 of the 1997 Zoning and Development Code have all been met.
3. The Preliminary/Final Plan/Plat for Redlands Mesa, Filing 6 is consistent with the design density and ODP approval.

#### STAFF RECOMMENDATION:

Staff recommends approval of the amended PD zoning ordinance.

PLANNING COMMISSION RECOMMENDATION:

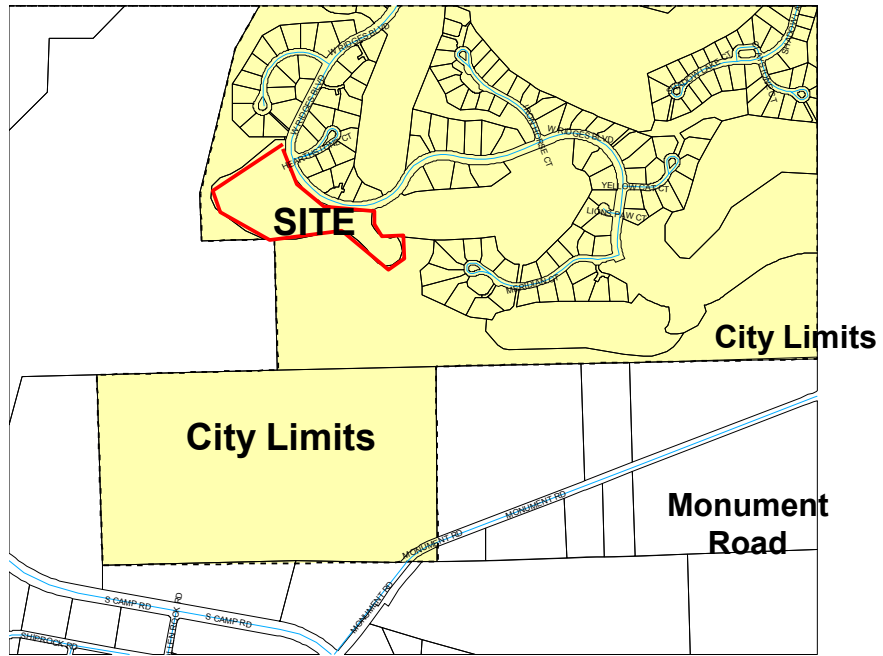
At their December 13, 2005 hearing, the Planning Commission recommended approval of the amended PD ordinance for Redlands Mesa, Filing 6. The Planning Commission also approved the Preliminary/Final Plan and Plat.

Attachments:

Vicinity Map/Aerial Photo  
Growth Plan Map/Zoning Map  
Redlands Mesa, Filing 6 Final Plat/Plan  
Ordinance

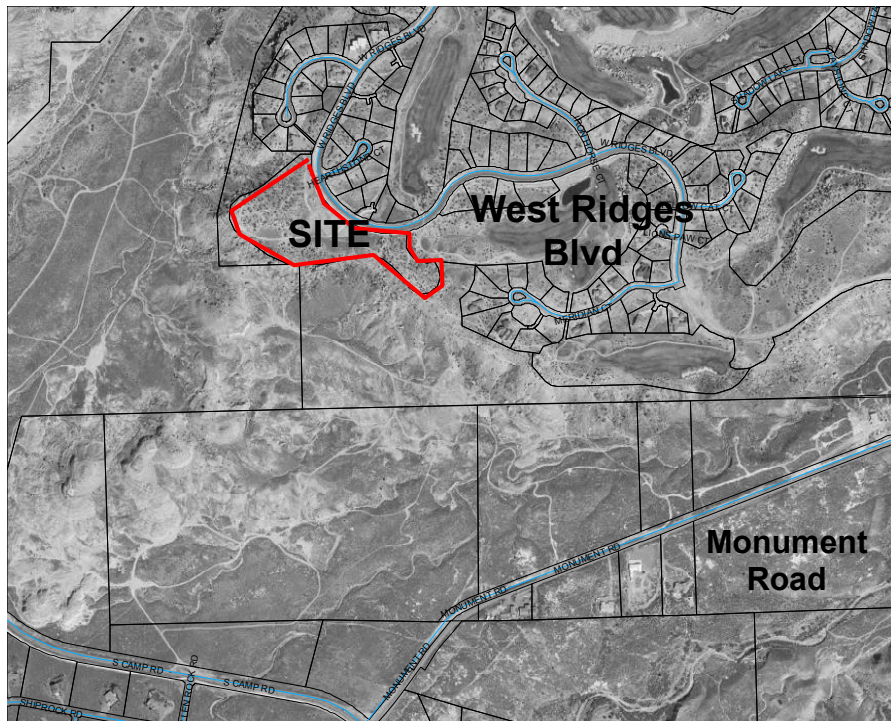
# Site Location Map

Figure 1



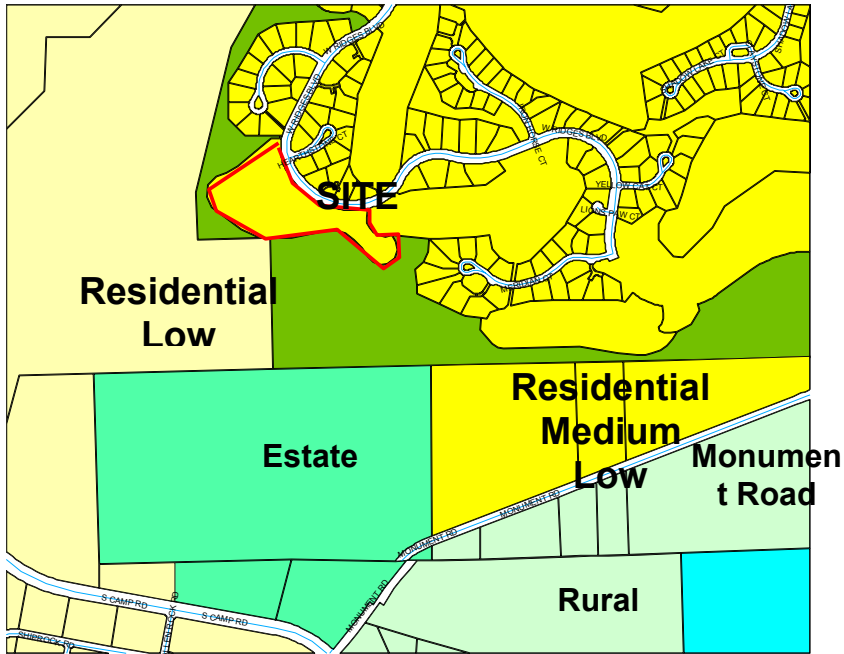
# Aerial Photo Map

Figure 2



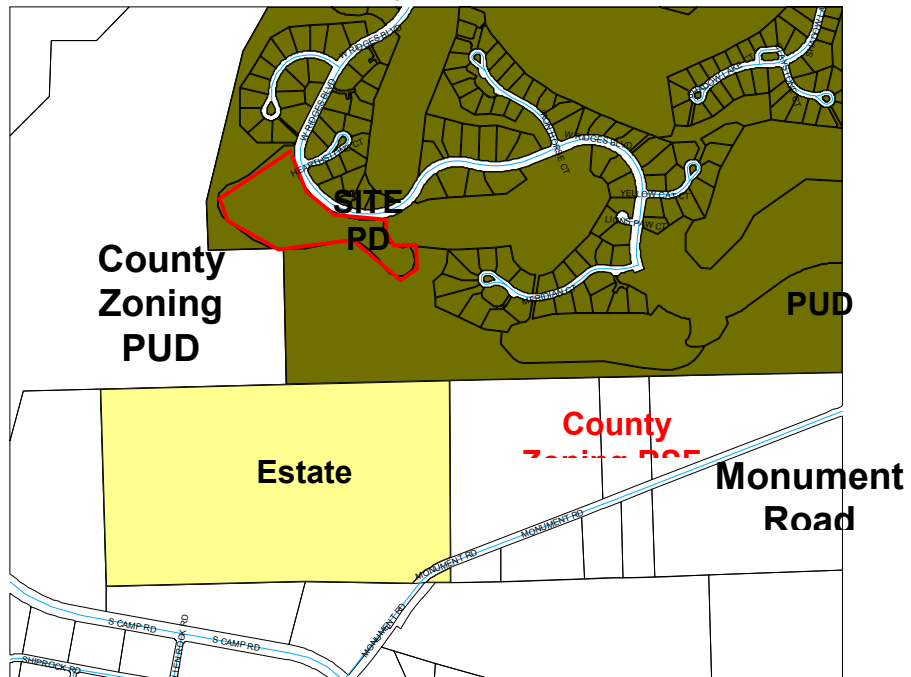
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



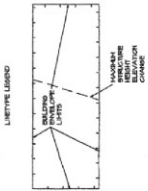
NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."



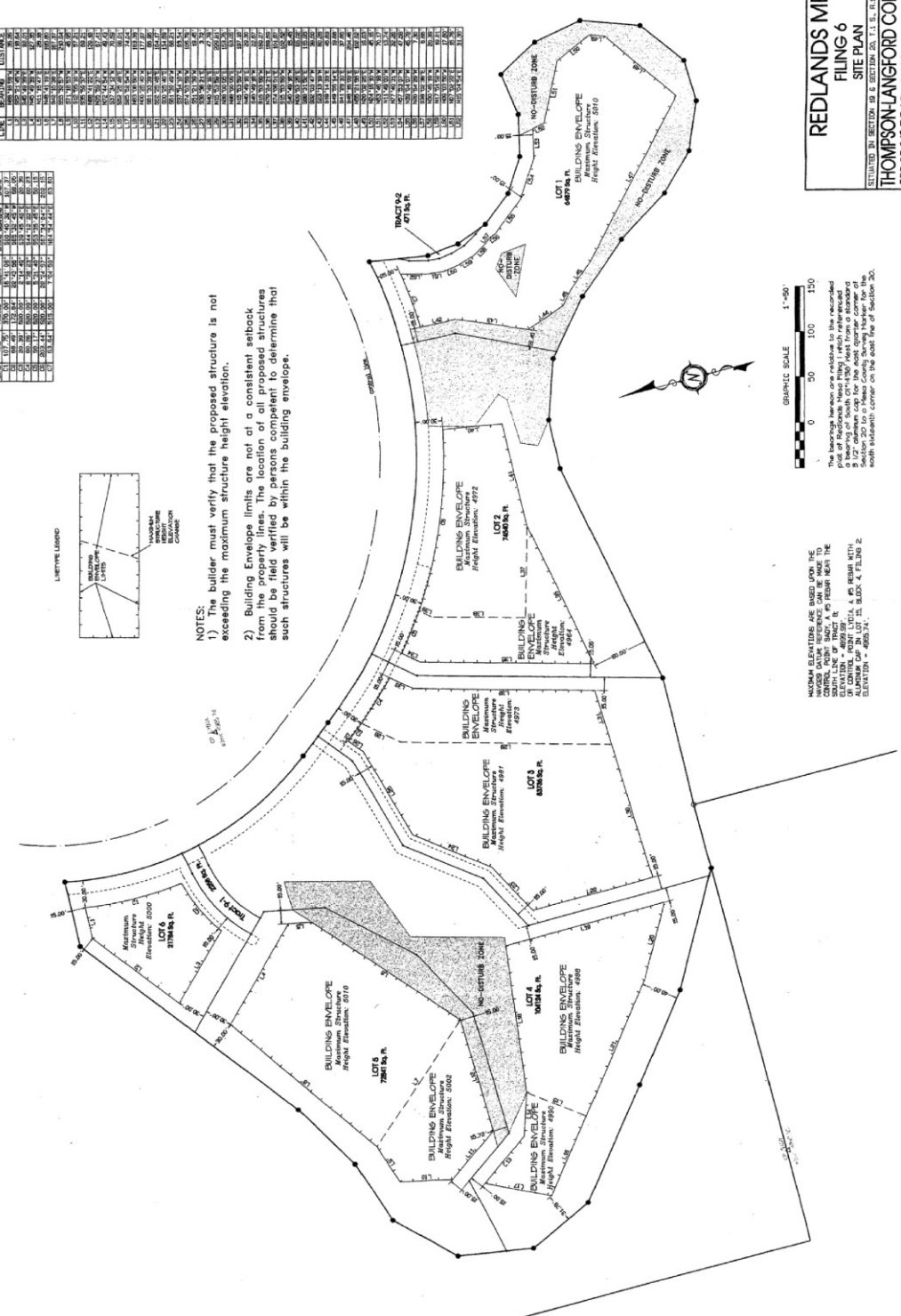
# REDLANDS MESA FILING 6

LINE	BEARING	DISTANCE
1	N 89° 51' 30" W	100.00
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- NOTES:
- 1) The builder must verify that the proposed structure is not exceeding the maximum structure height elevation.
  - 2) Building Envelope limits are not at a consistent setback from the property lines. The location of all proposed structures should be field verified by persons competent to determine that such structures will be within the building envelope.



GRAPHIC SCALE 1"=50'

0 50 100 150

The bearings herein are relative to the recorded plat of Redlands Mesa Filing 1 which referenced the intersection of the center line of the east quarter corner of Section 36, T.12N., R.10E., S.40E., 4, PL. 200-2, with the south-southwest corner of the east line of Section 36.

MAXIMUM ELEVATIONS ARE BASED UPON THE CONTROL POINT 5607, A, 6° NEAR NEAR THE INTERSECTION OF THE CENTER LINE OF THE EAST QUARTER CORNER OF SECTION 36, T.12N., R.10E., S.40E., 4, PL. 200-2, WITH THE SOUTH-SOUTHWEST CORNER OF THE EAST LINE OF SECTION 36.

**REDLANDS MESA  
FILING 6  
SITE PLAN**

SITUATED IN SECTION 09 & SECTION 20, T.12 N., R.10 E., S.40 E. UTE MERIDIAN

**THOMPSON-LANGFORD CORPORATION**  
529 25 1/2 ROAD - B-210  
Grand Junction CO 81505  
tfc@tllcwest.com

Drawn by: [Name] Date: Nov. 02, 2005 Sheet: 1 of 1

CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE ZONING LAND LOCATED SOUTH AND WEST OF THE RIDGES  
KNOWN AS REDLANDS MESA, FILING 6

Recitals:

The proposed Redlands Mesa development received Design Density and Outline Development Plan approval by the Planning Commission and the City Council. The Preliminary Plan for Filing 6 of the development has been submitted and reviewed by the Planning Commission. Filing 6 includes 6 residential lots. The Planning Commission and City Council hereby find that the request is in compliance with the Zoning and Development Code.

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

That the land described below is hereby zoned PD (Planned Development) with the allowed uses being a maximum of 6 single-family homes and the allowance for each lot to have an Accessory Dwelling Unit subject to the provisions of the approved Preliminary/Final Plan.

Legal Description: Block 3 Redlands Mesa Filing 2, according to the Final Plat thereof recorded May 16, 2001 at Reception No. 1996348 in the Office of the Clerk and Recorder of Mesa County, Colorado.

INTRODUCED for FIRST READING and PUBLICATION this \_\_\_\_ day of \_\_\_\_\_, 2005.

PASSED on SECOND READING this \_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

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

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

**Attach 4**

Contract for 2006 LEAF Grant for DUI Enforcement

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	2006 LEAF Grant						
<b>Meeting Date</b>	21 December 2005						
<b>Date Prepared</b>	13 December 2005					<b>File #</b>	
<b>Author</b>	R.J. Russell			<b>Lieutenant</b>			
<b>Presenter Name</b>	Harry Long			<b>Services Captain</b>			
<b>Report results back to Council</b>	x	<b>No</b>		<b>Yes</b>	<b>When</b>		
<b>Citizen Presentation</b>		<b>Yes</b>	x	<b>No</b>	<b>Name</b>		
	<b>Workshop</b>	x		<b>Formal Agenda</b>	x	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:**

In August of this year, the Police Department submitted a request to Council seeking authorization to submit an application to the State of Colorado to obtain grant funds in the amount of \$145,133.00 from the Law Enforcement Assistance Fund (LEAF) for the purpose of purchasing a DUI van and covering the costs of overtime for officers in order to conduct DUI enforcement related activities. Approval was given by Council. The department has recently been notified that \$35,000.00 of the grant request has been approved to fund the DUI enforcement related activities. Funds to cover the cost of the DUI van were denied.

**Budget:**

The Grand Junction Police Department has been notified that \$35,000.00 has been approved to fund a police officer to work Thursday, Friday and Saturday nights for five (5) hours, strictly dedicated toward DUI enforcement and to conduct two (2) DUI checkpoints during the year.

**Action Requested/Recommendation:**

The Grand Junction Police Department requests authorization to accept grant dollars for the 2006 LEAF grant in the amount of \$35,000.00

**Attachments:**

Grant Data Sheet

**Background Information:**

The Grand Junction Police Department has participated in LEAF for the past two years. When combined with an effective media promotion and enforcement activities, the program has been a successful deterrent to those considering driving under the influence and at removing those who choose to drive while intoxicated from the streets of Grand Junction.



CITY OF GRAND JUNCTION  
GRANT DATA SHEET

DATE: 12/13/2005 REVISION NUMBER \_\_\_\_\_  
DEPARTMENT: Police CONTACT: Bob Russell PHONE: 244-3656  
SUB-RECIPIENT: \_\_\_\_\_ CONTACT: \_\_\_\_\_ PHONE: \_\_\_\_\_

**CONTRACT REQUIRED FOR ALL SUB-RECIPIENTS!**

GRANT NAME: 2006 LEAF Grant GRANT #: \_\_\_\_\_  
SOURCE OF FUNDS: State of Colorado (FEDERAL, STATE, OTHER)  
Glenn Davis (303) 757-9462  
GRANTOR: CDOT CONTACT: Theresa Long PHONE: (303) 757-9273

**PURPOSE/PRODUCT/OUTCOME:**

These funds are specifically earmarked to pay for overtime in order to provide DUI enforcement activities.

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

**REQUIREMENTS/SCHEDULE:**

WILL THIS REQUIRE: NEW EMPLOYEE(S)? No NEW EQUIPMENT? No

**FINANCIAL SUMMARY ( ATTACH DETAIL):**

Projected cost of project or program: \$ 35,000  
Estimated cost of administration: \_\_\_\_\_  
Grant in-eligible costs (application): \_\_\_\_\_  
Total costs of grant..... \$ 35,000  
Amount of grant \$ 35,000  
Other revenues \_\_\_\_\_  
Total revenues..... \$ 35,000  
Net cost of the project to the City.....: \$ 0  
Amount to be appropriated: \$ \_\_\_\_\_

**FUTURE IMPACTS:**

**Description**

Annual ongoing expenditures: \$ \_\_\_\_\_  
Onetime/periodic expenditures: \$ \_\_\_\_\_

Revenue account number: Fund 100 Org 422 Account 42520 Pgm 21 Activity \_\_\_\_\_  
Expenditure account number: Fund 100 Org 422 Account 53990 Pgm 21 Activity \_\_\_\_\_

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

Are revenues/expenses included in the current budget? No Revised? No

**APPROVALS:** Department Director: \_\_\_\_\_ Date: \_\_\_\_\_  
Grant Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_  
Finance Director: \_\_\_\_\_ Date: \_\_\_\_\_  
City Manager: \_\_\_\_\_ Date: \_\_\_\_\_  
City Council: Approved: \_\_\_\_\_ Acceptance: \_\_\_\_\_ Contracts: \_\_\_\_\_

**DATES:**

Application deadline \_\_\_\_\_ Award of grant: \_\_\_\_\_ Extension deadline \_\_\_\_\_  
Date of receipt: \_\_\_\_\_ Required completion date: \_\_\_\_\_ Closeout \_\_\_\_\_  
Report(s) required: \_\_\_\_\_ (date, monthly, quarterly)

**Attach 5**

## Grant Contract for Radio Infrastructure Improvements in Mesa County

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Grant Contract for radio infrastructure improvement in Mesa County					
<b>Meeting Date</b>	December 21, 2005					
<b>Date Prepared</b>	December 13, 2005				<b>File #</b>	
<b>Author</b>	Paula Creasy			<b>Communication Center Manager</b>		
<b>Presenter Name</b>	Paula Creasy			<b>Communication Center Manager</b>		
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>		<b>Formal Agenda</b>	X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** This Grant will provide funding for radio equipment improvements and/or additions to radio sites serving the Grand Junction Regional Communication Center. Simultaneously, this expands the state's 800 MHZ digital trunked radio (DTR) system by adding sites in Mesa County.

Additionally, Motorola, the Contractor working with the State Department of Information Technology (DOIT) on the project, is requesting additional funds for two of the radio sites. This request needs to be made to DOLA and if approved by DOLA, will become an addendum to the Grant Contract.

**Budget:**

Energy and Mineral Impact Grant (DOLA)	\$1,125,354
Additional fund request to DOLA for Black Ridge and Mesa Point sites	\$ 81,631
<b>Total EMIAP funds</b>	<b>\$1,206,985</b>
Grand Junction Regional Communications Center E9-1-1 fund	\$ 200,00
Colorado Division of Information Technology – In-kind Contributions	\$ 261,250
Total project	<b>\$1,668,235</b>

**Action Requested/Recommendation:**

The application for the Grant was approved at an earlier City Council meeting and a letter of award has now been received. This is a request to authorize the Mayor's signature on the Grant Contract between the City of Grand Junction and DOLA.

Authorization is also requested to ask for additional funds from DOLA to cover additional development costs at the Black Ridge and Mesa Point sites.

**Attachments:**

1. Letter from Motorola explaining the need for additional funds
2. Grant Data Sheet

**Background Information:**

This Grant provides financial assistance and implementation resources toward completing the final phase of a multi-year project that will enhance the quality and availability of public safety radio communications across Mesa County. This project is focused on improving rural area radio coverage and signal quality. The Grand Junction Regional Communication Center (GJRCC) has partnered with the State Division of Information Technologies (DOIT) to identify site locations that are mutually beneficial to the improvements mentioned above, as well as the implementation of the State's 800 MHZ Digital Trunked Radio (DTR) project.

CITY OF GRAND JUNCTION  
GRANT DATA SHEET

Date: 12/14/2005 Revision Number \_\_\_\_\_

Department: Police Contact: Paula Creasy Phone: 244-3640

Sub-Recipient: \_\_\_\_\_ Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

**CONTRACT REQUIRED FOR ALL SUB-RECIPIENTS!**

Grant Name: Colorado's Wireless Interoperability Network (WIN) Grant Grant #: \_\_\_\_\_

Source of Funds: State (Federal, State, Other)

Grantor: DOLA Contact: Tim Sarmo Phone: 970-248-7333

**Purpose/Product/Outcome:**

The project consists of making radio equipment improvements or additions to five radio sites serving the Grand Junction Regional Communication Center. Simultaneously, this expands the state's 800 MHZ digital trunk radio (DTR) system by adding sites in Mesa County.

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

Requirements/Schedule: \_\_\_\_\_

<b>Will this require:</b>	<b>new employee(s)?</b>	No	<b>new equipment?</b>	Yes	
---------------------------	-------------------------	----	-----------------------	-----	--

**Financial Summary ( Attach Detail):**

Projected cost of project or program:	\$	<u>1,586,604</u>
Estimated cost of administration:		_____
Grant in-eligible costs (application):		_____
Total costs of grant.....	\$	<u>1,586,604</u>
Amount of grant	\$	<u>1,125,354</u>
Other revenues		<u>261,250</u>
Total revenues.....	\$	<u>1,125,354</u>
Net cost of the project to the City.....:	\$	<u>200,000</u>
Amount to be appropriated:	\$	_____

**Future Impacts:**

Annual ongoing expenditures:	\$	<u>10,000</u>	<b>Description</b> <u>Maintenance</u>
Onetime/periodic expenditures:	\$	_____	_____
Revenue account number:	Fund	<u>405</u>	Org <u>442</u> Account <u>42310</u> Pgm <u>21</u> Activity <u>127135</u>
Expenditure account number:	Fund	<u>405</u>	Org <u>442</u> Account <u>81100</u> Pgm <u>21</u> Activity <u>D01900</u>

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

Are revenues/expenses included in the current budget? Revised?

<b>Approvals:</b>	Department Director:	Date:
	Grant Coordinator:	Date:
	Finance Director:	Date:
	City Manager:	Date:
	City Council: Approved:	Acceptance: Contracts:

**Dates:**

Application deadline	Award of grant:	Extension deadline
Date of receipt:	Required completion date:	Closeout
Report(s) required:		(date, monthly, quarterly)

## 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                       Generated
- Program income
- Federal funds                      Advance                       or Reimbursement
- 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.**

1/18/2002

Date: October 20, 2005

To: Paula Creese,  
Director, GJRCC

Cc: Mike Borrego – State of Colorado

From: Ron Painchaud – Motorola Inc.

**Re: Black Ridge and Mesa Point tower site development justification:**

Paula,

You will need to submit to DOLA for supplemental funding to cover the actual cost for the development of the Black Ridge and Mesa Point sites. The following helps to explain why actual numbers within our proposal exceeded the budgetary numbers used within the grant CWIN request to DOLA.

The additional cost for Black Ridge on this grant request is required to increase the capacity of the two microwave hops from the budgeted eight T1 capacity to DS3 (28T1) capacity on one link and 3DS3 (84T1) on the second link in order to carry additional circuits required for the State DTR Radio System. The microwave capacity increase will exceed the budgeted amount by \$48,554.00. In addition, our site evaluation report has discovered that the tower foundation at Black Ridge will require drilling into solid granite. Our budgetary was based on normal soil conditions. The extra work required for this tower foundation will exceed the budgeted amount by \$11,274.00. The difference total for Black Ridge is \$59,828.00.

The additional cost for Mesa Point on this grant request is required to substitute one 23GHZ microwave hop (originally budgeted at \$60,480.00) with a 10GHz hop at a cost of \$82,283.00. The microwave frequency change will exceed the budgeted amount by \$21,803.00.

The total for both sites equates to \$81,631.00.

Please call me if you have any questions, 303-689-2806.

Regards,

Ron A. Painchaud





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

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF GRAND JUNCTION AND THE STATE OF COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR THE COLORADO WIRELESS INTEROPERABILITY NETWORK (CWIN) PROJECT IN MESA COUNTY

**Recitals:**

The State has awarded the City an Energy and Mineral Impact Fund grant for radio equipment and improvements to various sites in Mesa County to improve rural area radio coverage and expand the State's 800 MHZ digital trunked radio (DTR). The City has agreed to accept the grant.

In order to proceed with the contract and to accept State funds, the City must execute an agreement with the State of Colorado.

**NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:**

- 1) The City Council of the City of Grand Junction hereby authorizes the City Manager to sign the contract with the State of Colorado Department of Local Affairs for the CWIN project.
- 2) The City Council of the City of Grand Junction hereby authorizes the expenditure of funds (estimated to be \$1,668,235.00) as necessary to meet the terms and obligations of the Grant Contract.
- 3) This resolution shall be in full force and effect from and after its passage and approval.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

\_\_\_\_\_  
Bruce Hill  
President of the Council

ATTEST:

\_\_\_\_\_  
Stephanie Tuin  
City Clerk

**Attach 6**

Revocation of Powers of Attorney for Alley Improvements that have been Subsequently Completed

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Revocation of Powers of Attorney for Alley Improvements that have been subsequently completed						
<b>Meeting Date</b>	December 21, 2005						
<b>Date Prepared</b>	December 15, 2005	File # - N/A					
<b>Author</b>	Michael Grizenko, Real Estate Technician						
<b>Presenter Name</b>	Mark Relph, Public Works and Utilities Director						
<b>Report results back to Council</b>	X	No		Yes	When		
<b>Citizen Presentation</b>		Yes	X	No	Name		
	Workshop	X	Formal Agenda	X	Consent		Individual Consideration

**Summary:** Properties which apply for development occasionally are required to grant the City Clerk a Power of Attorney (POA) for Alley Improvements. Subsequent to said properties being included in a completed Alley Improvement District these POA's can be revoked to release the property from future obligation.

**Budget:** Revocation of these POA's has no budgetary impact.

**Action Requested/Recommendation:** Adopt the proposed Resolution.

**Attachments:** Proposed Resolution

**Background Information:** Property owners who approach the City with plans to develop property sometimes propose or are required to have increased access to the development from the alley adjacent to the property.

As an option, subject to the consent of the City Manager, the owner may agree to defer making improvements to the alley adjacent to its property until said property becomes part of an alley improvement district or is constructed by some other mechanism.

The owner by the POA agrees to participate in the improvement district, if formed, and to share in the costs of reconstructing the alley at the then current rates. The owner by POA designates the City Clerk as its Attorney in Fact, to execute any and all petitions, documents and instruments to effectuate the owner's intention to participate in said improvement district.

Once recorded the POA becomes a covenant which runs with the land and does not terminate until an improvement district has been formed.

The purpose of the attached resolution is to formally acknowledge the fulfillment of obligation of the affected property under the terms of the recorded POA and release said property from the covenant attached to said POA. The attached resolution includes properties involved in Alley Improvement Districts from as far back as 1995. The City Attorney agrees that it is appropriate to perform this revocation process from time to time as a sufficient number of affected properties are accumulated.

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

### **A RESOLUTION REVOKING POWERS OF ATTORNEY FOR COMPLETED ALLEY IMPROVEMENTS IN ALLEY IMPROVEMENT DISTRICTS**

WHEREAS, the City Clerk of the City of Grand Junction has heretofore been appointed Attorney in Fact to execute Powers of Attorney for local improvement district petitions on behalf of certain real property, and to provide for the assessment against said certain real property for the cost of concrete alley paving as part of various formed alley improvement districts; and

WHEREAS, the installation of concrete alley paving has been completed as part of said various alley improvement districts and assessments have been calculated and levied against said certain real property in said alley improvement districts; and

WHEREAS, the City Council deems it appropriate to revoke, for those alleys that have been improved, those Powers of Attorney.

NOW THEREFORE, be it resolved by the City Council of the City of Grand Junction, Colorado:

1. That those Powers of Attorney for alley improvements listed in the attached Exhibit A, which are referenced by Book and Page numbers as they are recorded in the office of the Mesa County Clerk and Recorder, are hereby revoked; and that the City Clerk is hereby released as Attorney in Fact as stated in said Powers of Attorney.
2. That the revocation of said Powers of Attorney shall in no way remove or affect any assessments or any other past act(s) or action(s) which may have heretofore been levied against lands encumbered by said Powers of Attorney; nor otherwise affect any pending court claims.
3. That revoking those Powers of Attorney referenced in said Exhibit A does not in any way invalidate any other Powers of Attorney for other types of improvements attached to properties affected by said Powers of Attorney, including, but not limited to, street improvements or sanitary sewer improvements.

**EXHIBIT "A"**  
**POWERS OF ATTORNEY FOR ALLEY IMPROVEMENTS**  
**HEREBY REVOKED**

<b>TAX SCHEDULE NUMBER</b>	<b>ADDRESS</b>	<b>BOOK/PAGE</b>
2945-123-18-008	1245 KENNEDY AVE	BK 2717, PG 401-402
2945-114-00-032	1301 N 7TH STREET	BK 2400, PG 47-48
2945-114-00-031	1305 N 7TH STREET	BK 2400, PG 47-48
2945-114-14-018	1406 N 7TH STREET	BK 2301, PG 296-297
2945-144-02-018	1003 GRAND AVE	BK 2254, PG 342-343
2945-144-23-977	1003 MAIN STREET	BK 2166, PG 126
2945-144-24-018	1170 COLORADO AVE	BK 2143, PG 313
2945-141-41-014	1022 GRAND AVE	BK 2056, PG 639-640
2945-143-02-952	220 WHITE AVE	BK 2011, PG 818-819
2945-143-02-958	226 WHITE AVE	BK 2011, PG 818
2945-143-02-978	238 WHITE AVE	BK 2011, PG 818
2945-143-02-004	225 GRAND AVE	BK 1580, PG 331
2945-143-02-005	237 GRAND AVE	BK 1580, PG 331
2945-143-02-006	241 GRAND AVE	BK 1580, PG 331
2945-143-02-007	243 GRAND AVE	BK 1580, PG 331
2945-141-07-005	1125 BELFORD AVE	BK 3677, PG 981
2945-144-49-001	760 ROOD AVE	BK 3227, PG 207-208
2945-132-23-001	1805 GUNNISON AVE	BK 2112, PG 196
2945-132-23-002	638 N 18TH STREET	BK 2112, PG 196
2945-132-23-003	632 N 18TH STREET	BK 2112, PG 196
2945-132-23-004	626 N 18TH STREET	BK 2112, PG 196
2945-132-23-005	620 N 18TH STREET	BK 2112, PG 196
2945-132-23-006	614 N 18TH STREET	BK 2112, PG 196
2945-132-23-007	1810 CHIPETA AVE	BK 2112, PG 196
2945-142-35-015	216 OURAY AVENUE	BK 2710, PG 223-224
2945-142-35-019	218 OURAY AVENUE	BK 2710, PG 223-224

Dated at Grand Junction, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

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

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

**Attest:**

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

**Attach 7**

Federal Hazard Elimination Funding for the 23 and G Road Intersection

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Federal Hazard Elimination Funding for the 23 Road and G Road Intersection						
<b>Meeting Date</b>	December 21, 2005						
<b>Date Prepared</b>	December 14, 2005						
<b>Author</b>	Mike McDill		City Engineer				
<b>Presenter Name</b>	Mark Relph		Public Works & Utilities Director				
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>		
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>		
	<b>Workshop</b>	X	<b>Formal Agenda</b>		X	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** After much evaluation staff believes the intersection at 23 Road and G Road will have the highest probability of funding due to the documented accident history. All of the other locations would reduce accidents, but improvements at this intersection have the best chance to actually save a life. A roundabout is being considered due to its ability to reduce both speeds and right angle accidents. The grant application must be submitted to CDOT by January 31, 2006.

**Budget:** This grant is for a total of \$828,000. Based on the actual costs for the roundabout at the intersection of 24 1/2 Road and G Road, the estimated cost to do a similar project at this new location in 2007 is about \$920,000. The City cost would be about \$92,000.

**Action Requested/Recommendation:** Adopt proposed resolution to authorize the submission of the above grant for the intersection of 23 Road and G Road.

**Attachments:** Grant Data Sheet  
Resolution

**Background Information:** As part of this application process we considered over twenty different potential projects, including:

1. The intersection of 23 & G Roads
2. The intersection of 26 & G Roads
3. The intersection of 26 1/2 & G Roads
4. The intersection of 28 Road & Orchard

5. B ½ Road at Highway 50
6. Replace all signals with roundabouts at the I-70 & Horizon Interchange
7. 1<sup>st</sup> Street (Hill through Chipeta)
8. 12<sup>th</sup> Street (North to Orchard)
9. North Avenue (7<sup>th</sup> to 12<sup>th</sup>)
10. Right turn lane southbound at 7<sup>th</sup> Street & Patterson
11. A pedestrian overpass on either 12<sup>th</sup> or North adjacent to Mesa State
12. Right turn lanes in all directions at 7<sup>th</sup> Street & North Avenue
13. Right turn lane eastbound at 12<sup>th</sup> Street & North Avenue
14. Dual left turn lanes both northbound and eastbound at 1<sup>st</sup> & Grand
15. Extend westbound left turn lane at 28 Road & North Avenue
16. Right turn lane northbound at 12<sup>th</sup> Street & Patterson
17. Extend westbound right turn lane at 25 Road & I-70B
18. Extend westbound right turn lane at 24 ½ Road & I-70B
19. Right turn lane eastbound at 29 Road & Patterson
20. Right turn lanes eastbound & westbound at 7<sup>th</sup> Street & Orchard Avenue
21. Right turn lane northbound at 1<sup>st</sup> Street & Orchard Avenue
22. Widen east & west approaches at 12<sup>th</sup> Street & Orchard Avenue

This grant will require compliance with NEPA and expects the City to use the CDOT right-of-way acquisition process. This same language has been in past agreements for federal funding of local construction projects. At worst, these extra processes could delay the construction of this improvement for about one year. Without this grant it could be substantially more than one year before resources would be available in the Capital Improvement Plan to perform this work. Since this is a 90% grant, it is not unreasonable to proceed with the project under these federal rules.



**CITY OF GRAND JUNCTION  
GRANT DATA SHEET**

**Date:** 12/5/2005 **Revision Number** \_\_\_\_\_  
**Department:** Public Works **Contact:** Mike McDill **Phone:** 256-4047  
**Sub-Recipient:** \_\_\_\_\_ **Contact:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**CONTRACT REQUIRED FOR ALL SUB-RECIPIENTS!**

**Grant Name:** Federal Hazard Elimination Program **Grant #:** \_\_\_\_\_  
**Source of Funds:** Federal **(Federal, State, Other)**  
**Grantor:** CDOT **Contact:** Bryan Allery **Phone:** (303) 757-9967

**Purpose/Product/Outcome:**

Construct Intersection improvements at 23 & G Roads to reduce the number and severity of accidents.

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

**Requirements/Schedule:**

Use to construct a capital improvement within the 2006 & 2007 Budget Years

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

**Financial Summary ( Attach Detail):**

Projected cost of project or program:	\$ <u>708,000</u>	
Estimated cost of administration:	\$ <u>212,000</u>	
Grant in-eligible costs (application):	<u>0</u>	
Total costs of grant.....		\$ <u>920,000</u>
Amount of grant	\$ <u>828,000</u>	
Other revenues	<u>0</u>	
Total revenues.....		\$ <u>828,000</u>
Net cost of the project to the City.....		\$ <u><u>92,000</u></u>
Amount to be appropriated:	\$ <u><u>92,000</u></u>	

**Future Impacts:**

		<b>Description</b>
Annual ongoing expenditures:	\$ <u>10,000</u>	Extra maintenance of landscaping.
Onetime/periodic expenditures:	\$ <u>920,000</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? No Revised? No

**Approvals:** Department \_\_\_\_\_ Date: \_\_\_\_\_  
Director: \_\_\_\_\_ Date: \_\_\_\_\_  
Grant Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_  
Finance Director: \_\_\_\_\_ Date: \_\_\_\_\_  
City Manager: \_\_\_\_\_ Date: \_\_\_\_\_  
City Council: Approved \_\_\_\_\_ Acceptance \_\_\_\_\_ Contracts \_\_\_\_\_  
                  : \_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_

**Dates:**  
Application deadline 1/31/2006 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.*

**CITY OF GRAND JUNCTION, COLORADO**

**RESOLUTION NO. - 05**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO ASSIST IN THE FUNDING OF THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT 23 ROAD AND G ROAD.**

**RECITALS:**

The City Council of the City of Grand Junction, hereby resolved to apply for Federal Hazard Elimination funding in the amount of \$828,000.

Federal, funds are allotted for such purposes.

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

That submittal of an application for Federal Hazard Elimination funding for improvements at 23 Road and G Road are hereby approved in the amount of \$828,000.

ADOPTED AND APPROVED THIS 21st DAY OF December, 2005.

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

Attest:

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

**Attach 8**

Outsource Printing and Copying Contract

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	<b>Outsourced printing and copying requirements</b>					
<b>Meeting Date</b>	<b>December 21, 2005</b>					
<b>Date Prepared</b>	<b>December 15, 2005</b>				<b>File #</b>	
<b>Author</b>	<b>Susan Hyatt</b>		<b>Senior Buyer</b>			
<b>Presenter Name</b>	<b>Ron Lappi</b> <b>Ron Watkins</b>		<b>Administrative Services Director</b> <b>Purchasing Manager</b>			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>		<input checked="" type="checkbox"/>	<b>Consent</b>	<b>Individual Consideration</b>

**Summary:** Approval to award the Outsourced Printing and Copying contract.

**Budget:** Funds are approved in the 2006 FY Budget and 2007 FY Budget. Each individual Department or Division will use their respective printing accounts for the funding of the contract.

**Action Requested/Recommendation:** Authorize the Purchasing Department to enter into a contract with Pyramid Printing, Grand Junction, Colorado to provide printing and binding services as required, not to exceed \$100,000 for FY 2006.

**Attachments:** None.

**Background Information:** Historically the City has provided printing and binding services to all City departments through its internal print shop. The print shop has been operated as an enterprise through an internal service fund. However, the decision was made during 2005 to close of the print shop at the end of the year and contract out the services. Pyramid Printing was selected for recommendation to the City Council as a result of a formal solicitation. Solicitations were requested from 16 local companies and the proposal process was advertised twice in the Daily Sentinel. Four (4) proposals were received in response to the advertisement.

After Purchasing Staff evaluation it was determined that the two top rated proposals would be forwarded to the committee for evaluation (Pyramid Printing, Grand Junction, Colorado and Lightning Quick Print, Grand Junction, Colorado).

Evaluation of the submittals was based of the following criteria:

- responsiveness to the RFP
- understanding the intent and objectives of the contract
- equipment and resources
- experience and reliability with similar contracts
- customer references
- pricing
- Pickup and delivery capabilities

The City Purchasing Office has recently contracted to upgrade convenience copiers throughout the city with units that have electronic and color capabilities. The new copiers will reduce the requirements for commercial contract work, but the impact is not yet known. The contract value is based on estimates of the services that will be required after review of historical print shop work orders, City Purchase Orders for outsourced printing and binding. The contract amount is not a guarantee that the City will require the volume of services estimated. The service contractor will provide daily pickup and delivery of City requirements and may also receive work requests electronically from City customers for delivery on a future date.

**Attach 9**

Public Hearing – Amending the Planned Development Zoning Ordinance for Shadow Run at the Ridges

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Shadow Run at the Ridges					
<b>Meeting Date</b>	December 21, 2005					
<b>Date Prepared</b>	December 15, 2005			<b>File</b> PP-2005-203		
<b>Author</b>	Kristen Ashbeck		Senior Planner			
<b>Presenter Name</b>	Kristen Ashbeck		Senior Planner			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>	X	Yes		No	<b>Name</b>	Paul Shoukas, Representative
	<b>Workshop</b>	X	<b>Formal Agenda</b>		<b>Consent</b>	X <b>Individual Consideration</b>

**Summary:** The applicant’s proposal is to develop an attached single family and townhome project on a parcel within the Ridges Planned Development that was previously approved as a multifamily site for a maximum density of 7.5 dwelling units per acre. The plan consists of ten duplex buildings and three four-plex buildings, for a total of 32 dwelling units on 4.99 acres, resulting in a density of 6.4 units per acre. The application includes a request for approval of private streets within the development.

**Budget:** N/A

**Action Requested/Recommendation:** Approve an amended Planned Development zoning ordinance, Preliminary Development Plan and private streets within the Plan.

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

**Attachments:**

- Site Location and Aerial Photo Maps
- Future Land Use and Existing City/County Zoning Maps
- City Council Minutes from Previous Application
- Planning Commission Minutes from 11/22/05 Hearing
- Proposed Planned Development Zoning Ordinance
- Planned Development Preliminary Development Plan
- Letter from Adjacent Property Owner and Staff Response

BACKGROUND INFORMATION				
Location:		Ridges Boulevard at Lakeridge Drive		
Applicants:		Owner: Dynamic Investments, Inc Developer: Harvest Holdings Group, LLP Representative: PCS Group, LLC		
Existing Land Use:		Vacant		
Proposed Land Use:		Attached Single Family and Townhome		
Surrounding Land Use:	North	Residential		
	South	Shadow Lake and Residential		
	East	Residential		
	West	Open space and Ridges Boulevard		
Existing Zoning:		Planned Development (PD)		
Proposed Zoning:		Same		
Surrounding Zoning:	North	PD		
	South	PD		
	East	PD		
	West	PD		
Growth Plan Designation:		Residential Medium Low (2-4 du/ac)		
Zoning within density range?		X	Yes	No

**BACKGROUND:** The 4.99 acre Shadow Run parcel is part of the Ridges Planned Development. The parcel is designated for multi-family use within the overall PD. The Ridges was originally approved as a Planned Unit Development (PUD) by Mesa County in the late 1970s. The original developer formed the Ridges Metropolitan District to provide services to the development since it was in unincorporated Mesa County. The PUD also provided open space (approximately 85 acres in Filings 1 through 6), numerous developed parks of varying sizes and a network of detached multi-use trails throughout the development. The approved PUD included a mix of uses including a variety of housing types – from apartments to detached single family units – offices and neighborhood commercial uses. In 1992 the developed and undeveloped areas of the Ridges were annexed into the City of Grand Junction. Upon annexation an amended plan and zoning ordinance for the Ridges were adopted, zoning the development Planned Development (PD). The plan allocated the remaining allowable dwelling units to the undeveloped parcels, including the multifamily



parcels. The parcels were then designated “A”, “B” or “C” lots or, if originally planned as a multifamily site, a specific density was assigned. The Shadow Run parcel is one of the latter, with an assigned density of 7.5 units per acre.

A plan for this parcel was previously heard by Planning Commission and City Council earlier in 2005. The previous plan, also known as Shadow Run at the Ridges (PP-2005-014), was of a similar design with 34 units and private streets with a 20-foot width. Planning Commission, at its April 26, 2005 hearing, recommended approval of the zoning ordinance, Preliminary Development Plan and the private street design within the project.

City Council subsequently heard the previous plan at its June 1, 2005 hearing and denied the project, citing reasons that the plan was incompatible with the adjacent detached single family residential area and the street was too narrow with unsafe pedestrian circulation in the neighborhood, and there were too many deviations being requested (see attached minutes). The applicant has since been revising the plan to address these concerns.

Consistency with the Growth Plan: The Growth Plan Future Land Use Map shows the Ridges as Residential Medium Low, 2 to 4 dwelling units per acre. The Ridges overall density is 4 units per acre, and includes the higher density multifamily parcels. This density is consistent with the Growth Plan. Density is calculated as a gross density for the entire development, not site specific development.

## **ANALYSIS:**

**Section 2.12.C.2 of the Zoning and Development Code:** Requests for a Planned Development Preliminary Development Plan (PDP) must demonstrate conformance with all of the following criteria. Those applicable to this project are further discussed below.

1. The Outline Development Plan (ODP) review criteria in Section 2.12.B;
2. The applicable Preliminary Plat criteria in Section 2.8.B;
3. The applicable Site Plan Review Criteria in Section 2.2.D.4. (not applicable to this request);
4. The ODP, if applicable;
5. The approved PD rezoning ordinance, if adopted with an ODP;
6. An appropriate specific density for all area included in the Preliminary Plan approval; and
7. The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

Criterion 1. The Outline Development Plan review criteria in Section 2.12.B of the Zoning and Development Code (note: this is not a request to approve an ODP. However, the PDP must meet the ODP criteria):

A. The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies.

Shadow Run at the Ridges implements the goals, policies and objectives of each of the various community adopted plans by designing a neighborhood in an area identified as multifamily development with a density to not exceed 7.5 dwelling units per acre. In addition the project meets the following specific principles, goals and policies of the Growth Plan and the Redlands Neighborhood Plan:

- Maintain a compact development pattern to concentrate urban growth, use existing infrastructure most efficiently and cost-effectively and support/enhance existing neighborhoods – this project is the development of an infill site that is surrounded by existing development, which utilizes existing infrastructure.
- Encourage the development of residential projects that compatibly integrate a mix of housing types and densities with desired amenities throughout the community. This project will add to the variety of housing options in this portion of the community.
- Develop and maintain an interconnected system of neighborhood and community parks, trails and other recreation facilities. Specific design details of this project will provide pedestrian access and connectivity that has historically informally existed on this site.
- Limit cut and fill work of development along hillsides. This development is an example of good site design that minimizes disturbance to the hillside.

The Grand Valley Circulation Plan does not address local streets. Private streets are being proposed for this subdivision, which requires approval by City Council per Section 6.7.E.5 of the Zoning and Development Code. The proposed roadway, designed with a 24-foot pavement width and pods of off street parking (in addition to 4 parking spaces provided on-site for each unit) meets or exceeds the design standards of the Transportation Engineering Design Standards (TEDS) manual. TEDS requires a minimum 20-foot pavement section and one off-street space per two units (16 required for this project, 19 provided). Access to the development will be from Ridges Boulevard and East Lakeridge Drive.

Criterion 2. The applicable Preliminary Plat criteria of Section 2.8.B of the Zoning and Development Code.

- a. The Preliminary Plat is in conformance with the Growth Plan as previously discussed.
- b. The subdivision standards in Chapter 6 have been met.
- c. The Zoning standards proposed are discussed in detail on page 6 of this staff report. There are minimal requests for deviation.
- d. Other standards and requirements of the Code and other City policies and regulations have been addressed.

- e. Adequate public facilities are currently available or will be made available concurrent with and can address the impacts of development consistent with the PD zone district.
- f. The project is designed to minimize disturbance to the natural environment.
- g. The project is a compatible transitional use. The proposed amended zoning is compatible with the surrounding existing residential uses of varying densities. The project will provide a desirable transition from the multifamily development located west of the site to the detached single family located east of the site across Ridges Boulevard. It will also serve as a buffer between the existing detached single family development and the major collector corridor of Ridges Boulevard/East Lakeridge Drive/Mariposa Drive. The proposed plan lowers the allowable density thereby making the development more compatible with the neighborhood.
- h. Not applicable – there are no adjacent agricultural properties.
- i. This project is part of a Planned Development that has been developing over the past 30 years – development of this parcel within the overall plan is neither piecemeal nor premature development. There has been other similar development within the Ridges over the years including the Redlands Mesa community has started to develop to the south of the older part of the Ridges and there have been other infill sites developed in the Ridges over the past few years.
- j. There is adequate land to dedicate for provision of public facilities within the development.
- k. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

Criteria 4, 5 and 6. The approved ODP, PD rezoning ordinance and the appropriate specific density. The project is consistent with the overall plan (ODP) approved at the time the Ridges was annexed to the City of Grand Junction. This parcel was shown as a multifamily parcel with a maximum density assigned to it of up to 7.5 units per acre. The proposed amended PD zoning ordinance is to establish the underlying zoning and a more specific use according to the proposed Preliminary Development Plan. The proposed density of 6.4 units per acre is less than the density assigned this parcel with the approved ODP.

Criterion 7. The area of the plan is at least five acres in size or as specified in an applicable approved plan. The size of this parcel is just under 5 acres and has not changed since the original ODP for the Ridges.

**The rezoning criteria provided in Section 2.6 of the Zoning and Development Code:** Not applicable since this is an amendment to and further refinement of the existing PD zone district.

**The planned development requirements of Chapter Five of the Zoning and Development Code:** The application has been developed in conformance with the purpose of Chapter Five of the Zoning and Development Code by providing more effective infrastructure, and a needed housing type and/or mix.

*A. General. Planned Development shall minimally comply with the development standards of the default zone and all other applicable Code provisions.*

As previously described and in the discussion of development standards that follows, this proposed development does comply with the overall Ridges PD plan, the default zone district, the Growth Plan and other applicable Code provisions. The proposed plan has addressed the street network, extra parking has been provided, storm water and drainage issues have been reviewed as well as lighting discussions for conformance with the Redlands Area Plan.

*B. Residential Density. Dwelling unit densities in planned development shall comply with the maximum and minimum densities of the Growth Plan or default zone.*

The proposed project within the overall Ridges PD is consistent with the Growth Plan. The zoning map has shown this area to be zoned PD since the annexation of this area in 1992. While there are other areas within the Ridges designated for multifamily use, this property has been designated as a multifamily site since the original PUD was approved in the County in the 1970s.

*C. Minimum District Size. A minimum of five (5) acres shall be required for a planned development.*

This parcel is just under 5 acres and has not changed since the original ODP for the Ridges.

*D. Development Standards. Planned developments shall meet the development standards of the default zone.*

A default zone of Residential Multifamily 8 units per acre (RMF-8) is proposed for the Shadow Run project.

1. Bulk Standards. For the purposes of attached single family and townhome development such as this, the setbacks are measured between lot lines which, in this case, coincide with the building envelope for each unit. RMF-8 setbacks are: front 20 feet; side 5 feet and rear 10 feet, resulting in minimum building separations of 10 feet side to side and 20

feet back to back. The Final Amended Ridges Plan allows for 10 feet between buildings. The only deviation requested to these setbacks is for the front yard setback for 3 of the 32 units: Lots 10, 27 and 28. A small portion of the front living area of these units encroaches into the 20-foot required setback. The garages on these units still meet the 20-foot setback as required by TEDS for the private street. The deviations requested are to allow the following front yard setbacks for the living areas:

- Unit 10 – Minimum 9 feet
- Unit 27 – Minimum 18 feet
- Unit 28 – Minimum 18 feet

All other setback requirements have been met on the site.

RMF-8 zoning allows for a maximum height of 35 feet. As measured by Zoning and Development Code definition, the applicants propose a maximum height of 20 feet for the ranch units and 26 feet for the two-story units. There are only 6 two-story units proposed in the development – the two interior units in each of the three four-plex buildings.

The Ridges ACCO states that height will be measured from the highest natural grade line immediately adjoining the foundation or structure. No height limit is provided in the Ridges plan for the parcels designated for multifamily use. The proposed structures at Shadow Run are well within these requirements. The Ridges ACCO had no comment on the proposed plan except for the requirement of a review fee for individual buildings as they are constructed.

Per section 6.5.D.1. of the Zoning and Development Code, a 14-foot wide landscaped tract is required adjacent to the public right-of-way of a major collector – in this case, along Ridges Boulevard. This requirement has been met.

In addition, a minimum 8-foot landscape tract adjacent to the private drive has been maintained in the instances where the front and rear of the units face the private street (units 5, 6, 7, 15 and 16). This landscaped area is provided above and beyond requirements of the Code.

2. Open Space. Open/landscaped space within the project is 43% of the site. Building coverage is 28% of the site and the remaining 24% will be street, driveways and off-street trail. In addition, at the final phase of development, open space (10% of value of raw land) and parks fees (\$225 per unit) will be required per Code.

3. Fencing/Screening. Planned Developments are required to comply with subdivision perimeter fencing per Chapter 6. These regulations require the landscape buffer as described above and a perimeter enclosure if deemed necessary. In this case, the enclosure was not determined necessary due to the topography of the site – a perimeter fence would not provide any screening on the hillside. The provision of the required 14-foot landscape buffer which is wider in many places, and the provision of decorative retaining walls throughout the project adequately meet this intent.
4. Landscaping. Landscaping shall conform to applicable requirements. The entrance off East Lakeridge Drive has a landscaped median with entry bollards and entry sign. Signage shall comply with the Code requirements.
5. Parking. Parking is provided in excess of the Code requirements. Two parking spaces are required per unit, off street. Each unit will have a double car garage and can accommodate two additional vehicles per unit in the driveways. An additional 19 guest parking spaces have been provided, as no parking is allowed on the proposed private streets.
7. Street Development Standards. The proposed private streets were reviewed per the City Transportation Engineering Design Standards (TEDS) manual. The design and use of private streets within this project requires approval by City Council. The primary access from East Lakeridge Drive will have a boulevard entrance. A secondary access is also proposed for Ridges Boulevard which will be right-in, right-out only. The internal roads are designed with a 24-foot pavement width, with standard curb and gutter on both sides. This is proposed to minimize pavement and runoff while increasing the amount of green space. It also results in fewer disturbances when grading the streets. The streets, landscaping and building exteriors will be maintained by the homeowners' association.

TEDS allows proposed private streets to substitute a pedestrian trail system for standard attached sidewalk, with the trail required to be a minimum of 8 feet wide. The applicant's design for this provision is a 5-foot concrete trail along the easterly perimeter of the site from East Lakeridge Drive to Ridges Boulevard and connecting to a trail shelter on Plateau Drive. This design is preferable to a sidewalk along the private street because the detached trail does not conflict with driveways for the units within the development. A TEDS exception was applied for and approved to allow the 5-foot width instead of the 8-foot width.

*E. Deviation from Development Default Standards: The Planning Commission may recommend and City Council may approve deviations from the default*

*district standards subject to the provision of any of the community amenities listed below. In order for the Planning Commission to recommend and the City Council to approve the deviations, the listed amenities shall be provided in excess of what would otherwise be required by the Code, and in addition to any community benefits provided pursuant to Density bonus provisions in Chapter Three.*

1. Transportation amenities including but not limited to, trails other than required by the multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelters;

The applicants feel they have provided a safe, pedestrian-friendly neighborhood by providing the off-street trail along the perimeter of the project which provides connectivity to the existing development and allows for pedestrian traffic across the site that has informally existed for many years. Persons using the path from other areas may still transit the site with maximum safety and minimal disturbance to the residents of Shadow Run. The trail will be concrete throughout the development, with a decorative paving pattern used for the pedestrian crossing to East Lakeridge Drive.

2. Open space, agricultural land reservation or land dedication of 20% or greater;

The open space within this project totals 44% of the site. In addition, the overall provision of open space and developed parks within the Ridges includes any requirement for development of a parcel within the overall PD.

**PHASING SCHEDULE:** The applicant has not outlined a specific Phasing Schedule. The default schedule per section 2.8.B.4. of the Zoning and Development Code is that the Preliminary Development Plan shall be valid for one year from the date of approval, during which the applicant shall obtain Final Plat approval for all or a portion of the property.

**FINDINGS OF FACT/CONCLUSIONS:** After reviewing the Shadow Run at the Ridges application, PP-2005-014 for a Planned Development, Preliminary Development Plan, Planning Commission made the following findings of fact and conclusions:

1. The requested amended Planned Development zoning ordinance and the proposed Preliminary Development Plan is consistent with the Growth Plan.
2. The review criteria in Section 2.12.C.2 of the Zoning and Development Code have all been met.

3. The applicable ODP review criteria in Seciton 2.12.B. of the Zoning and Development Code have been met.
4. The applicable preliminary plat criteria in Section 2.8.B. of the Zoning and Development Code have been met.
5. This project is consistent with the revised Ridges ODP as approved with the annexation of the Ridges.

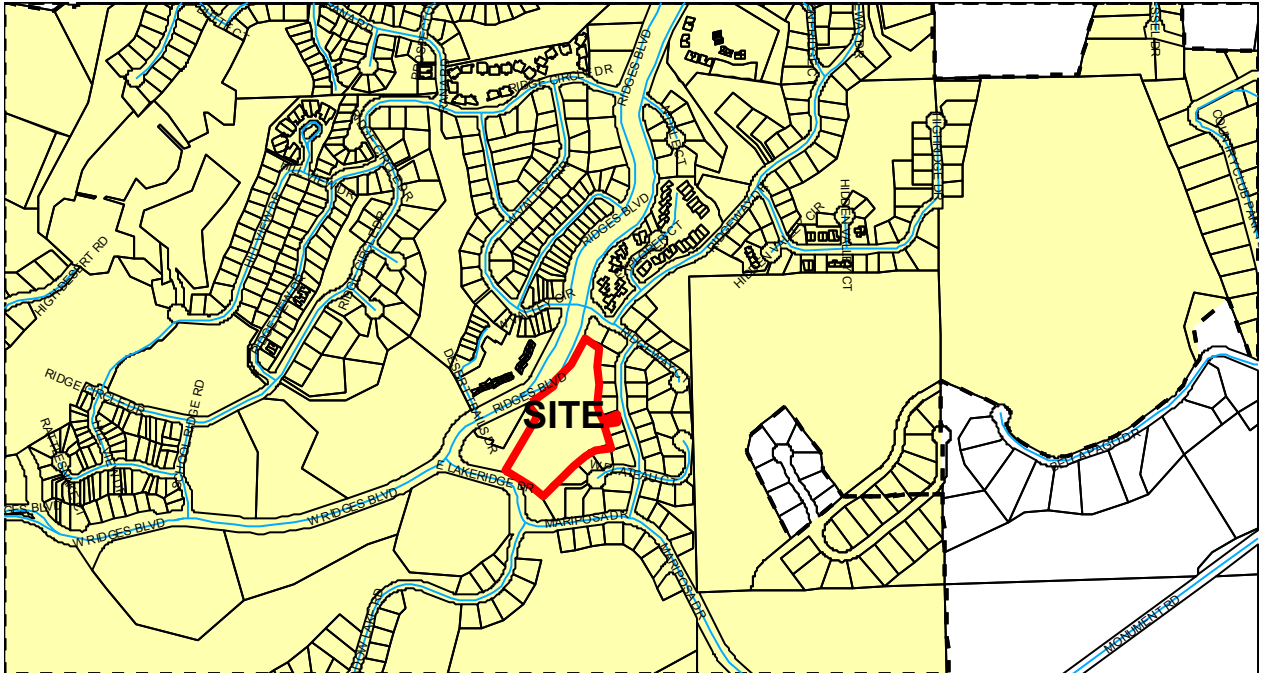
**PLANNING COMMISSION RECOMMENDATION (11/22/05 7-0):** Planning Commission recommended approval of the amended Planned Development zoning ordinance and Preliminary Development Plan, including the private streets proposed within the subdivision, and conditioned upon obtaining the extra road access off of Mariposa (Lakeridge) Drive, with the findings of fact and conclusions listed in the staff report.



# Site Location Map

City Limits

Shadow Run at the Ridges



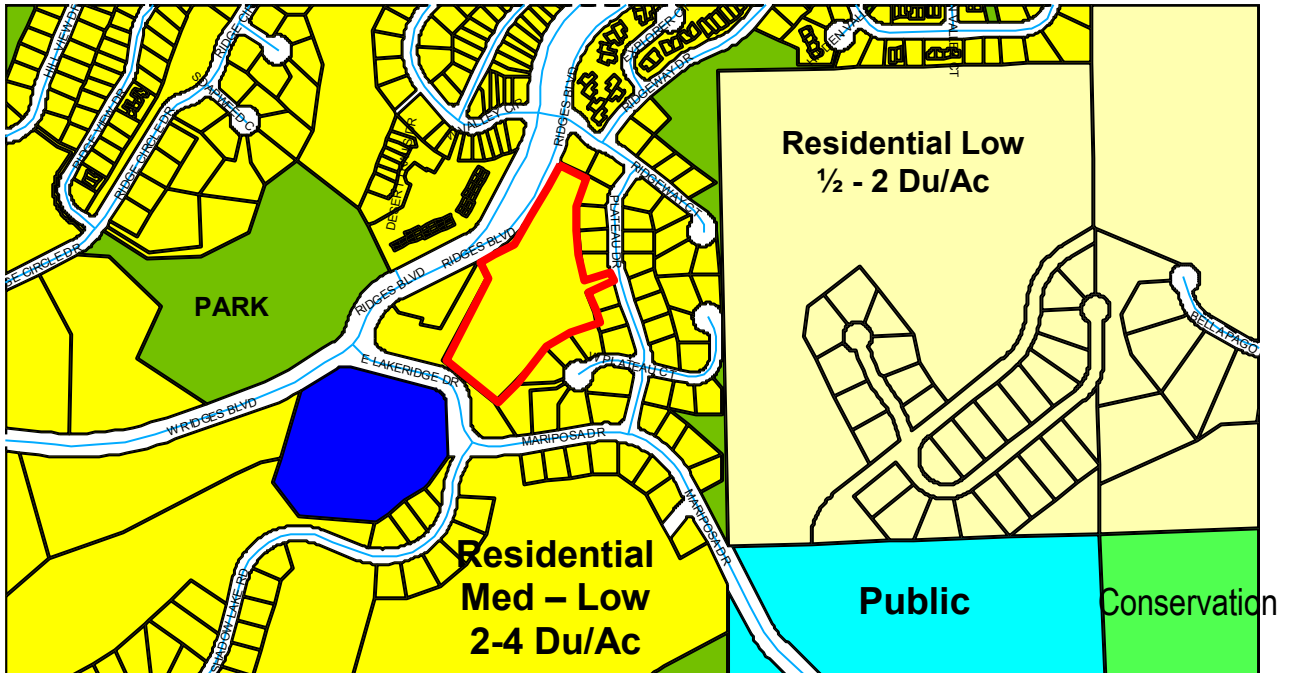
# Aerial Photo Map

Shadow Run at the Ridges



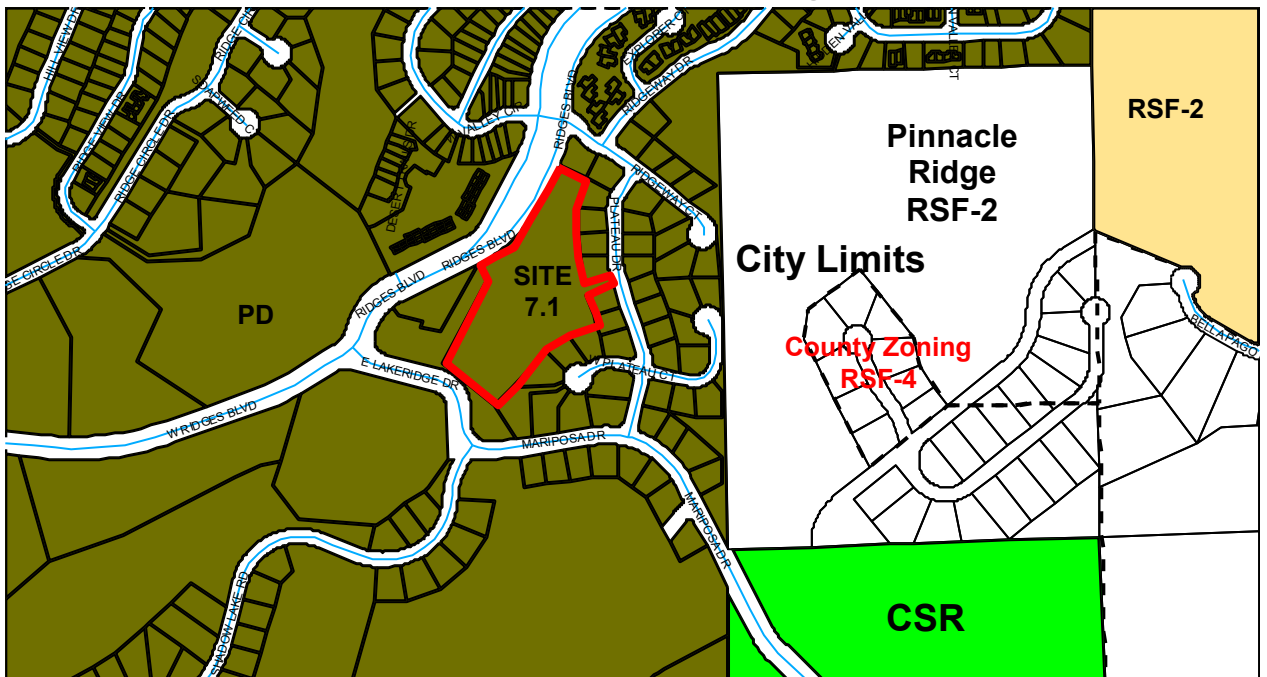
# Future Land Use Map

## Shadow Run at the Ridges



# Existing City and County Zoning

## Shadow Run at the Ridges



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

GRAND JUNCTION CITY COUNCIL

MINUTES OF THE REGULAR MEETING

JUNE 1, 2005

The City Council of the City of Grand Junction convened into regular session on the 1st day of June 2005, at 7:35 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver and Deputy City Clerk Juanita Peterson.

Council President Hill called the meeting to order. Councilmember Spehar led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Jerry Boschen, First Assembly of God.

CITIZEN COMMENTS

Council President Pro Tem Palmer announced a press release from CML which recognized Elected Officials that go the extra mile. He said Council President Bruce Hill, Mayor of Grand Junction, has completed his leadership training and will be recognized at the annual CML Conference in June.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Dynamic Investments, Inc. and Harvest Holdings Group, LLC have a development application (PP-2005-014) pending for a Planned Development to be known as Shadow **←Run→** at the **←Ridges→**. (Harvest Group has a contract to purchase the land from Dynamic upon approval of the development.) As was previously discussed with City Council at its April 18, 2005 work session, Harvest Group is interested in obtaining street access to the development across City owned property.

Councilmember Beckstein disclosed her client is Dynamic Investments. Council saw no problems with her participating.

John Shaver, City Attorney, reviewed this item regarding the approval of the right-of-way for the Harvest Group to cross City owned property.

Resolution No. 101-05 A Resolution Approving Designation of City Owned Lands as Right-of-Way

Council President Pro Tem Palmer moved to adopt Resolution No. 101-05. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing - Shadow **←Run→** at the **←Ridges→** Planned Development [File #PP- 2005-014

]

The applicant's propose to develop a multi-family community on a lot already approved for a maximum density of 7.5 dwelling units per acre. The plan consists of three, four-plex buildings and eleven duplex buildings, for a total of 34 dwelling units on 4.99 acres, resulting in a density of 6.8 units per acre. The request is also for approval of private streets within the subdivision, which requires City Council approval.

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

Paul Schoukas, with PCS Group Inc., 850 Santa Fe Drive, representing the applicant, gave a presentation and handed out the complete presentation to Council. He explained the location, existing conditions, and comparisons of the dwelling units, the surrounding multi-family dwellings around the proposed property, architectural designs, landscape requirements, and parking per dwelling along with off-street parking areas.

Lori V. Bowers, Senior Planner, reviewed this item. She described the site location and stated that this is a 4.99 acre parcel. She said the Ridges was originally approved as a Planned Development and stated that in 1992 the Ridges was annexed into the City. She said the Growth Plan shows the plan as Residential Medium Low, 2 to 4 dwelling units per acre. She said the Ridges overall density of 4 units per acre is consistent with the Growth Plan since the density is calculated as a gross density for the entire development, not site specific development. Ms. Bowers said that staff feels the criteria has been met and that there was never a maximum height limit provided in the Ridges plan for the multi-family sites. She said the Planning Commission recommends approval of the private streets and there will be an HOA to maintain the streets. Ms. Bowers said the Planning Commission has recommended that the City Council deviate from the default district standards. In order for the Planning Commission to recommend and the City Council to approve deviation, the listed amenities to be provided shall be in excess of what would otherwise be required by the Code, and in addition to any community benefits provided pursuant to the density bonus provision in Chapter Three of the Zoning and Development Code. These amenities include: 1) Transportation amenities, including but not limited to, trails other than required by the multimodal plan, bike or pedestrian amenities of transit oriented improvements, including school and transit bus shelters; the applicants feel they have provided a pedestrian-friendly neighborhood by providing sidewalks throughout the development and a changed paving pattern for pedestrian crossing to Lakeridge Drive and 2) Open space, agricultural land reservation or land dedication of 20% or greater; the overall open space for this project totals 44% of the site. She said that a phasing schedule has been provided. The first phase of construction will begin with the most easterly proposed road and some sites that connect to Lakeridge Drive and Ridges Blvd. The internal road and home sites will then follow. The applicants hope to have models open by August, 2005. Ms. Bowers said at the Planning Commission meeting on April 27th there were several citizens present and the Planning Commission listened to the comments. She said the Planning Commission's

recommendation of the conditional approval of the requested Planned Development, Preliminary Development Plan, and file number PP-2005-014 to the City Council with the findings and conclusions listed in the report and of the requested private streets per Section 6.7. E.5. The approval is conditioned upon adequate acquisition of the needed right-of-way through the City's open space area to Lakeridge Drive.

Councilmember Doody disclosed that he lives in the Ridges. City Attorney John Shaver stated that does not affect his ability to participate.

Council President Hill inquired about emergency vehicles, if they had a problem with the 20 foot roadway. Ms. Bowers said the Fire Department did not have a problem with the 20 foot wide roadways.

Council President Pro Tem Palmer stated that Planning Commission minutes are usually attached when there is a deviation of the requirements. He asked if there are criteria for the Council to receive the Planning Commission minutes. Bob Blanchard, Director of Community Development, stated it was an oversight by staff that the Planning Commission minutes were not included into the staff report.

Councilmember Doody asked how the homeowners association became their own HOA.

City Attorney John Shaver gave the history of the Ridges ACC. He said when the City took over, there was a board already established. It would be a long complicated matter, but the City is in favor of working with the Ridges ACC and the homeowners.

Councilmember Thomason said that some of the citizens' concerns are regarding the drainage since the property slopes away from the current property. Ms. Bowers said since the property currently slopes away from their property, she does not see the concern.

Kevin Powers, 367 Plateau Drive, said he has been following this project from the beginning and that he wrote a letter to the Planning Commission addressing some issues and concerns he has regarding the development. He said that his first concern is regarding the \$3.00 per sq. ft. for the property that is being sold for the purpose of the right-of-way. He felt that the City is really accommodating this development and feels that the assigned value is a lot less than it should be. Secondly, he feels that the density is too high for the 20 foot wide streets and the excavation of dropping the units lower would benefit obstruction issues, and thirdly, he has concerns that there will be a street on both the front and the back side of his house He said that he would recommend that this plan not be approved with these accommodations as planned.

Brian Langfitt, 365 Plateau Drive, said he also has some problems with the accommodations that are being proposed. He thought that the current walkways that have been used for 20 years should stay the same. He asked what the

benefits are being done for the City and the surrounding landowners. Mr. Langfitt does not see any benefits and said he is also concerned about the drainage and feels that something needs to be addressed. Mr. Langfitt said that he was very disappointed that the City Council has not received the minutes from the Planning Commission.

Council President Hill asked about the common ground beside the Langfitt property. He said that in the original design, there should have been a third roadway there. He asked Mr. Langfitt if he felt more comfortable with walkway instead of a roadway. Mr. Langfitt said that he did a lot of research of the area when he purchased the property and said he was told that the property would not be developed and that he is opposed to the roadway.

Dan Wilson, Attorney representing landowner Kevin Powers located at 367 Plateau Drive, said the lot cannot hold 7.5 units/acre. He said that he is not a planner but feels that there could be one road that runs right through the middle of the subdivision and have the houses on each side of the road, instead of having 2 different streets. He said that would solve Mr. Power's problem of being double impacted with the 2 roads. Mr. Wilson said there are many designs that could be addressed that would eliminate a lot of the problems. He then addressed the accommodation of the surrounding areas and said the last paragraph on the 3rd page of staff report addressed the proposed rezone as compatible with the surrounding residential uses to the west where other multi-family units are already constructed. He said that the staff report did not address the matter of the single family homes that are right next to the subdivision. He then talked about RMF-5 and said that would be a better fit for the development . Mr. Wilson pointed out on page 5 of the staff report the minimum set back per the current code is a minimum of a 20 foot set back from the property line. Mr. Wilson then reviewed each of the items that have been discussed. The first item is variation. He said that if the City is going to grant variation from the standards, then it should be based on the default zone for this development and provide more public benefit. The second item is the double frontage lots. He said that a single road through the middle would solve the problem of the double frontage roads. The third item is the City allowing a 20 foot wide road and which is viewed as an alley. The fourth item is an alley which is only to justify this many units against single family homes. The fifth item is fencing and screening. He said on page 6 of the staff report it states that the Code requires a 14 foot landscape buffer with perimeter fence and yet staff states it is not necessary but there is no public benefit. The sixth item is the 20 foot road. He said that there is not enough road space for parked cars during a party situation. The seventh item is the width of the street and should be addressed. He feels that the 20 foot road is not wide enough for emergency vehicles when cars are parked along the street. He said the City packs too much into an area and feels that the City should require the street to be wider.

Mr. Mike Stubbs, the property owner, clarified the overall perspective. He said it is his belief that the mix of housing of multi-family and single family is a much

more sensible and respectable plan. Mr. Stubbs said their plan allows development with an unusual terrain.

Mark Fenn, 513 Railroad Drive, was a previous homeowner in the Ridges for five years. He said that he has lived in both multi-family and single family homes in the Ridges and said that having both multi-family and single family homes are a standard feature in the Ridges. He said that he had no problems with having a multi-family home behind him. Mr. Fenn stated that he used to live in a newer multi-family home in Ridge Park, which had 2 private streets and the main public street behind his house, so he had a three street impact which he said did not bother him or affect him in anyway. He said with this plan, it is a 50% reduction from what the original Master Plan had planned. He feels this is a well planned development.

Paul Shoukas, PCS Group Inc., representing the applicant, addressed some issues that came up. He said initially they had about 30 homeowners attending the public hearings. He said they believe most of the issues brought to them have been addressed. He said regarding the private road, they met with Fire Department and the City Engineer and said they would not compromise the safety of the Fire Department or the citizens of this City. He addressed Mr. Hahn's comment regarding the drainage and said they have already discussed and engineered the drainage problem. He talked about the walkway and said they are trying to be responsible and not increase traffic. He said Mr. Wilson gave a massive interpretation of the Code and said the Ridges is a Planned Development and this is a Planned Development within the Ridges. He talked about the double frontage roads that are cut into the ground enough so the density is comparable with the surrounding areas. He stated that the Ridges is zoned for 37 units and with this development there will only be 34 units built.

The public hearing was closed at 10:08 p.m.

Councilmember Coons asked City Attorney Shaver to give a better feel of what they are looking for as public benefits that Mr. Wilson referred to.

City Attorney John Shaver referred to Chapter 5, Public Benefit of the Development Code. He said staff has determined that a benefit will be met . He said applying the current Code to something that was developed in the 70's is a challenge. City Attorney Shaver took exception to Mr. Wilson's use of the word violation. He reviewed each of the items that Mr. Wilson said was a violation and noted that this is only a proposal, not a violation to the Code. He said the addendum that was mentioned pertains to the fees and does not need to be discussed. City Attorney Shaver wanted to take a minute to comment on the word violation from Mr. Wilson and wanted to reassure Council that the City is not in violation of the Code.

Councilmember Coons asked Bob Blanchard, Director of Community Development, for clarification on the 20 foot wide roads. Mr. Blanchard stated that the safety and traffic calming are taken into consideration. It is not an alley

and that it is a street, but the applicant is requesting approval of a private road within this development. Mr. Blanchard stated that it would be appropriate if Council approved this as a private street.

Council President Pro Tem Palmer asked if the Fire Department looked at on-street parking.

Mr. Blanchard said no, that the development has specific parking areas with no on-street parking allowed. He said that each unit has a specific amount of parking and the overflow should park in the designated areas.

Councilmember Beckstein asked if the Planned Development zoning can make exceptions to the rule with this classification. City Attorney Shaver answered yes.

Council President Pro Tem Palmer stated that there can be more infill developed but there are a lot of deviations being requested. He is not comfortable with the setback deviation from 14 foot to 9.1 foot and does not like the 20 foot wide road. Council President Pro Tem Palmer doesn't believe the project is quite there.

Councilmember Spehar is really struggling to find the public benefit. He said the compatibility is something to struggle with and he will not be able to support this project at this time.

Councilmember Coons supports infill projects. She encourages creativity but can see some problems with the development and said in general it is a good attempt. She would like to hear from more of the neighbors instead of a 30 minute recitation from Mr. Wilson.

Councilmember Doody thanked the citizens who showed up for the meeting tonight and he appreciated the information from Mr. Wilson and the rebuttal from City Attorney Shaver as he found both of these very informative for a new Councilmember. He said that he would like to send this back and re-evaluate it when some of the items are addressed.

Councilmember Thomason stated the Ridges itself is a deviation and agrees with Councilmember Coons.

Councilmember Beckstein agrees with Councilmember Thomason and agrees it doesn't meet the requirements, but does not see that the congestion is anymore than any other areas in the Ridges and would support this project.

Council President Hill stated it is still the role of Council to make sure it is compatible and make sure that the plan works. He feels that the developer is trying to have sensitivity to the height elevations, but he is struggling with the 20 foot wide streets and feels that it is a safety hazard for children or anyone walking or riding bikes on that sidewalk. He said that he believes the density with adjustments might work, but he just cannot support this particular plan.



Councilmember Spehar grew-up in an area with 20 foot streets and believes maybe it is time to have a discussion with staff regarding 20 foot wide streets.

Ordinance No. 3774 - An Ordinance Zoning Lot 1, Block 18, The Ridges Subdivision, Filing Number 3

Councilmember Spehar moved to deny Ordinance No. 3774 on second reading. Council President Pro Tem Palmer seconded the motion. Roll was called with Councilmembers Thomason, Beckstein and Coons voting NO. Motion to deny carried 4-3.

## **DRAFT PLANNING COMMISSION MINUTES NOVEMBER 22, 2005**

### **IV. FULL HEARING**

#### **PP-2005-203 PRELIMINARY PLAN--SHADOW RUN AT THE RIDGES**

**A request for approval to the City Council of: 1) an amended Planned Development (PD) zoning ordinance to establish the underlying zoning and bulk requirements for this parcel within the Ridges PD; 2) the private streets depicted in the Preliminary Development Plan; and 3) a Planned Development Preliminary Development Plan for 32 multi-family units on 4.99 acres in a PD (Planned Development) zone district.**

**Petitioner: Mike Stubbs, Dynamic Investments**

**Location: East Lakeridge Drive**

#### **STAFF'S PRESENTATION**

Kristen Ashbeck gave a PowerPoint presentation which contained the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) photos of the site from various angles; 6) Preliminary Development Plan; and 7) Conceptual Landscaping Plan. The current request had originally been heard by both the Planning Commission and City Council in early 2005. While approval had been recommended by the Planning Commission, City Council had denied the request, citing reasons that the plan was incompatible with the adjacent single-family residential area and that the street was too narrow, with unsafe pedestrian circulation in the neighborhood. Council members felt that too many bulk standard deviations had been requested.

Ms. Ashbeck referenced various photos of the site and denoted where accesses had been planned. Staff felt that the project would provide a desired transition from multi-family development to the detached single-family development located above the site. It would also serve as a buffer between the adjacent single-family development and the major collector corridor of Ridges Boulevard, Lakeridge Drive and Mariposa. The Preliminary Development Plan included 20 single-family units and 12 townhome units. The project met established bulk standards with one deviation to the front yard setback of three units: unit #10 would have a setback of 9 feet; and units #27 and #28 would have an approximate 18-foot setback. Garage setbacks for all three units would still comply with the bulk standards requiring 20-foot setbacks and the TEDS requirement for private drives. The developer had proposed private internal streets with curb and gutter. While no sidewalk had been proposed, the petitioner would provide a landscaped 5-foot concrete pedestrian walk around the easterly perimeter of the site (location noted). The TEDS manual allowed developers of private streets to provide a pedestrian trail system in lieu of standard attached sidewalks. A TEDS exception had been granted to allow a 5-foot-wide path instead of an 8-foot-wide path. Open/landscaped space within the project comprised 43 percent of the site. Ms. Ashbeck referenced the proposed Conceptual Landscaping Plan and noted landscaped areas and tracts.

Vehicular accesses would be via Ridges Boulevard and Lakeside Drive. The Lakeridge Drive intersection would be full movement while the Ridges Boulevard intersection would be right-in, right-out only. The petitioner had acquired right-of-way from the City for a 40-foot pedestrian and utility easement to extend from Cliff View Drive to Plateau Drive. The petitioner had provided 19 guest parking spaces, 3 more than what the Code required. No on-street parking would be permitted on any of the private streets.

Having concluded that the request met both Code requirements and Growth Plan recommendations, staff recommended approval of all three requests, with the condition that payment for the 40-foot City right-of-way be made.

### **QUESTIONS**

Both Chairman Dibble and Commissioner Lowrey asked for clarification on why no attached sidewalks had been provided. Ms. Ashbeck reiterated that TEDS allowed for the substitution of a pedestrian path. Also, the lack of attached sidewalks was consistent with other Ridges development filings.

Chairman Dibble asked for confirmation that the proposed private streets would be 24 feet wide, which was given.

Commissioner Putnam pointed to several areas on the Preliminary Development Plan where it seemed that double frontaged lots had been permitted. Ms. Ashbeck pointed out those areas on the Development Plan and noted where a 14-foot-wide landscape buffer had been provided for those lots. Since that buffering met TEDS separation requirements, those lots were not considered double frontaged.

Chairman Dibble asked for additional information on the proposed retaining walls. Ms. Ashbeck knew that they were being constructed in an effort to terrace the site, but she felt that the petitioner could provide additional details.

Chairman Dibble asked for confirmation that no on-street parking would be provided, which was given.

### **PETITIONER'S PRESENTATION**

Paul Shoukas, representing the petitioner, gave a PowerPoint presentation which contained the following slides: 1) location map; 2) comparison of entitled versus submitted number of units chart; 3) photos of surrounding multi-family units; 4) architectural elevation drawings; 5) photos of similar units that had been constructed elsewhere; 6) old Site Plan; 7) new Site Plan; 8) pedestrian walkway and topography; 9) standards comparison (showing where the project exceeded City standards); 10) cross-section of a double loaded road (typical); 11) cross-section of a double loaded road (proposed); 12) process-view sheds; and 13) 3-D Site Plan. Mr. Shoukas felt that the new Development Plan had been much improved and had been redesigned to address City Council's concerns. While up to 37 units would have been permitted on the site, it was felt that the proposed density of 32 units would work best for the project. To accomplish

that goal, a duplex unit from the original Site Plan had been eliminated. Other major Site Plan changes included increasing setbacks, eliminating the attached sidewalk, and increasing the private drive road width.

Mr. Shoukas referenced photos of surrounding multi-family units and felt that the proposed development would be compatible with existing Ridges filings. Elevation drawings and photos of similar units constructed elsewhere were also referenced. Building heights would not exceed 26 feet from the highest point of finished grade. All front yard areas and structural exteriors would be managed and maintained by a Homeowners Association, giving homeowners an essentially maintenance free lifestyle. Guest parking areas had been conveniently located and would not be obtrusive. Counting the two car garages that would be provided with each unit, Mr. Shoukas said that a total of 150 parking spaces would be available to residents and their guests. He felt that the proposed increase in road width was important. If the rollover curb were included, the total edge-to-edge street width would be 26 feet. He explained the differences in the two cross-section slides; the method proposed would result in much less grading of the site. He pointed out the two vehicular access points and reiterated that additional right-of-way was being purchased from the City's Parks & Recreation Department for a pedestrian easement from Cliff View Drive to Mariposa. The newly proposed pedestrian walkway would vary in width in several places (locations noted) to accommodate topographic variations. The trail would provide an aesthetic buffer between the existing and proposed developments as well providing for pedestrian circulation.

Mr. Shoukas felt that the new Development Plan addressed all of City Council's concerns, exceeded City standards in a number of ways, and would provide the community with a great infill project. Presentation handouts were distributed to planning commissioners.

### **QUESTIONS**

Chairman Dibble referenced City Council comments and asked Mr. Shoukas to explain how this development would provide a public benefit. Mr. Shoukas said that during City Council's hearing, the City's attorney had contended that the proposed development represented a PD within a PD and was therefore subject to providing an additional community benefit. The original Ridges Master Plan had included over 85 acres of open space, with the subject site being designated for multi-family development. Given the site's steep topography and limited area, public improvements associated with the current proposal had to be more subtle. Mr. Shoukas felt that that had been accomplished by increasing the sizes of buffer areas; constructing a landscaped pedestrian path; and acquiring right-of-way to Mariposa to serve as a landscaped pedestrian access.

Commissioner Lowrey wondered why the private drive had been designed to carry vehicular traffic around the perimeter of the site, since it resulted in more actual street area than if it had been routed through the interior of the property. Mr. Shoukas felt that the difference in total street area between the two alternatives was probably debatable since, in the latter reference, cul-de-sacs would have been required. Also, if the street had been taken through the interior of the project, likely it would have required a third access,

to Plateau Drive. Referencing a slide showing the site's topography, Commissioner Lowrey noted that the proposed street configuration provided for some level of terracing. He asked if that terracing had been the primary motivator for designing the street in its current configuration. Mr. Shoukas said that the street's configuration required much less cut and fill, which would result in homeowners actually being able to have back yards. He provided an example where, if the street had been brought through the interior of the property, a homeowner could be looking at a 20-foot retaining wall in his backyard, an option he felt to be completely unacceptable for a residential development. The street's current configuration allowed for retaining walls to vary in size between nothing (none needed) to a maximum of 8 feet, and would set homes back further from the property line.

### **PUBLIC COMMENTS**

#### **FOR:**

Mike Stubbs (205 Little Park Road, Grand Junction), petitioner, said that he'd owned the property for a little over 16 years. He reiterated that the Ridges currently existed as a PD, and fairly major dedications of open space had already been made. Conversations with the City were already being undertaken to request waiver of the City's 10 percent open space fee. It was an especially important issue since Dynamic Investments owned other properties in the Ridges, and the issue of open space fees would come up again with future developments.

The Ridges, he said, had been platted as a clustered development because of the site's topography. Residents from surrounding neighborhoods should realize that they live in a multi-family community. However, he hoped that planning commissioners would see that the developer had taken great strides in lessening any impacts with adjacent filings. That included buying back some of the right-of-way originally dedicated to the City to provide a pedestrian easement to Mariposa.

Jamie Kreiling confirmed that discussions with the petitioner regarding open space fees were ongoing; however, that issue was not a part of the current proposal nor was it within the Planning Commission's purview to consider.

Alan Westfal (1964 Kelty, Franktown, CO), the project's developer, said that he'd worked very hard on the project and had tried to be sensitive to the community's concerns and priorities. He'd focused a great deal of attention on slope mitigation, had included a trail shelter, and had increased the amount of landscaping. He was very pleased with the project and said that, while this was his first project in the Grand Junction area, he hoped that would be the first of many more to come.

#### **AGAINST:**

Brian Langfitt (365 Plateau Drive, Grand Junction) commended the developer for his work and the obvious attention he'd put into the current Development Plan. Mr. Langfitt had attended a number of the neighborhood meetings, and it seemed as though the developer was genuinely sensitive to the concerns of the existing neighborhoods.

However, with regard to the pedestrian trail, it would directly abut his backyard. He wondered if a retaining wall or some other type of buffering could be installed to separate the trail from his property, thus protecting his privacy and security. Also, he and other neighbors were concerned that they would end up with double frontaged lots once Cliff View Drive was constructed. Their homes were currently adjacent to Plateau Drive. He asked that additional buffering be provided. He asked for clarification on the amount of area separating Plateau Drive resident property lines from the developer's pedestrian path and Cliff View Drive.

Ms. Ashbeck said that for new developments, lots abutting two streets were required to have a perimeter fence and a 5-foot landscaping strip. In the current instance, the 5-foot-wide sidewalk within a wider landscape area served to adequately separate the street from adjacent property lines. The Code did not typically require the developer of a residential project to install additional fences or walls when adjacent residential uses were already separated in such a way.

#### **PETITIONER'S REBUTTAL**

Mr. Shoukas said that the average setback from property lines was 14 feet, increasing slightly in some areas and decreasing slightly in others. He pointed to an area where the street did a reverse turn and said that the setback was slightly less in that area to accommodate proper street alignment. Plat drawings would show specific details. With regard to the question raised about the distance between adjacent property lines and Cliff View Drive, he confirmed that most adjacent residents already had privacy fencing installed along their rear yard property lines. He also noted that because newly created lots in that area would have to be cut in to the existing slope, there would be an approximate 6- to 7-foot drop in the finished grade that would also serve as a buffer. He felt that most of the traffic coming through the pedestrian easement from Plateau Drive would be residents from that filing. He understood that a bus no longer stopped along Plateau Drive; thus, there would be little reason for Shadow Run residents to travel to Plateau Drive. Mr. Langfitt said that the bus still stopped on Plateau Drive and that the existing bus stop was still in use.

#### **QUESTIONS**

Chairman Dibble asked if all the adjacent homes along Plateau Drive had privacy fencing along their rear yard property lines. Mr. Shoukas pointed out that only a couple of lots were currently without privacy fencing (locations noted).

Commissioner Lowrey pointed out that there was already a Horizon Court in the City's street system and suggested that the street's name would have to be changed. Mr. Shoukas said that he would do whatever was necessary.

Commissioner Lowrey remarked that one way the project provided a public benefit could be that the proposed development had been allowed more density to compensate for open space that had been dedicated elsewhere. Mr. Shoukas added that the proposed development was still not as dense as it could have been.

Commissioner Lowery said that his only remaining concern was over the lack of attached sidewalks and the safety issue it posed. Ms. Ashbeck reiterated that the TEDS manual provided for the substitution of a pedestrian trail system, and that the lack of attached sidewalks was consistent with other Ridges filings. In fact, most of the other filings also used pedestrian trail systems. The level of internal traffic, she said, would be relatively low, so the lack of attached sidewalks should not pose any safety concerns. Mr. Shoukas pointed out that the original Development Plan had included sidewalks; City Council, however, had thought they created a conflict with traffic movements and had asked that they be removed. The inclusion of a pedestrian trails system had been in response to those expressed concerns.

Chairman Dibble wondered how residents west of Horizon Court would be able to navigate through the subdivision since a trail would not be constructed in that area. Ms. Kreiling pointed out the presence of adjoining open spaces areas behind their properties. Abutting residents would be able to use those open space areas to navigate through that side of the subdivision.

#### **DISCUSSION**

Commissioner Roland said that while he hadn't objected to the original proposal, he could see that the developer had gone back and had made every effort to address City Council's concerns and those expressed by the neighbors. He felt that the project was a good one, one that he could support.

Commissioner Pitts agreed with the petitioner's representative that the combination of existing privacy fencing and grade differences resulting from slope cuts would provide sufficient buffering between Filing 3 and the proposed development. The project represented good infill and would make a nice addition to the community.

Commissioner Carlow felt that expressed concerns had been adequately addressed. If other concerns were raised, he felt confident that the developer would take care of them.

Commissioner Putnam noted that he lived in a neighborhood where a pedestrian path had been constructed right behind his home. The path was well used by subdivision residents but neither he nor his neighbors had experienced any problems.

Commissioner Lowrey referenced City Council's minutes and acknowledged that interior streets had been widened from 20 feet to 24 feet. Since that street system would not be widely used by anyone other than subdivision residents, he felt that it should work just fine. He felt that there was a definite public benefit to having a project such as the one proposed, and he felt he could support it. He also pointed out that it was a homeowner's, not the developer's, responsibility to either erect a fence or not.

Commissioner Pavelka-Zarkesh concurred with previous comments, adding that the protection of view sheds had also been taken into account. She didn't feel that Plateau

Drive residents would even notice the pedestrian once the cuts were undertaken and landscaping installed.

Chairman Dibble felt that City Council's concerns had been adequately addressed and that the project represented good infill. The site had been designated for multi-family uses and the density had been reduced from a possible 37 to just 32 units. That density reduction had allowed for greater setbacks. He agreed that the Ridges Master Plan incorporated public benefits into it. He felt that the project was a nice one, and he too expressed support.

Ms. Kreiling reminded planning commissioners to include in any motion made for approval the condition that payment for the Mariposa right-of-way be made within a year following the date of final approval.

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on item PP-2005-203, the request for approval of the Shadow Run at the Ridges Preliminary Planned Development Plan, I move that the Planning Commission recommend approval to the City Council of the amended Planned Development zoning ordinance and Preliminary Development Plan, including the private streets proposed within the subdivision, and conditioned upon obtaining the extra road access off of Mariposa Drive, with the findings of fact and conclusions listed in the staff report."**

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

With no further business to discuss, the public hearing was adjourned at 8:20 p.m.



**From:** "Brian & Cathy" <blclfitt@bresnan.net>  
**To:** <commdev@gjcity.org>  
**Date:** 11/23/2005 4:42:13 PM  
**Subject:** Shadowrun Development

My name is Brian Langfitt and I spoke before you last night and also in the past when the Shadowrun Development came before you. I thank you for your time in the past and I also thank you now. I do have a few questions that hopefully you can help clarify. The first issue I would like to discuss is one that I didn't think was appropriate to bring up in a public hearing. Hopefully you can help me understand how the system works. Some of your members expressed some surprise that the Shadowrun Development came before you again last night after it was unanimously approved by your board earlier. The reason that a majority of the City Council voted against this development was at least in part due to several items presented to them that night. It was presented to Council that the Shadowrun Development, as approved by the Planning Commission, was not following code in several different areas. The most obvious, in my mind, was allowing the set back off of Ridges Blvd. at nine feet instead of the twenty feet that is stated in the codes. This did not effect me personally but seemed to be a major safety concern. There were eight other issues that were also clearly not meeting code several that I considered a safety hazard. The majority of the City Council decided that it would be in everybody's best interest to step back and reexamine this project. The developer to, his credit, addressed the majority of these issues and came before you last night with an improved plan. On the other hand the developer would have also very happily carried through with the previous plans were it not for the foresight of the City Council.

My question is how can "staff" go before you and whole heartedly endorse a project when even one item is clearly against code let alone the number here. It surely isn't the sole responsibility of the public to attend these meeting and point out these items is it? I know from my personal experience in dealing with the planning and building department, no matter how compelling the argument, the "Code Book" was the law and ended many a discussion. I do understand why there are codes and I wholeheartedly agree that they are needed. I wonder why "staff" did not point these items out to you in the previous proposal? Is the pressure to "in fill" so great that they are to overlook some discrepancies?

My second question deals with the matter of asking that fencing be part of the landscaping for this project. It was stated that all of the existing homes had privacy fences and that was all that was needed. Not all of the homes are completely fenced and all are in varying stages on condition, style, and material. I was proposing that the developer install a fence consistent with his design which would offer some privacy for the existing houses and the future tenants of his project. I am sure the developer can absorb this cost considering it's proximity to the Redlands Mesa area and the future customers that will want to reside there. This fencing would offer a preferable visual impact for the future residents of his development and also people traveling on Ridges Blvd. as well. When staff stated that "putting a fence up where there were existing fences served no practical purpose what so ever" reminded me of a situation that I am currently dealing with at my business. I own a portion of the Palace Point Marketplace at 2938 North Ave. The developer, Mr. Tom Bolger, is being required to build a fence next to but not touching a fence separating this lot from a neighborhood to the north. Why is a fence required for this property and not another? Is it because commercial is next to residential? I can show you several new commercial/residential properties where this was not done. Is it to keep the people in the neighborhood to the north from visiting my retail store and other business here? I certainly hope not. Is it to protect them visually and from the noise generated from this property? This double fence borders a dead end alley that runs the length of the rear of the building. This alley has had maybe twenty vehicles total in it in the twenty months that I have had my business there. The turn into that area, the width of the alley, and the length of the alley make a speed any faster than walking speed impractical. How does this compare to the use and noise that a city street servicing 32 units in the Shadowrun development plus their families and guests can generate? Why is one developer required to do one thing when another isn't?

I am truly not trying to be flippant and I am surely not trying to tell you how to fulfill your duties with the Planning Commission, I simply am trying to understand the process. In the time that I have been following this particular project I have witnessed these inconsistencies and wondered how they can happen with so many great minds at the helm. I do plan to be involved with projects in the future that will need to go through this process. Hopefully you can educate me so that when my projects go through the system I can save the Planning Commission and the City Council some of their valuable time.

Sincerely,

Brian Langfitt

**CC:** "Bruce Hill" <brucehill@ci.grandjct.co.us>

Brian Langfitt  
365 Plateau Drive  
Grand Junction CO 81503

December 5, 2005

RE: PP-2005-203 Shadow Run at the Ridges

Dear Mr. Langfitt,

The letter is in response to your email correspondence to the Community Development Department dated November 23, 2005 regarding the project referenced above. As the planner working with the developer on the project, I hope to answer the questions posed in your letter.

First, you reference the fact that the previous plan proposed a set back from the Ridges Boulevard right-of-way of 9 feet and questioned how staff could support a plan when there was this proposed incongruity with the Code. As you are aware, the zoning of the Ridges is Planned Development and the Shadow Run parcel has always been shown as future multifamily site within the development. This proposal is simply to specify a plan for the parcel, not to establish the Planned Development zoning. The use of Planned Development zoning allows staff, Planning Commission and City Council to consider varied application of the zoning regulations to allow and encourage creativity, better site design and improved function within and adjacent to the site.

This is the case for the proposed Shadow Run development. Staff has supported some deviation of strict interpretation of the underlying zoning in exchange for a well-designed project. However, you might note that the second submittal of this project did not request the 9-foot buffer along Ridges Boulevard where Code requires 14 feet. With the most recent application, due to the elimination of 2 units, the development meets and exceeds this requirement along the length of Ridges Boulevard. The only deviation to the Code requirements that is needed and requested for this application is for the front yard setback of the living area for 3 of the 32 units. Staff can and does support this as it is not unlike other developments that have been allowed a lesser setback for the living area in order to improve the design of the overall project.

A second point you questioned regarding fencing. Yes, the reason why a fence is not required along the perimeter of this project is that the Code does not require buffering between residential zones. In addition, due to the topographic differential between the existing and proposed residences, fencing would not provide any more screening than what can be accomplished with individual homeowners' 6-foot privacy fences. The grade of the proposed path, street and homes will be substantially lower than the rear yards of the adjacent residences.

Your third point regarding the traffic generated by the proposed development and seemed to suggest that fencing should be required to provide a noise buffer. Fences alone provide very



Langfitt / December 5, 2005 / Page 2

little noise buffer. However, in the case of the proposed Shadow Run development the landscaping and structures proposed will provide a buffer between the traffic noise of the Ridges Boulevard/Mariposa Drive corridor and the single family residential use above.

Hopefully this information has addressed your concerns and provided some clarification of the planning process. Your correspondence and this response will be provided to Planning Commission and to City Council as a part of the staff report for the public hearing that is presently scheduled for December 21, 2005. Please do not hesitate to contact me if you have further questions regarding the project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kristen".

Kristen Ashbeck AICP  
Senior Planner  
244.1437 (desk)  
256.4031 (fax)

[kristena@gjcity.org](mailto:kristena@gjcity.org)

CITY OF GRAND JUNCTION, COLORADO

Ordinance No. \_\_\_\_  
AN ORDINANCE AMENDING ORDINANCE NO. 2596 ZONING THE RIDGES  
PLANNED DEVELOPMENT AND AS PREVIOUSLY AMENDED  
TO INCLUDE MORE SPECIFIC INFORMATION FOR A PORTION OF THE ORIGINAL  
RIDGES DEVELOPMENT  
LOCATED AT EAST LAKERIDGE DRIVE AND RIDGES BOULEVARD TO BE  
KNOWN AS SHADOW RUN AT THE RIDGES

Recitals.

The land zoned as Planned Development under Ordinance 2596 “Zoning Certain Lands Annexed to the City Known as the Ridges Majority Annexation” in 1992 has not fully developed. There are remaining parcels within the approved Ridges plan that are still vacant, mostly those parcels originally planned as multifamily parcels. A proposal for one of these parcels located at East Lakeridge Drive and Ridges Boulevard has been presented to the Planning Commission to recommend to City Council an amendment to the original Planned Development ordinance and to establish the underlying zone for this 4.99 acre parcel with the preliminary development plan. The proposal refers to this land as Shadow Run at the Ridges and will be so referred to herein.

The Grand Junction Planning Commission, at its November 22, 2005 hearing, recommended approval of the amended Planned Development zoning ordinance, the Planned Development Preliminary Development Plan (PDP) for Shadow Run at the Ridges, and use of private streets within this subdivision.

The original zoning for all of the Ridges, including the Shadow Run at the Ridges parcel was Planned Development 4 units per acre. This density included multifamily development on several undeveloped parcels, including the one now being planned for Shadow Run at the Ridges.

The proposed density of Shadow Run at the Ridges is 6.4 units per acre which is consistent with the original Ridges Planned Development zone as well as with the Growth Plan Future Land Use Map. The entire Ridges development is designated as Residential Low 2 to 4 units per acre on the Growth Plan Future Land Use Map.

The default zone for Shadow Run at the Ridges pursuant to Section 3.3.G. of the Zoning and Development Code is Residential Multifamily 8 units per acre (RMF-8).

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

Upon satisfaction of the conditions set forth herein, Ordinance 2596 is hereby amended regarding the 4.99 acres that had not yet developed and is more fully described below:

Lot 1, Block 18, The Ridges Filing No. Three recorded in the Mesa County Clerk & Recorder's records in Plat Book 12, Page 5. Said parcel is in the City of Grand Junction, Mesa County, State of Colorado.

The property is zoned Planned Development. The property may only be developed in accordance with the standards and uses specified herein and in the RMF-8 zone district in the Zoning and Development Code.

- 1) The uses allowed for this zone and property shall be twenty single family attached (duplexes) and three four-plex units – a total of 32 units.
- 2) The default zoning is Residential Multifamily 8 units per acre (RMF-8) with the following setback deviations for the front yard for the living area only (garages shall meet 20-foot front yard setback).
  - Unit 10 – Minimum 9 feet
  - Unit 27 – Minimum 18 feet
  - Unit 28 – Minimum 18 feet

Structure height shall be as depicted on the elevation drawings dated November 2005 contained in Community Development file PP-2005-203, with maximum heights of 20 feet for ranch units and 26 feet for two-story units.

- 3) The ordinance further allows for private streets as shown on the attached Preliminary Development Plan and contained within Community Development File PP-2005-203 with a detached 5-foot pedestrian path. All street crossings are to be marked for safe pedestrian crossing.
- 4) All other buffering and setbacks are as provided on the project's approved Preliminary Development Plan dated November 7, 2005 contained in Community Development File PP-2005-203, a copy of which is attached and incorporated herein as Exhibit A.

The Preliminary Development Plan shall be effective for one year from the date of this Ordinance.

INTRODUCED on first reading on the 7<sup>th</sup> day of December, 2005 and ordered published.

PASSED on this \_\_\_\_\_ day of December, 2005.

ATTEST:

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

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



REPLAT OF LOTS 13C and 14C in BLOCK 18, THE RIDGES FILING NO. THREE, Reception No. 1642B46

N47°18'40"E  
 L=257.63'  
 Δ=36°07'59"  
 A=102.62'  
 N47°18'48"E  
 L=287.68'

RIDGES BOULEVARD  
 PLATTED IN "THE RIDGES FILING NO. THREE" RECEPTION NO. 1159249

THE RIDGES MINDR SUBDIVISION RECEPTION NO. 1656306



**Attach 10**

Public Hearing – Vacating the E/W Alley S. of Fourth Ave. on the W. Side of S. 7<sup>th</sup> Street

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA							
Subject	Vacate the east/west alley south of Fourth Avenue on the west side of S 7 <sup>th</sup> Street						
Meeting Date	December 21, 2005						
Date Prepared	December 15, 2005				File #VR-2005-181		
Author	Senta L. Costello		Associate Planner				
Presenter Name	Senta L. Costello		Associate Planner				
Report results back to Council	X	No		Yes	When		
Citizen Presentation		Yes	X	No	Name		
	Workshop	X	Formal Agenda			Consent	X Individual Consideration

**Summary:** Consideration of a request to vacate the east/west alley south of Fourth Avenue on the west side of S 7<sup>th</sup> Street. The owner of the adjacent properties to the north and south of the alley has requested that the alley be vacated to make the smaller adjacent lots easier to develop

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider final passage and publication of the proposed vacation ordinance.

Background Information: See attached Staff report/Background information

Attachments:

1. Staff report/Background information
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Zoning Map
6. Vacation Ordinance



AGENDA TOPIC: Vacation of Public Alley Right-of-Way, VR-2005-181.

ACTION REQUESTED: Vacation of Public Alley Right-of-Way

<b>BACKGROUND INFORMATION</b>			
Location:		<b><i>West side of S 7<sup>th</sup> Street, South of Fourth Avenue</i></b>	
Applicants:		Owner/Applicant: Sterling Company – Dick Scariano; Representative: Thompson-Langford Corp – Scott Thompson	
Existing Land Use:		<b><i>Unimproved alley</i></b>	
Proposed Land Use:		<b><i>Undetermined future development</i></b>	
Surrounding Land Use:	<b>North</b>	<b><i>Vacant Commercial</i></b>	
	<b>South</b>	<b><i>Vacant Commercial</i></b>	
	<b>East</b>	<b><i>Commercial</i></b>	
	<b>West</b>	<b><i>Commercial</i></b>	
Existing Zoning:		N/A	
Proposed Zoning:		C-2	
Surrounding Zoning:	North	C-2	
	South	C-2	
	East	C-2	
	West	C-2	
Growth Plan Designation:		Surrounding - Commercial	
Zoning within density range?	<b>X</b>	<b>Yes</b>	<b>No</b>

PROJECT DESCRIPTION: The owner of the adjacent properties to the north and south of the alley has requested that the alley be vacated to make the smaller adjacent lots easier to develop.

RECOMMENDATION: Recommend approval to City Council of the alley vacation.

## ANALYSIS

### 1. Background

The East/West alley on the west side of South 7<sup>th</sup> Street and south of Fourth Avenue is not constructed and is not used to access any parcels in the area, is not used for utilities, or used for trash pick-up. Sterling Company owns the property to the north and south of the alley and would like it vacated to make the smaller adjacent lots easier to develop.

### 2. Consistency with the Growth Plan

The request is consistent with the goals and policies of the Growth Plan.

### 3. Section 2.11.c of the Zoning and Development Code

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

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

Applicant's Response: This proposed alley vacation of an undeveloped and unused alleyway does not conflict with any adopted plan or policy of the City.

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

Applicant's Response: This proposed alley vacation will not land lock any parcel.

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

Applicant's Response: This proposed alley vacation does not restrict access to any parcel.

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

Applicant's Response: This proposed alley vacation does not present any adverse impact to the general public nor any reduction to the quality of services provided to any parcel.

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

Applicant's Response: This proposed alley vacation does not inhibit the provision of services.

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

Applicant's Response: This proposed alley vacation of an undeveloped and unused alley does eliminate a possible maintenance obligation. More significantly it reflects the actual lack of a need for an alley at this location. The properties are serviced by an alley along the west and by 7<sup>th</sup> Street on the east. There is no curb cut for the alley on 7<sup>th</sup> Street and there is no potential for an extension of the alley to the west as there is no dedicated right-of-way and there is a building in the alignment.

#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Sterling Company application, VR-2005-181 for the vacation of a public right-of-way, staff recommends that the Planning Commission make the following findings of fact and conclusions:

- 4. The requested right-of-way vacation is consistent with the Growth Plan.
- 5. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

#### STAFF RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation of approval of the requested right-of-way vacation, VR-2005-181 to the City Council with the findings and conclusions listed above.

#### RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on the vacation of alley request for VR-2005-181, I move that the Planning Commission forward to City Council a recommendation of approval, making the findings of fact and conclusions listed in the staff report.

Attachments:

Vicinity Map / Aerial Photo  
Growth Plan Map / Zoning Map  
Ordinance w/ exhibit

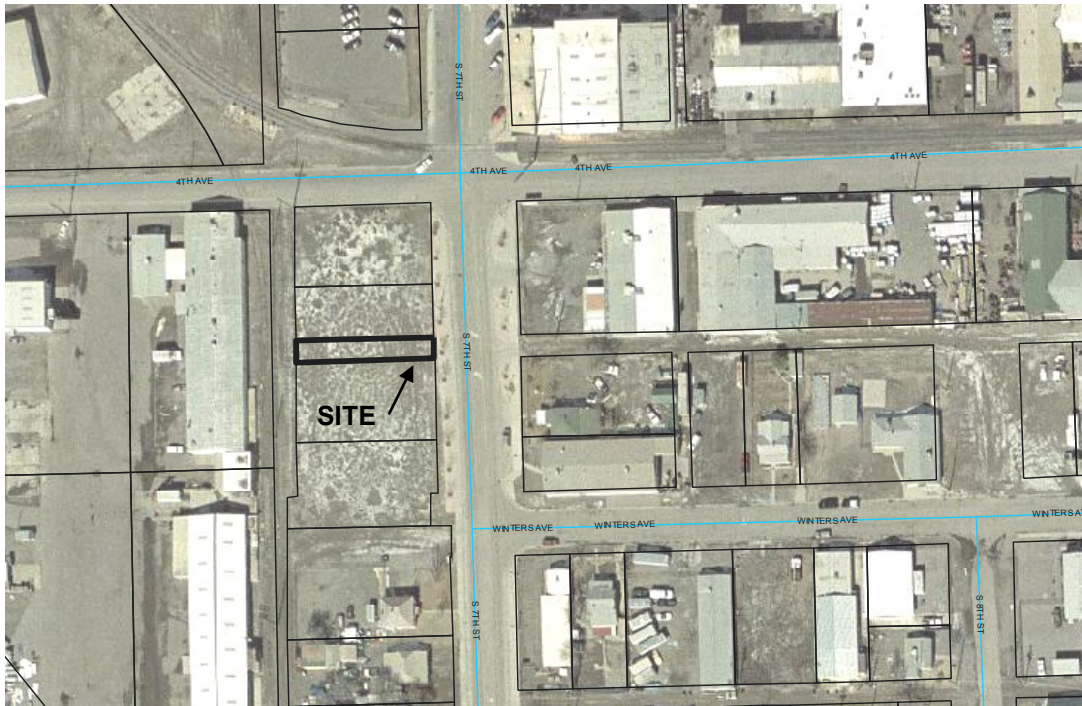
# Site Location Map

Figure 1



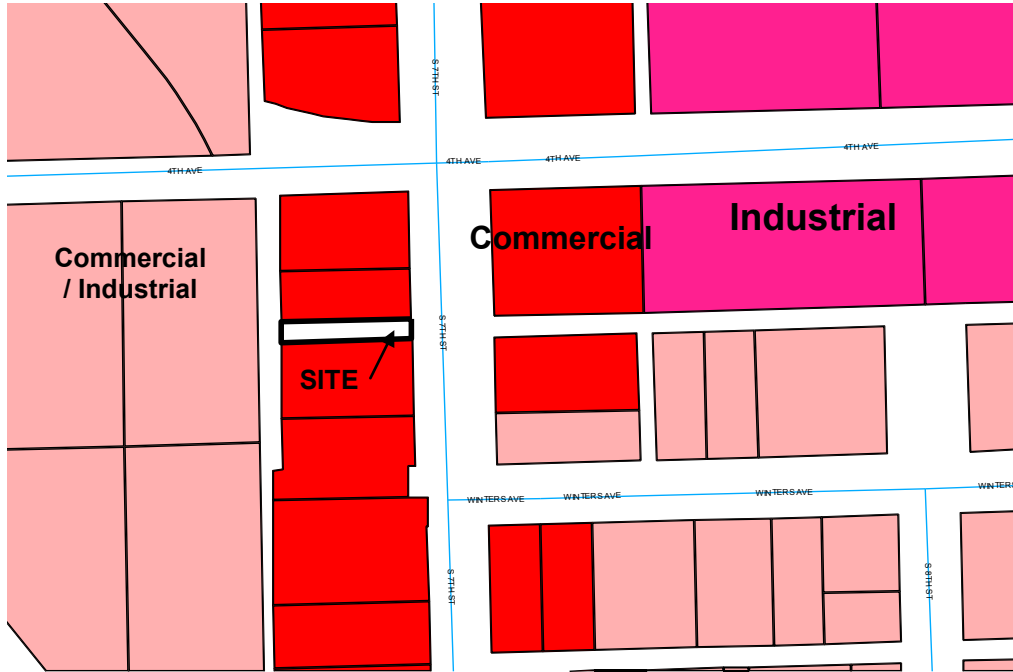
# Aerial Photo Map

Figure 2



# Future Land Use Map

Figure 3



## Existing City Zoning

Figure 4



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

**CITY OF GRAND JUNCTION**

**Ordinance No.**

**AN ORDINANCE VACATING RIGHTS-OF-WAY FOR AN ALLEYWAY  
LOCATED WEST OF SOUTH 7<sup>TH</sup> STREET AND SOUTH OF FOURTH AVENUE**

RECITALS:

A vacation of the dedicated right-of-way for has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

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

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

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

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

That alley between Lot 5 and Lot 6 of Block 1 of Benton Canon's First Sub-Division as recorded in the Mesa County Records at Reception No. 31702.

Said parcel containing an area of 2540 square feet more or less, as described.

Introduced for first reading on this 7<sup>th</sup> day of December, 2005

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

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



City Clerk

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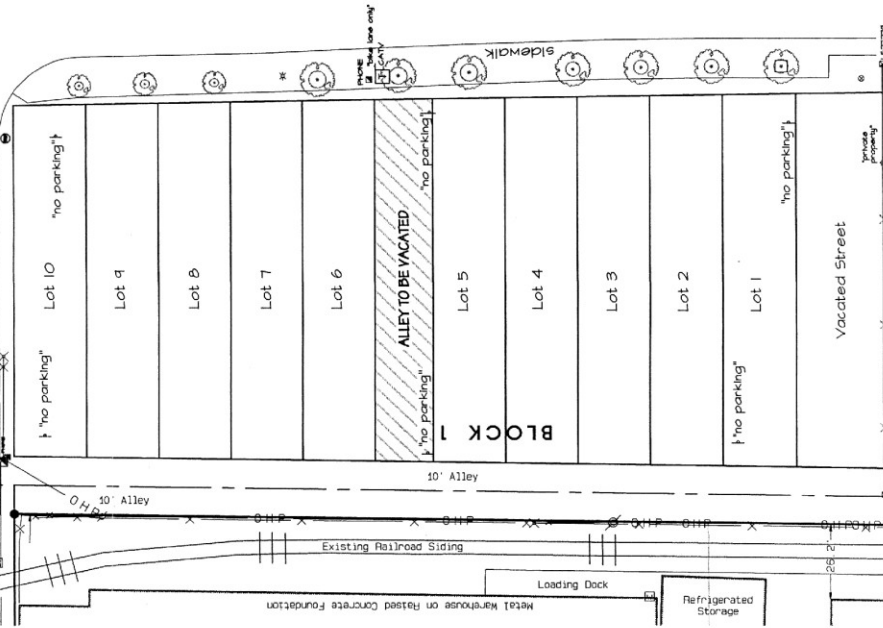
# ALLEY VACATION

BENTON CANON'S FIRST SUBDIVISION - BLOCK 1

## EXHIBIT "A"

FOUND 4" IN CONCRETE  
CAP L816503  
AT CORNER  
OF SUBDIVISION

4TH AVENUE



### DESCRIPTION OF ALLEY TO BE VACATED

That alley between Lot 5 and Lot 6 of Block 1 of Benton Canon's First Sub-Division as recorded in the Mesa County Records of Reception No. 31702.

#### LEGEND

- ⊠ found aluminum monument as noted
- found rebar and cap as noted
- ∅ calculated position - no monument
- △ control point
- ⊙ power pole
- ⊗ down guy anchor
- ⊗ light pole
- ⊙ sanitary sewer manhole
- ⊙ water valve
- ⊙ fire hydrant
- ⊙ sign
- ⊙ stop sign
- ⊙ tree - deciduous

#### LINE TYPE LEGEND

- section lines
- X-X- fence
- OHP- overhead utility line
- G- natural gas line
- W- water line
- E- underground electric line
- S- sanitary sewer line
- T- underground telephone line



THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION - IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

THOMPSON-LANGFORD CORPORATION  
529 25 1/2 ROAD - B-210  
Grand Junction CO 81505 tic@tfcwest.com  
Drawn: NNN Checked: NNN Date: JUL 15, 2005  
S:\Survey\0183\_omeg\030\0183-030.prd Job No. 0183-03005

WINTERS AVENUE

7TH STREET

Lot 10
Lot 9
Lot 8
Lot 7
Lot 6
Alley
Lot 5
Lot 4
Lot 3
Lot 2
Lot 1

BLOCK 2

BLOCK 1

**Attach 11**

Public Hearing – Hoffman Annexation & Zoning Located at 3041 D Road

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Annexation and zoning of the Hoffman Annexation located at 3041 D Road					
<b>Meeting Date</b>	December 21, 2005					
<b>Date Prepared</b>	December 15, 2005				File #ANX-2005-239	
<b>Author</b>	Senta L. Costello		Associate Planner			
<b>Presenter Name</b>	Senta L. Costello		Associate Planner			
<b>Report results back to Council</b>	X	No		Yes	When	
<b>Citizen Presentation</b>		Yes		No	Name	
	Workshop	X	Formal Agenda		Consent	X Individual Consideration

**Summary:** Acceptance of a petition to annex and consider the annexation and zoning for the Hoffman Annexation. The Hoffman Annexation is located at 3041 D Road and consists of 1 parcel on 9.55 acres. The zoning being requested is RMF-5.

**Budget:** N/A

**Action Requested/Recommendation:** 1) approve resolution accepting a petition for annexation, 2) public hearing to consider final passage of annexation and zoning ordinances.

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

**Attachments:**

1. Staff report/Background information
2. Annexation - Location Map / Aerial Photo
3. Growth Plan Map / Zoning Map
4. Acceptance Resolution
5. Annexation Ordinance
6. Zoning Ordinance

STAFF REPORT / BACKGROUND INFORMATION				
<b>Location:</b>		3041 D Road		
<b>Applicants:</b>		Owner: Arna Hoffman; Developer: Habitat for Humanity – Gabe DeGabriele; Representative: Austin Civil Group – Mark Austin		
<b>Existing Land Use:</b>		Residential		
<b>Proposed Land Use:</b>		Residential subdivision		
<b>Surrounding Land Use:</b>	<b>North</b>	Single Family Residential		
	<b>South</b>	Bureau of Reclamation		
	<b>East</b>	Bureau of Reclamation		
	<b>West</b>	Residential / Agricultural		
<b>Existing Zoning:</b>		County RSF-R		
<b>Proposed Zoning:</b>		City RMF-5		
<b>Surrounding Zoning:</b>	<b>North</b>	County PD 5.25 du/ac		
	<b>South</b>	County PD – Conservation Area		
	<b>East</b>	County PD – Conservation Area		
	<b>West</b>	County RSF-R		
<b>Growth Plan Designation:</b>		Residential Medium 4-8 du/ac		
<b>Zoning within density range?</b>		<b>X</b>	<b>Yes</b>	<b>No</b>

**Staff Analysis:**

**ANNEXATION:**

This annexation area consists of 9.55 acres of land and is comprised of 1 parcel. The property owners have requested annexation into the City as the result of needing a rezone in the County to subdivide. Under the 1998 Persigo Agreement all rezones require annexation and processing in the City.

It is staff's opinion, based on review of the petition and knowledge of applicable state law, including the Municipal Annexation Act Pursuant to C.R.S. 31-12-104, that the Hoffman 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.

**Zone of Annexation:** The requested zone of annexation to the RMF-5 district is consistent with the Growth Plan density of Residential Medium 4-8 du/ac. The existing County zoning is RSF-R. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

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

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

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

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

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

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

Response: The proposed zone district is compatible with the neighborhood and will not create adverse impacts. Any issues that arise with the development of the property will be addressed through the review of the proposed project.

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

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

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

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

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

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

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

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

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

- a. RSF-4
- b. RMF-8

**STAFF RECOMMENDATION:** Staff recommends approval of the RMF-5 zone district, with the finding that the proposed zone district is consistent with the Growth Plan and with Sections 2.6 and 2.14 of the Zoning and Development Code.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the RMF-5 district to be consistent with the Growth Plan, the existing County Zoning and Sections 2.6 and 2.14 of the Zoning and Development Code.

The following annexation and zoning schedule is being proposed.

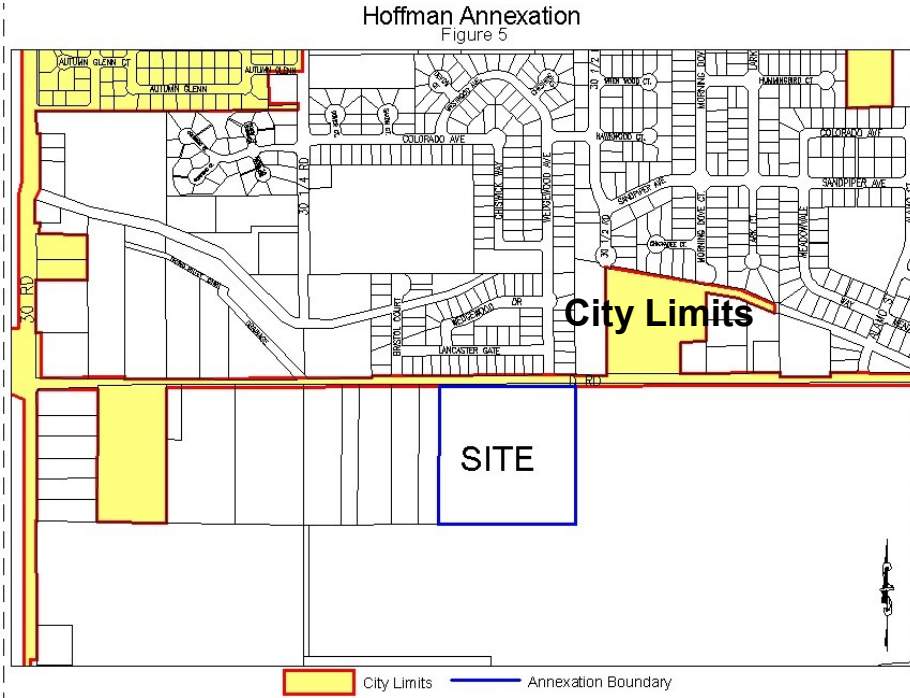
<i><u>ANNEXATION SCHEDULE</u></i>	
<b>November 16, 2005</b>	Referral of Petition (30 Day Notice), Introduction Of A Proposed Ordinance, Exercising Land Use
<b>November 22, 2005</b>	Planning Commission considers Zone of Annexation
<b>December 7, 2005</b>	Introduction Of A Proposed Ordinance on Zoning by City Council
<b>December 21, 2005</b>	Acceptance of Petition and Public Hearing on Annexation and Zoning by City Council

<b>January 22, 2005</b>	Effective date of Annexation and Zoning	
<b>HOFFMAN ANNEXATION SUMMARY</b>		
<b>File Number:</b>	ANX-2005-239	
<b>Location:</b>	3041 D Road	
<b>Tax ID Number:</b>	2943-212-00-004	
<b>Parcels:</b>	1	
<b>Estimated Population:</b>	2	
<b># of Parcels (owner occupied):</b>	1	
<b># of Dwelling Units:</b>	1	
<b>Acres land annexed:</b>	9.55 acres	
<b>Developable Acres Remaining:</b>	9.34	
<b>Right-of-way in Annexation:</b>	0.0 square feet	
<b>Previous County Zoning:</b>	RSF-R	
<b>Proposed City Zoning:</b>	RMF-5	
<b>Current Land Use:</b>	Residential	
<b>Future Land Use:</b>	Residential	
<b>Values:</b>	<b>Assessed:</b>	= \$9,360
	<b>Actual:</b>	= \$117,640
<b>Address Ranges:</b>	3041-3049 D Road (odd only)	
<b>Special Districts:</b>	<b>Water:</b>	Clifton Water
	<b>Sewer:</b>	Central Grand Valley Sanitation
	<b>Fire:</b>	Clifton Fire
	<b>Irrigation/ Drainage:</b>	Grand Valley Irrigation / Grand Junction Drainage
	<b>School:</b>	Mesa County School District #51
	<b>Pest:</b>	Upper Valley Pest & Grand River Mosquito

# Site Location Map

Figure 1

Hoffman Annexation  
Figure 5



# Aerial Photo Map

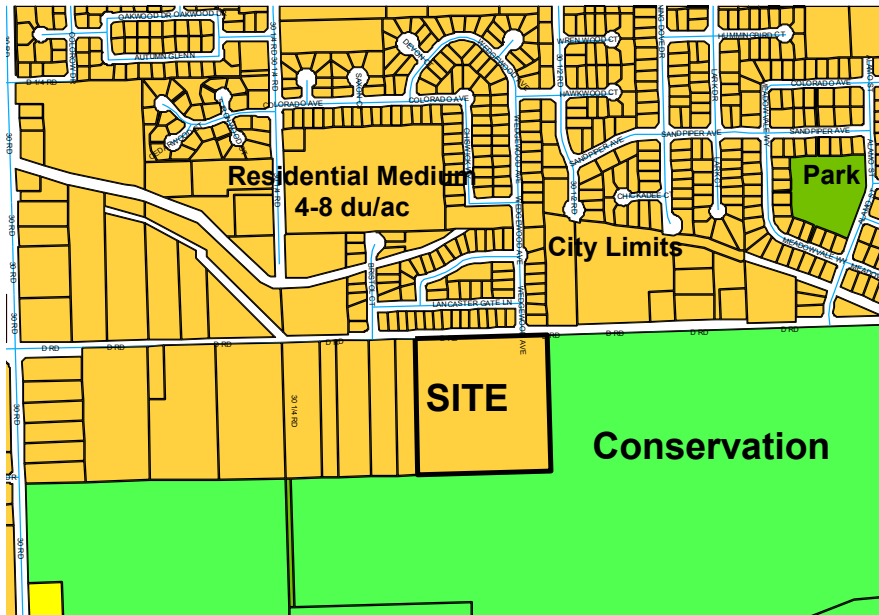
Figure 2





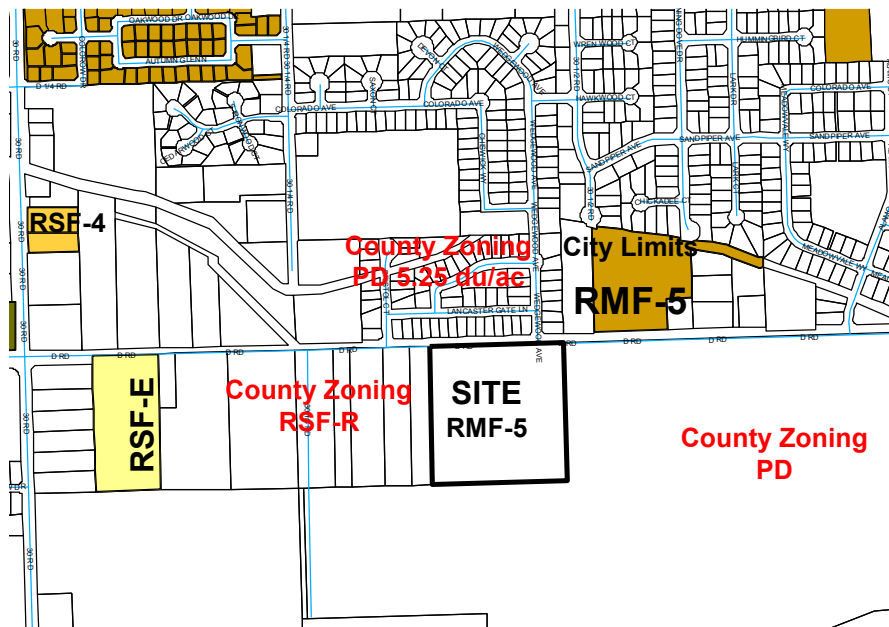
# Future Land Use Map

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."

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

**A RESOLUTION ACCEPTING A  
PETITION FOR ANNEXATION, MAKING CERTAIN  
FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE**

**HOFFMAN ANNEXATION**

**LOCATED AT 3041 D ROAD**

**IS ELIGIBLE FOR ANNEXATION**

WHEREAS, on the 16<sup>th</sup> day of November, 2005, a petition was submitted 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:

**HOFFMAN ANNEXATION**

The Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE 1/4 NE 1/4 NW 1/4) of Section 21, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, except the North 30 feet thereof.

Said parcel contains 9.55 acres (415,908 square feet), more or less, as described.

WHEREAS, a hearing on the petition was duly held after proper notice on the 21<sup>st</sup> day of December, 2005; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefore, that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in identical ownership has been divided without the consent of the landowner; that no 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; and that no election is required under the Municipal Annexation Act of 1965.

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

The said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

**ADOPTED** 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**

**HOFFMAN ANNEXATION**

**APPROXIMATELY 9.55 ACRES**

**LOCATED AT 3041 D ROAD**

**WHEREAS**, on the 16<sup>th</sup> day of November, 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 21<sup>st</sup> day of December, 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:

**HOFFMAN ANNEXATION**

The Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE 1/4 NE 1/4 NW 1/4) of Section 21, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, except the North 30 feet thereof.

Said parcel contains 9.55 acres (415,908 square feet), more or less, as described.

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

**INTRODUCED** on first reading on the 16<sup>th</sup> day of November, 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 ZONING THE HOFFMAN ANNEXATION TO  
RMF-5**

**LOCATED AT 3041 D ROAD**

Recitals.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Hoffman Annexation to the RMF-5 zone district for the following reasons:

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

After the public notice and public hearing before the Grand Junction City Council, City Council finds that the RMF-5 zone district be established.

The Planning Commission and City Council find that the RMF-5 zoning is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

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

The following property shall be zoned RMF-5 with a density not to exceed 5 units per acre.

**HOFFMAN ANNEXATION**

The Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE 1/4 NE 1/4 NW 1/4) of Section 21, Township 1 South, Range 1 East, of the Ute Principal Meridian, County of Mesa, State of Colorado, except the North 30 feet thereof.

Said parcel contains 9.55 acres (415,908 square feet), more or less, as described.

Introduced on first reading this 7<sup>th</sup> day of December, 2005 and ordered published.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Attach 12**

Public Hearing – Ordinances Prohibiting Underage Purchase, Possession or Consumption of Alcohol, Marijuana and Paraphernalia

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Prohibition of underage purchase, possession or consumption of alcohol, marijuana and paraphernalia					
<b>Meeting Date</b>	December 21, 2005					
<b>Date Prepared</b>	November 29, 2005				<b>File #</b>	
<b>Author</b>	Shelly Dackonish			<b>Staff Attorney</b>		
<b>Presenter Name</b>	John Shaver			<b>City Attorney</b>		
<b>Report results back to Council</b>		<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	x	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** In 2004, the Grand Junction Police Department handled 389 cases of minor in possession of alcohol, resulting in 697 arrests. Officers from the Department made 92 arrests of minors in possession of one ounce or less of marijuana. Many municipalities across Colorado, including several on the Western Slope, have ordinances prohibiting minors from purchasing, possessing or consuming alcohol and/or marijuana. The proposed ordinances would prohibit those activities as a matter of local law in Grand Junction.

**Action Requested/Recommendation:** Hold a Public Hearing and Consider Final Passage and Final Publication of the Ordinance.

**Attachments:** Two proposed ordinances.

**Background Information:** State law prohibits underage purchase, possession and drinking of alcohol and of marijuana; however, the number of cases in state court may be contributing to under-enforcement of alcohol offenses. In 2004, the Grand Junction Police Department handled 389 cases of minor in possession of alcohol, resulting in 697 arrests and made 92 arrests of minors in possession of marijuana. A municipal prohibition of possession, consumption and purchase of alcohol by minors would



enhance the community's ability to deal more effectively with underage use of alcohol and marijuana. Many other municipalities in Colorado have enacted ordinances prohibiting underage possession, purchase or consumption of alcohol and marijuana.

The Police Department supports the proposed ordinances. The Municipal Court and the City Attorney's Office expect, for the present at least, to be able to handle the increased case workload; however, the caseload will be monitored closely. Diversion of some cases into Teen Court for sentencing by peers is also expected. The Teen Court program has recently been expanded to include a Teen Court class at Grand Junction High School. Having Teen Court as a part of the curriculum is expected to increase the participation by students in the program and to allow for an increase in the number of cases that can be adjudicated through Teen Court. Only first offenses can be adjudicated through Teen Court; sentences there would consist of UPS, Level I alcohol class, probation and various other school or community related activities (no fines).

The proposed Municipal Court sentence is substantially similar to that of other Colorado cities having comparable ordinances. Drug and alcohol classes, evaluation and counseling would be provided by outside entities, a list of which would be made available to the convicted minor and parent, who would then be responsible for contacting a provider of their choice, paying fees for services directly to that provider, completing the required class(es) and/or treatment, and making sure completion of the program is certified to the Municipal Court within a specified amount of time.

The proposed maximum Municipal Court fine amounts of \$250.00 for a first offense, \$500.00 for a second offense, \$1000 for a 3<sup>rd</sup> offense, are equivalent to fines the state level. In the proposed ordinances these fines represent a maximum; lower fines remain within the discretion of the judge. The ordinances provide that the fines may be suspended on the condition that useful public service hours and alcohol education classes are completed within a time period set by the Court. They also express a preference for UPS and alcohol/drug education over fines.

State law also provides for suspension of a drivers' license for alcohol and marijuana offenses by minors for three months for a first offense and up to a year for subsequent offenses. The penalties provided in the proposed ordinances are thus within (and up to) the limits of state law.

The proposed ordinances, in compliance with state law and City Charter, do not allow for imposition of jail time for juvenile minors. Jail time for the age 18-21 offenders is authorized.

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

**AN ORDINANCE PROHIBITING PURCHASE, POSSESSION OR CONSUMPTION OF ALCOHOL BY MINORS AND PROHIBITING THE PROVISION OF ALCOHOL TO MINORS**

**Recitals.**

Consumption of alcohol is harmful to the health, well-being, safety and development of minors. It can also lead to accidents, injuries and the commission of other crimes that might otherwise not occur or be avoided.

State law prohibits underage purchase, possession and drinking of alcohol; however, the high number of criminal cases in state court may be contributing to the under-enforcement of alcohol offenses.

A municipal prohibition of possession, consumption and purchase of alcohol by minors will enhance the community's ability to deal more effectively with underage drinking.

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

The following Section 24-22 shall be added to Chapter 24 of the Code of Ordinances, City of Grand Junction, Colorado, to prohibit the provision of alcohol to persons under 21 years of age, and the purchase, possession or consumption of alcohol by persons under 21 years of age, all as follows:

**Sec. 24-22. Purchase, possession, consumption or sale of alcohol by or to persons under the age of 21.**

**Definitions**

*Alcoholic beverage*, as used in this section, shall mean any vinous, spirituous or malt liquor and/or any fermented malt beverage, including 3.2 percent beer, of any kind and in any quantity.

**Providing alcohol to minor**

(1) It shall be unlawful for any person to knowingly sell, serve, give away, dispose of, exchange or deliver, or to permit the sale, serving, giving or procuring of any alcoholic beverage to or for anyone under the age of 21 years.

(2) It shall be unlawful for any person to knowingly permit any person under the age of 21 years to violate subsections (3), (4) or (5) of this section.

### **Purchase of alcohol by minor**

(3) It shall be unlawful for any person under the age of 21 years to obtain or attempt to obtain any alcoholic beverage by misrepresentation of age or any other method in any place selling or providing alcoholic beverages.

(4) It shall be unlawful for any person under the age of 21 years to purchase any alcoholic beverage.

### **Possession or consumption of alcohol by minor**

(5) It shall be unlawful for a person under the age of 21 years to possess or consume any alcoholic beverage.

### **Defenses, exceptions**

(6) It shall be an affirmative defense to any violation of this section 24-22 that the person under the age of 21 years was participating in a religious ceremony or practice, or was participating in a supervised and bona fide investigation conducted by a law enforcement agency, or that the conduct was permitted by Articles 46 and/or 47 of Title 12, Colorado Revised Statutes.

(7) Nothing in this section 24-22 shall prohibit any person under the age of 21 from possessing or consuming any alcoholic beverage in their own home with the knowledge and permission of, and in the presence and under the supervision of, their natural parent(s) or legal guardian, nor to prohibit any natural parent or legal guardian from providing any alcoholic beverage to their child(ren) in their own home.

### **Penalties**

(8) Each violation of subsections (1) or (2) (providing alcohol to a minor) of this ordinance, Section 24-22, shall be punishable by a fine of up to \$1,000, useful public service, up to 30 days in jail, or any combination thereof, in the discretion of the Court.

(9) Each violation of subsections (3), (4) or (5) (purchase, possession or consumption of alcohol by a minor) of this ordinance, Section 24-22, shall be punishable by useful public service, suspension of drivers' license, alcohol education

classes, alcohol evaluation and treatment, fines, or any combination of these in the discretion of the court, subject to the following:

(a) Useful public service of no less than 24 hours for any single offense shall be imposed.

(b) Drivers license shall be suspended for a period of three (3) months for a first offense and up to one (1) year for subsequent offenses.

(c) Fines of up to \$250 for a first offense, up to \$500 for a second offense and up to \$1000 for a third offense, may be imposed. Fines may be suspended on the condition of timely completion of useful public service and alcohol classes or treatment. This subsection (9)(c) shall not limit the discretion of the court to suspend fines for other reasons it deems appropriate. It is the intention of the City Council in adopting this subsection (9)(c) to establish a preference for useful public service, alcohol education and/or treatment over fines.

(10) Each violation of subsections (3), (4) or (5) (purchase, possession or consumption of alcohol by a minor) of this ordinance, Section 24-22, by a person who is 18 years of age or older may be punishable by up to 30 days in jail, in combination with or in lieu of any penalties set forth in subsection (9) of this ordinance, Section 24-22, in the discretion of the Court.

**All other provisions of Chapter 24 shall remain in full force and effect.**

PASSED for first reading this 7<sup>th</sup> day of December, 2005.

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

\_\_\_\_\_  
Bruce Hill  
President of the Council

Attest:

\_\_\_\_\_  
Stephanie Tuin  
City Clerk



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

**AN ORDINANCE PROHIBITING PURCHASE, POSSESSION OR CONSUMPTION OF MARIJUANA BY MINORS AND PROHIBITING POSSESSION OF DRUG PARAPHERNALIA**

**Recitals.**

Consumption of marijuana is harmful to the health, well-being, safety and development of minors. It can also lead to accidents, injuries and the commission of other crimes that might otherwise not occur or be avoided.

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

The following Section 24-23 shall be added to Chapter 24 of the Code of Ordinances, City of Grand Junction, Colorado, to prohibit the purchase, possession or consumption of less than one ounce of marijuana by persons under the age of 21, as follows:

**Sec. 24-23. Purchase, possession, consumption of marijuana by persons under the age of 21.**

(1) It shall be unlawful for any person under the age of 21 years to purchase or possess one ounce or less of marijuana, and/or to consume any quantity of marijuana, except as allowed for medicinal purposes.

**Penalties**

(2) Each violation of this section 24-23, shall be punishable by useful public service, suspension of drivers' license, drug education classes, drug evaluation and treatment, fines, or any combination of these in the discretion of the court, subject to the following:

a. Useful public service of no less than 24 hours for any single offense shall be imposed.

b. Drivers license shall be suspended for a period of three (3) months for a first offense and up to one (1) year for subsequent offenses.

c. Fines of up to \$250 for a first offense, up to \$500 for a second offense and up to \$1000 for a third offense, may be imposed. Fines may be suspended on the condition of timely completion of useful public service and drug classes or treatment. This subsection (2)(c) shall not limit the discretion of the court to suspend fines for other reasons it deems appropriate. It is the intention of the City Council in

adopting this subsection (2)(c) to establish a preference for useful public service and drug education and/or treatment over fines.

(3) Each violation of this section 24-23 by a person who is 18 years of age or older may be punishable by up to 30 days in jail, in combination with or in lieu of any penalty provided for in subsection (2) of this ordinance, Section 24-23, in the discretion of the Court.

**Section 24-24. Possession and purchase of drug paraphernalia by persons under the age of 21 years.**

(1) It shall be unlawful for any person under the age of 21 years to knowingly purchase or possess drug paraphernalia.

(2) Drug paraphernalia as used in this section shall mean all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing marijuana into the human body in violation of this section, including but not limited to:

(a) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of marijuana in violation of this section;

(b) Scales and balances used, intended for use, or designed for use in weighing or measuring marijuana in violation of this section;

(c) Separation gins or sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana in violation of this section;

(d) Blenders, bowls, containers, spoons, and mixing devices use, intended for use, or designed for use in compounding marijuana with other substances, including but not limited to foods;

(e) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of marijuana;

(f) Containers and other objects used, intended for use, or designed for use in storing or concealing marijuana; or

(g) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana into the human body, such as:

(I) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(II) Water pipes;

(III) Carburetion tubes and devices;

(IV) Smoking and carburetion masks;

(V) Roach clips, meaning objects used to hold a burning marijuana cigarette that has become too small or too short to be held in the hand;

- (VI) Chamber pipes;
- (VII) Carburetor pipes;
- (VIII) Electric pipes;
- (IX) Air-driven pipes;
- (X) Chillums;
- (XI) Bongos;
- (XII) Ice pipes or chillers.

(3) In determining whether an object is drug paraphernalia, a court, in its discretion, may consider, in addition to all other relevant factors, the following:

- (a) Statements by the owner or by anyone in control of the object concerning its use;
- (b) The proximity of the object to marijuana;
- (c) The existence of any residue of marijuana on the object;
- (d) Direct or circumstantial evidence of the knowledge of an owner, or of anyone in control of the object, or evidence that such person unreasonably should know, that it will be delivered to persons who he knows or reasonably should know, could use the object to facilitate a violation of this section;
- (e) Instructions, oral or written , provided with the object concerning its use;
- (f) Descriptive materials accompanying the object which explain or depict its use;
- (g) National or local advertising concerning its use;
- (h) The manner in which the object is displayed;
- (i) Whether the owner, or anyone in control of the object, is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products;
- (j) The existence and scope of legal uses for the object in the community;
- (k) Expert testimony concerning its use.

(4) In the event a case brought pursuant to this section is tried before a jury, the court shall hold an evidentiary hearing on issues raised pursuant to this section. Such hearing shall be conducted in camera.

### **Penalties**

(5) Any person who violates this section 24-24 shall be punished by a fine of not more than one hundred dollars.

**All other provisions of Chapter 24 shall remain in full force and effect.**

PASSED for first reading this 7<sup>th</sup> day of December, 2005.

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



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Bruce Hill  
President of the Council

Attest:

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Stephanie Tuin  
City Clerk

**Attach 13**

Utility Rates, Transportation Capacity Payment Fee, and School Land Dedication Fee Increases

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA										
<b>Subject</b>		Fee Changes: Effective January 1, 2006 Utility Rate: Water and Wastewater Transportation Capacity Payment Cash-In-Lieu for Underground Utilities School Dedication Fee								
<b>Meeting Date</b>		December 21, 2005								
<b>Date Prepared</b>		December 14, 2005				<b>File #</b>				
<b>Author</b>		Greg Trainor			<b>Utilities Manager</b>					
<b>Presenter Name</b>		Mark Relph			<b>Public Works and Utilities Director</b>					
<b>Report results back to Council</b>		X	No		Yes	<b>When</b>				
<b>Citizen Presentation</b>			Yes	X	No	<b>Name</b>				
<b>Workshop</b>		X	<b>Formal Agenda</b>				<b>Consent</b>	X	<b>Individual Consideration</b>	

**Summary:** Water and Wastewater rates are described in the long-range financial plans for these two enterprise funds and reviewed annually by the City Council and in the case of the wastewater rates, the Board of County Commissioners. In June 2004, City Council approved changes for the calculation of the transportation capacity payment along with policy changes. Cash-in-lieu of utility line construction is increasing 2.6%. All government entities are approving the same School Land Dedication rate for 2006 and have agreed to a five-year schedule. The schedule will be adopted by Council via ordinance.

**Budget:**

Utility rates are being adjusted as outlined in the water and wastewater long-range financial plans and specifically described in the attached resolution (Exhibit A) and Utility Rate Schedule.

TCP and Cash-In-Lieu fees are described in the attached resolution (Exhibit B) and Transportation Impact Fee Schedule. The TCP fee adjustment was approved In August 2005 by the Grand Valley Regional Transportation Committee and is based on the

Consumer Price Index for All Urban Consumers. The Cash-In-Lieu Fee is proposed to increase according to the same Consumer Price Index adjustment.

School Land Dedication Fee will be \$460 per single family residential lot.

**Action Requested/Recommendation:**

Adoption of the three attached resolutions, effective January 1, 2006.

**Attachments:**

1. Proposed Utility Rates Resolution
2. Proposed Transportation Capacity Payment Schedule and The Fee For Cash-In-Lieu of Installing Underground Utilities Resolution
3. Proposed School Land Dedication Fee Resolution

**Background Information:**

Effective January 1, 2006, fees for water and wastewater services will increase 2% and 2.5%, respectively. There are no changes for Solid Waste or Irrigation Services.

Effective January 1, 2006, the development fee schedule modifying the Transportation Capacity Payment ("TCP") and the Cash-In-Lieu of Installing Underground Utilities will increase 2.6%.

Effective January 1, 2006, the School Land Dedication Land Fee will be \$460 per single family residential lot.

See summary for information on the Water and Wastewater Rates.

Pertaining to the TCP, the two significant changes were: The base fee for a single family unit was increased from \$500.00 to \$1,500.00; and the City is now responsible for improving the existing collector and arterial streets adjacent to new development.

The City met with the Grand Valley Regional Transportation Committee (GVRTC) in August of this year to review the TCP fee and how it has worked since the changes were approved in June 2004. It was agreed by all valley agencies that the annual adjustment would be 2.6%. Mesa County recently approved an increase of 2.6% to the County's impact fees.

Each resolution provides a comparison of the current rate to the proposed rate for each category.

In reference to the cash-in-lieu for underground utilities, to further implement the City's policy to have development "pay its own way," after review, it has been determined that the fee for accepting cash-in-lieu of construction for installing underground utilities is reasonable to be assessed \$25.65 per foot for each foot of utilities that would otherwise be required to be installed underground. This is an increase from \$25.00 per foot. The additional \$.65 is based on the same 2.6% inflation adjustment.

The School Land Dedication fee has not been updated for almost eleven years. This summer a small working group consisting of representatives from City of Grand Junction, School District 51, Mesa County, Palisade, and Fruita started meeting on a regular basis. They agreed it was important to maintain one fee through the entire valley through an update of land values, but not change the current fee methodology.

CITY OF GRAND JUNCTION, COLORADO

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

A RESOLUTION ADOPTING UTILITY RATES FOR WATER AND WASTEWATER SERVICES  
EFFECTIVE JANUARY 1, 2006

**Recital:**

The City of Grand Junction establishes rates for utility services on a periodic basis.

**Whereas**, rates for water and wastewater services are being adjusted to reflect changes in costs and to insure adequate revenues as projected in the long range financial plans. There are no changes for solid waste or irrigation services.

**Whereas**, the City of Grand Junction has the authority to establish rates by resolution, and

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

Effective January 1, 2006, rates for water and wastewater services will change according to the attached schedule, titled *Utility Rates*. Water rates will increase 2%, and wastewater rates will increase 2.5%.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

\_\_\_\_\_

\_\_\_\_\_  
City Clerk  
President of the City Council

## UTILITY RATES

<b>WASTEWATER</b>	<b>Year <u>2005</u></b>	<b>Year <u>2006</u></b>	<b><u>\$ Change</u></b>
	\$13.56/EQU	<b>\$13.90/EQU</b>	\$0.34/EQU
Plant Investment Fee	\$1,500/EQU	<b>\$1,750/EQU</b>	\$250/EQU

<b>WATER</b>	<b>Year <u>2005</u></b>	<b>Year <u>2006</u></b>	<b><u>\$ Change</u></b>
<b><u>RESIDENTIAL</u></b>			
0 – 3,000 Gallons	\$7.00	<b>\$7.50</b>	\$0.50
3,000 – 10,000 Gallons (per 1,000)	\$1.85	<b>\$1.85</b>	\$0.00
10,000 – 20,000 Gallons (per 1,000)	\$2.00	<b>\$2.00</b>	\$0.00
>20,000 Gallons (per 1,000)	\$2.15	<b>\$2.15</b>	\$0.00
<b><u>MULTI-UNIT</u></b>			
Base Unit Cost	\$6.00	<b>\$6.50</b>	\$0.50

**CITY OF GRAND JUNCTION**

**RESOLUTION NO. \_\_\_\_-05**

**A RESOLUTION AMENDING THE DEVELOPMENT FEE SCHEDULE MODIFYING THE TRANSPORTATION CAPACITY PAYMENT SCHEDULE AND THE FEE FOR CASH-IN-LIEU OF INSTALLING UNDERGROUND UTILITIES**

RECITALS:

Pursuant to Section 6.2.B.2.d, the Transportation Capacity Payment ("TCP") shall be set by City Council. Minimally, the TCP is to be adjusted annually for inflation by Consumer Price Index for All Urban Consumers (CPI-U), Western Region, size B/C, published monthly by the United States Department of Labor. The Grand Valley Regional Transportation Committee and City staff recommends that City Council adjust the schedule for inflation with the fees to be adjusted for a 2.6% increase.

In addition, to further implement the City's policy to have development "pay its own way," after review, it has been determined that the fee for accepting cash-in-lieu of construction for installing underground utilities is reasonable to be assessed \$25.65 per foot for each foot of utilities that would otherwise be required to be installed underground. This is an increase from \$25.00 per foot. The additional \$.65 is based on the same 2.6% inflation adjustment.

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 Council finds 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 as follows:

1. The attached Exhibit A is adopted as the Transportation Capacity Payment Schedule and replaces the previously adopted fee schedule as it appears in the Zoning and Development Code in Table 6.2.A. The remainder of Table 6.2.A concerning the factor set forth for each land use type shall remain in full force and effect.

2. The payment for the cash-in lieu of construction shall be calculated based on \$25.65 per foot for each foot of utilities that would otherwise be required to be installed underground for an approved development.

3. These fee increases shall be effective January 1, 2006.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

ATTEST:

\_\_\_\_\_

City Clerk

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



**Transportation Impact Fee Schedule  
Effective As Of Jan. 1, 2006**

Adjusted for a 2.6% increase from June 2004 to June 2005 according to the Consumer Price Index for All Urban Consumers (CPI-U),  
Western Region, Size B/C, published monthly by the United States Department Of Labor.

<b>Land Use Type</b>	<b>Unit</b>		<b>Fee-2005</b>	<b>Fee - 2006</b>
<b>Residential</b>				
Single Family	Dwelling		\$1,500.00	\$1,539.00
Multi-Family	Dwelling		\$1,039.00	\$1,066.00
Mobile Home / RV Park	Pad		\$754.00	\$774.00
Hotel / Motel	Room		\$1,414.00	\$1,451.00
<b>Retail / Commercial</b>				
Shopping Center (0-99ksf)	1000 SF		\$2,461.00	\$2,525.00
Shopping Center (100-249ksf)	1000 SF		\$2,311.00	\$2,371.00
Shopping Center (250-499ksf)	1000 SF		\$2,241.00	\$2,299.00
Shopping Center (500k+sf)	1000 SF		\$2,068.00	\$2,122.00
Auto Sales / Service	1000 SF		\$2,223.00	\$2,281.00
Bank	1000 SF		\$3,738.00	\$3,835.00
Convenience Store w/ Gas Sales	1000 SF		\$5,373.00	\$5,513.00
Golf Course	Hole		\$3,497.00	\$3,588.00
Health Club	1000 SF		\$2,003.00	\$2,055.00
Movie Theater	1000 SF		\$6,216.00	\$6,378.00
Restaurant; Sit Down	1000 SF		\$3,024.00	\$3,103.00
Restaurant; Fast Food	1000 SF		\$6,773.00	\$6,949.00
<b>Office / Institutional</b>				
Office , General (0-99ksf)	1000 SF		\$1,845.00	\$1,893.00
Office , General (>100ksf)	1000 SF		\$1,571.00	\$1,612.00
Office, Medical	1000 SF		\$5,206.00	\$5,341.00
Hospital	1000 SF		\$2,418.00	\$2,481.00
Nursing Home	1000 SF		\$677.00	\$695.00
Church	1000 SF		\$1,152.00	\$1,182.00
Day Care Center	1000 SF		\$2,404.00	\$2,467.00
Elementary / Secondary School	1000 SF		\$376.00	\$386.00
<b>Industrial</b>				
Industrial Park	1000 SF		\$1,091.00	\$1,119.00
Warehouse	1000 SF		\$777.00	\$797.00
Mini-Warehouse	1000 SF		\$272.00	\$279.00

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

**A Resolution Setting the 2006 School Land Dedication Fee**

Recitals.

In the year 2000 the City Council adopted what is now section 6.4 of the Zoning and Development Code, at the request of Mesa County School District 51. Since then, the City has collected school impact fees pursuant to that section along with Mesa County and the City of Fruita. Those fees are used by District 51 exclusively to acquire future school sites and lands, pursuant to the City's home rule powers and specifically as authorized by 30-28-133(4) C.R.S.

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

A group was convened earlier this year to review and recommend school land fees. The consensus of the group is that the fee be set at \$460.00 per lot.

School District 51 has studied the need or demand for school lands generated by proposed developments and/or anticipated population growth in the City and in the Urban Growth boundary where the City is expected to annex as development occurs. District 51 has reviewed its data about the average cost per acre of suitable school lands. The District has reviewed its data, its capital needs and other relevant information and has concluded that \$460.00 per lot is fair and adequate to meet the District's needs for 2006. Section 6.4.B, of the Zoning and Development Code, which is presently under review and is proposed to be amended, requires a public hearing if the dollar amount of the impact fee is recommended to change. By public consideration and adoption of this resolution that requirement should be deemed satisfied.

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

1. The dollar amount of the school impact fee authorized by Zoning and Development Code section 6.4 shall be set a \$460.00 per lot. The City Council incorporates by this reference the evidence and supporting documentation developed by the District.

2. The \$460.00 per lot school land impact fee, pursuant to the Zoning and Development Code section 6.4B shall become effective on January 1, 2006.
  
3. The City Council adopts, confirms and ratifies the actions taken when it approved Ordinance 3240 and that the same shall to the extent necessary or required amend, continue and extend the ordinance first adopting the school land fee.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 2005.

Attest:

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

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

**Attach 14**

Purchase of Property 708, 709 Struthers, and 1236 South 7<sup>th</sup> St. for Riverside Parkway

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Purchase of Property at 708 and 709 Struthers and 1236 South 7th Street for the Riverside Parkway Project					
<b>Meeting Date</b>	December 21, 2005					
<b>Date Prepared</b>	December 15, 2005				<b>File #</b>	
<b>Author</b>	Trent Prall		Riverside Pkwy Project Manager			
<b>Presenter Name</b>	Mark Relph		Public Works & Utilities Director			
<b>Report results back to Council</b>	X	<b>No</b>		<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<b>Yes</b>	X	<b>No</b>	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** The City has entered into a contract to purchase right-of-way at 708 and 709 Struthers and 1236 South 7th Street from Wesley A. Bollan and Cheryl A. Bollan. The City's obligation to purchase this right-of-way 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:

<b>Project Right-of-Way Budget</b>	<b>\$19,554,715</b>
Project Right-of-Way Related Expenses to Date:	\$15,009,889
<b>Costs Related to this Property Purchase:</b>	
Purchase Price	\$425,000
Moving and Business Relocation costs	\$30,000
Closing Costs	\$500
Environmental Inspections	\$5,000
Demolition and Misc environmental cleanup	\$10,000
Total Cost of acquisition	\$470,500
Reimbursement by Facilities Fund to project in 2008	\$195,000
<b>Total Costs Related to This Request for Riverside Parkway Budget</b>	<b>\$275,500</b>
DMVA Acquisition	\$300,000
Elam Acquisition	\$1,295,850
<b>Project Remaining Right-of-Way Funds</b>	<b>\$2,673,476</b>
<b>Estimate Cost to Complete Right-of-Way Acquisition</b>	<b>\$2,477,150</b>
<b>Total Project Budget</b>	<b>\$96,022,096</b>
Estimated Project Costs:	
<b>Right-of-Way &amp; Land Purchases / relocation expenses</b>	<b>\$19,554,715</b>
General Fund property purchases	\$886,044
Prelim. Engineering / 1601 Process	\$5,486,000
Final Design	\$2,994,000
Construction oversight	\$4,200,000
City Admin Expenses / attorney's fees / stipends	\$3,115,000
Utility relocations / Street Lights	\$2,300,000
Undergrounding	\$2,232,000
Construction	\$55,254,337
Total Estimated Project Costs	\$96,022,096

**Action Requested/Recommendation:** Adopt a Resolution authorizing the purchase of property at 708 and 709 Struthers and 1236 South 7th Street from Wesley A. Bollan and Cheryl A. Bollan.

**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. Expenditure of the authorized funding will expedite the design, property acquisition and construction of this transportation corridor.

The properties being acquired are the following:

Project Parcel	Assessor Number	Address	Zoned	Current use	Property acquired
C-66	2945-231-17-024	708 Struthers	C-2	Velvet Hammer autobody repair	5,881
	2945-231-17-020	709 Struthers	C-2	Storage for Velvet Hammer autobody repair	11,543
C-65	2945-231-17-025	1236 South 7th Street	C-2	Owner Occupied Residential Single Family Dwelling	8,843
		Total square footage			26,267
		Total acreage			0.60

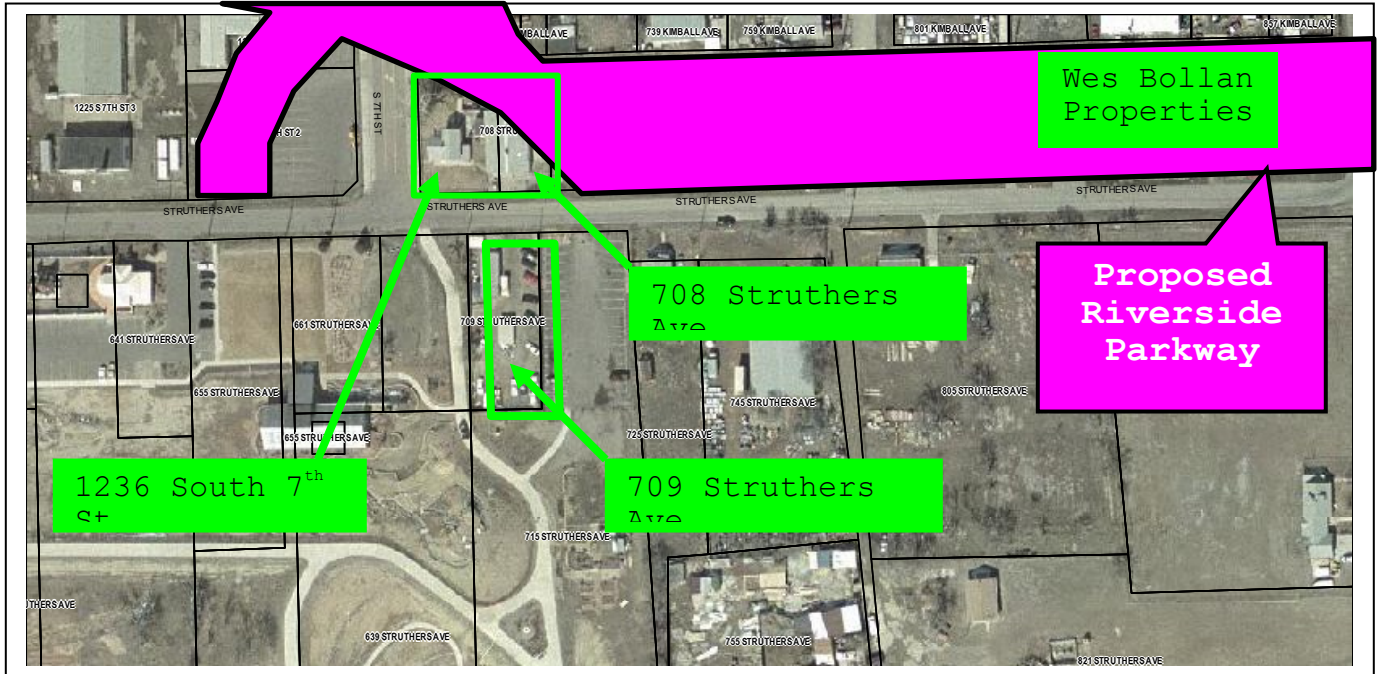
The Riverside Parkway requires portions of the properties owned by Wes Bollan shown in green below which include a house and a business, the Velvet Hammer (Autobody repair), on the north side of Struthers. The parcel on the south side of Struthers is integral to the business as it is used for staging for the autobody shop.

The parcel on the south side is viewed as an "inholding" to the eventual Botanical Gardens complex. Therefore staff was directed to investigate a buyout of the Bollan's interests in the above properties. \$425,000 was the final negotiated amount. As the Parkway only needed a portion of the two northern properties, the general fund will reimburse the Riverside Parkway fund \$195,000 in 2008 for the total acquisition of these properties. The net impact to the Parkway fund for the purchase is \$230,000.

It is the City's standard practice to complete 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. There were two appraisals performed on the northern properties. The southern property was not appraised, however unit pricing from the northern appraisals was used to determine value. The City's appraisal was \$154,600, and the owner's appraisal was \$240,000. Neither appraisal applied a value due to the close proximity of the parkway to the house which was originally proposed to remain. In order to purchase all of Bollan's interests, the house and property at 1236 South 7<sup>th</sup> and the property at 709 Struthers Ave, which also included a small house, needed to be acquired.

The northern properties could be combined with remnant 7<sup>th</sup> Street right of way for a parcel a little over an acre in size for redevelopment, park or other use.

Closing on the property is set to occur on or before January 13, 2006. Staff recommends that the City Council ratify the purchase agreement as the acquisition is necessary for the construction of the proposed Riverside Parkway.



RESOLUTION NO. \_\_\_\_\_  
 A RESOLUTION AUTHORIZING THE PURCHASE OF RIGHT-OF-WAY  
 AT 708 AND 709 STRUTHERS AVENUE AND 1236 SOUTH 7<sup>TH</sup> ST FROM WESLEY  
 A AND CHERYL A. BOLLAN

Recitals.

A. The City of Grand Junction has entered into a contract with Wesley A and Cheryl A Bollan, for the purchase by the City of certain property located within the proposed alignment of the Riverside Parkway:

B.

Project Parcel	Assessor Number	Address	Zoned	Current use	ROW Reqd (Sq Ft)
C-66	2945-231-17-024	708 Struthers	C-2	Velvet Hammer autobody repair	5,881
	2945-231-17-020	709 Struthers	C-2	Storage for Velvet Hammer autobody repair	11,543
C-65	2945-231-17-025	1236 South 7th Street	C-2	Owner Occupied Residential Single Family Dwelling	8,843
		Total square footage			26,267
		Total acreage			0.60

B. The purchase contract provides that on or before December 21, 2005, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of the right-of-way.

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 the right-of-way at 708 and 709 Struthers Avenue and 1236 South 7<sup>th</sup> Street.

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

1. The property described herein shall be purchased for a price of \$425,000. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said right-of-way 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. The sum of \$425,000 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 Memorandum of Agreement, 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 15**Purchase of Property at 1225 S 7<sup>th</sup> Street (Elam Property) for the Riverside Parkway**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Purchase of Property at 1225 S. 7 <sup>th</sup> Street for the Riverside Parkway Project					
<b>Meeting Date</b>	December 21, 2005					
<b>Date Prepared</b>	December 15, 2005				<b>File #</b>	
<b>Author</b>	Jim Shanks			Riverside Pkwy Program Manager		
<b>Presenter Name</b>	Mark Relph			Public Works & Utilities Director		
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** The City has entered into a contract to purchase right-of-way at 1225 S. 7<sup>th</sup> Street from Harold Elam and High Plains Properties, LLC. The City's obligation to purchase this right-of-way 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:

<b>Project Right-of-Way Budget</b>	<b>\$19,554,715</b>
Project Right-of-Way Related Expenses to Date:	\$15,009,889
<b>Costs Related to this Property Purchase:</b>	
Purchase Price	\$1,050,000
Owe to General Fund	\$150,000
Moving and Business Relocation costs	\$80,350
Closing Costs	\$500
Environmental Inspections	\$5,000
Demolition and Misc environmental cleanup	\$10,000
<b>Total Costs Related to This Request</b>	<b>\$1,295,850</b>
DMVA Acquisition	<b>\$300,000</b>
Bollan Acquisition	<b>\$275,500</b>
<b>Project Remaining Right-of-Way Funds</b>	<b>\$2,673,476</b>
<b>Estimated Cost to Complete Right-of-Way Acquisition</b>	<b>\$2,477,150</b>
<b>Total Project Budget</b>	<b>\$96,022,096</b>
Estimated Project Costs:	
<b>Right-of-Way &amp; Land Purchases / relocation expenses</b>	<b>\$19,554,715</b>
General Fund property purchases	\$886,044
Prelim. Engineering / 1601 Process	\$5,486,000
Final Design	\$2,994,000
Construction oversight	\$4,200,000
City Admin Expenses / attorney's fees / stipends	\$3,115,000
Utility relocations / Street Lights	\$2,300,000
Undergrounding	\$2,232,000
Construction	\$55,254,337
Total Estimated Project Costs	\$96,022,096

**Action Requested/Recommendation:** Adopt a Resolution authorizing the purchase of property at 1225 S. 7<sup>th</sup> Street from Harold Elam and High Plains Properties, 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. Expenditure of the authorized funding will expedite the design, property acquisition and construction of this transportation corridor.

The subject property includes the following: 2.454 acres of land, 3580 sq. ft. Office building, two 1440 sq. ft. modular office units, three above ground petroleum storage tanks, four pump fuel dispenser islands, asphalt and concrete surface improvements, fencing.

It is the City's standard practice to complete 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. The City's appraisal for this property was \$952,000. Estimates for moving

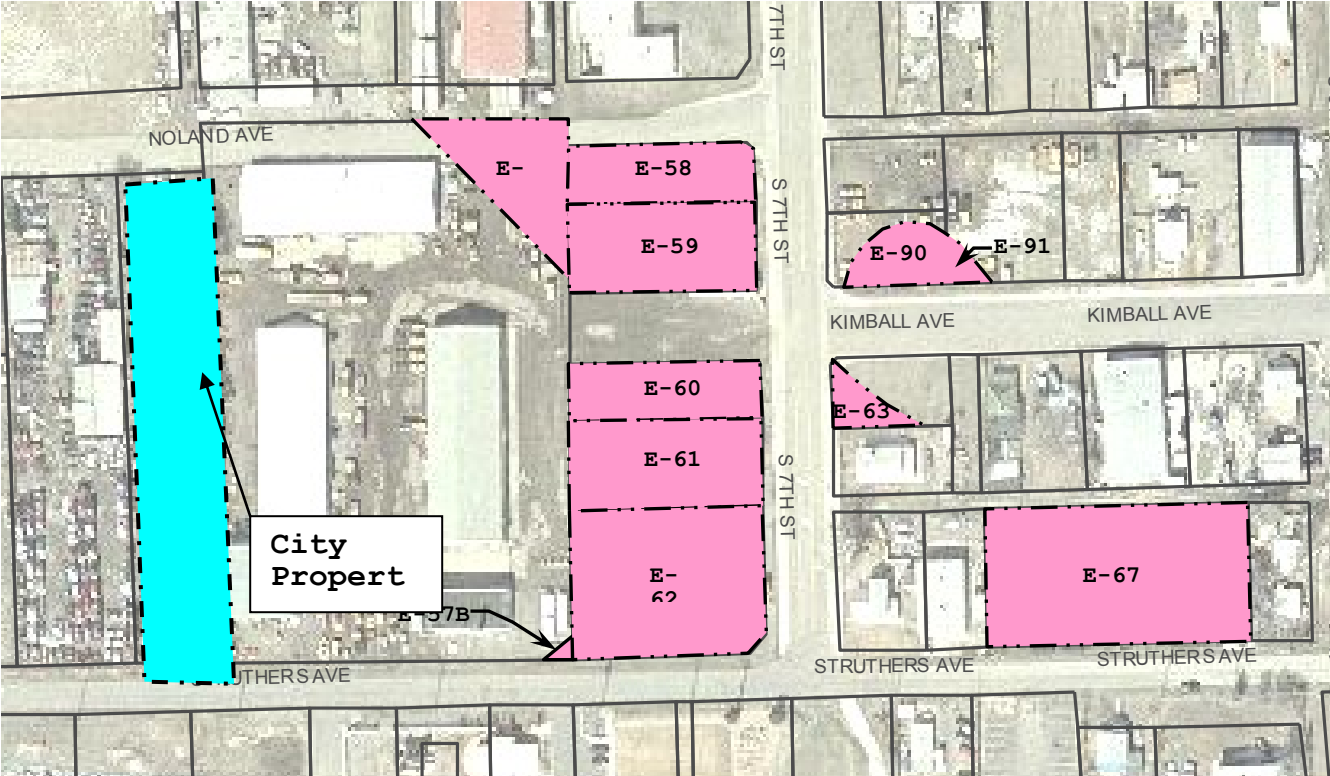
equipment, office and business relocation was \$199,450 for a total of \$1,151,450. The property owners appraisal was \$1,227,110. Adding the moving and business relocation costs results in a total of \$1,426,560.

The proposed settlement amount for the property is \$1,050,000. In addition the City will deed the adjacent 0.68 acre City-owned lot west of Elam to them. This unimproved lot is valued at \$150,000. Elam will pay for all of their own equipment moving costs with the City paying only for the office move and relocation. The total value of the compensation to Elam, including moving and business relocation is \$1,280,350.

Closing on the property is set to occur on or before January 31, 2006.

Staff recommends that the City Council ratify the purchase agreement as the acquisition is necessary for the construction of the proposed Riverside Parkway.

# Riverside Parkway – Proposed Elam Settlement



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

A RESOLUTION AUTHORIZING THE PURCHASE OF RIGHT-OF-WAY  
AT 1225 S. 7<sup>th</sup> STREET FROM HAROLD ELAM AND HIGH PLAINS PROPERTIES,  
LLC.

Recitals.

- A. The City of Grand Junction has entered into a contract with Harold Elam and High Plains Properties, LLC, for the purchase by the City of certain property located within the proposed alignment of the Riverside Parkway.
- B. The purchase contract provides that on or before January 18, 2006, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of the right-of-way.
- 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 the right-of-way at 1225 S. 7<sup>th</sup> Street.

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

1. The property described herein shall be purchased for a price of \$1,050,000. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said right-of-way which are consistent with the provisions of the negotiated Memorandum of Agreement and this Resolution are hereby ratified, approved and confirmed.
2. The sum of \$1,050,000 is authorized to be paid at closing, in exchange for conveyance of the described right-of-way from Harold Elam and High Plains Properties, LLC.
3. The City will convey to High Plains Properties, LLC all of lots 9 and 11, Block 2 of the South 5<sup>th</sup> Street Subdivision.
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 Memorandum of Agreement, 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 a Lease for Property at 325 River Road (City Shops) for the Riverside Parkway

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Purchase of a Lease for Property at 325 River Road (City Shops) for the Riverside Parkway Project					
<b>Meeting Date</b>	December 21, 2005					
<b>Date Prepared</b>	December 15, 2005				<b>File #</b>	
<b>Author</b>	Jim Shanks Trent Prall		Riverside Pkwy Program Manager Riverside Pkwy Project Manager			
<b>Presenter Name</b>	Mark Relph		Public Works and Utilities Director			
<b>Report results back to Council</b>	X	No		Yes	<b>When</b>	
<b>Citizen Presentation</b>		Yes	X	No	<b>Name</b>	
	<b>Workshop</b>	X	<b>Formal Agenda</b>			<b>Consent</b> X <b>Individual Consideration</b>

**Summary:** The City has entered into a contract to purchase the remaining portion of a lease from the State of Colorado Department of Military and Veterans Affairs for a piece of property at 325 River Road. The City's obligation to purchase this lease of 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 lease:



<b>Project Right-of-Way Budget</b>	<b>\$19,554,715</b>
Project Right-of-Way Related Expenses to Date:	\$15,009,889
<b>Costs Related to this Property Purchase:</b>	
Purchase Price	\$788,000
Other improvements to Dept of Human Services site	\$200,000
Closing Costs	\$500
Total Cost of acquisition	\$988,500
Reimbursement by Facilities Fund to project in 2007	\$688,500
<b>Total Costs Related to This Request for Riverside Parkway Budget</b>	<b>\$300,000</b>
<b>Bollan Acquisition</b>	<b>\$275,500</b>
<b>Elam Acquisition</b>	<b>\$1,295,850</b>
<b>Project Remaining Right-of-Way Funds</b>	<b>\$2,673,476</b>
<b>Estimated Cost to Complete Right-of-Way Acquisition</b>	<b>\$2,477,150</b>
<b>Total Project Budget</b>	<b>\$96,022,096</b>
Estimated Project Costs:	
<b>Right-of-Way &amp; Land Purchases / relocation expenses</b>	<b>\$19,554,715</b>
General Fund property purchases	\$886,044
Prelim. Engineering / 1601 Process	\$5,486,000
Final Design	\$2,994,000
Construction oversight	\$4,200,000
City Admin Expenses / attorney's fees / stipends	\$3,115,000
Utility relocations / Street Lights	\$2,300,000
Undergrounding	\$2,232,000
Construction	\$55,254,337
Total Estimated Project Costs	\$96,022,096

**Action Requested/Recommendation:** Adopt a Resolution authorizing the purchase of a lease agreement at 325 River Road from State of Colorado Department of Military and Veterans Affairs.

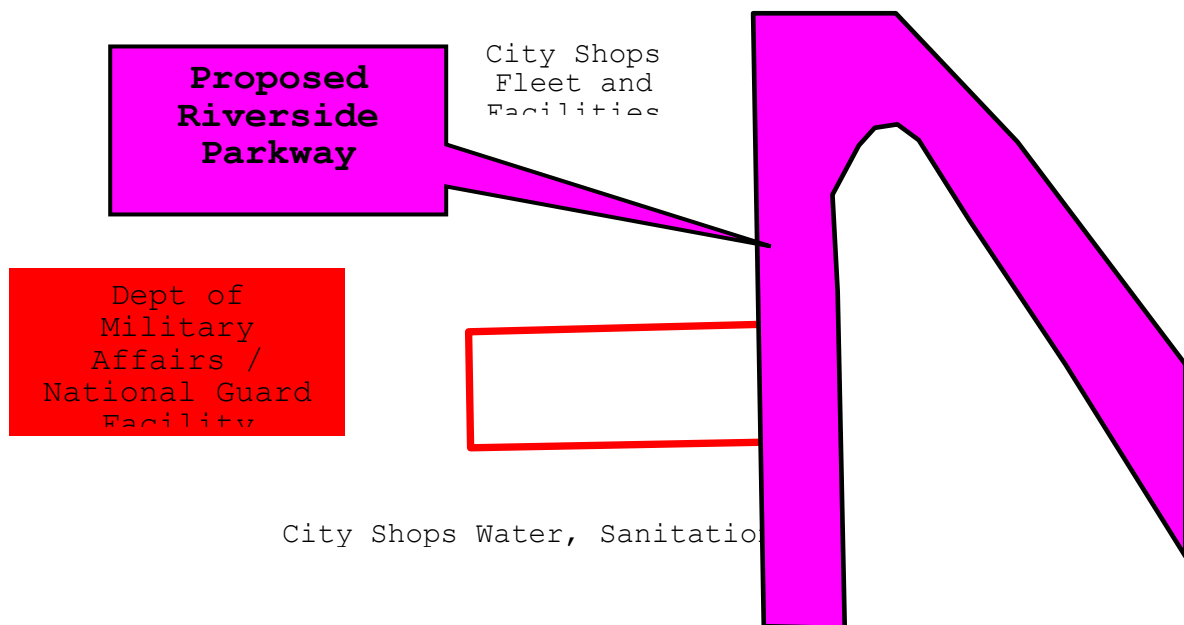
**Attachments:**

1. Copy of agreement with Department of Military and Veteran Affairs
2. Proposed Resolution

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

The proposed acquisition would buy out the remaining lease of the National Guard service facility located adjacent on the City Shops complex on River Road. The National Guard, whose real estate is managed by the Department of Military Affairs, presently has a 7,540 square foot building located on City Property with a long-term lease with the City. This lease was originally granted in 1949 for a term of 99 years and includes approximately 1 acre of property.





The Riverside Parkway project requires the front 35 feet from the parking lot. This area is used to store equipment and to maneuver vehicles into the equipment bay door located on the east side of the building. This shortening of the parking lot will make it very difficult for the National Guard to back large trucks with trailers into this east bay door. There is no other large vehicle access into the building.

The Riverside Parkway will be required to “cure” the impacts of the project which includes \$300,000 in improvements to the structure to allow large truck trailer combinations to access the building.

The Colorado Department of Military and Veteran Affairs (DMVA) is planning to combine the National Guard Armory on 28 Rd and the Facility Maintenance Shop (FMS) at City Shops to a common location. S.B. 240 approved the transfer of State owned land on and adjacent to the Regional Center on D Road from Department of Human Services (DHS) to the Department of Military Affairs.

With funds provided by the City’s “buy out” of the lease and purchase of the improvements, DMVA plans to renovate an existing building on the DHS complex on D Road and add an interim, one bay maintenance shop. The proposed agreement leases the 325 River Road facility to the DMVA through September 2007 to accommodate their planning, remodeling and construction at the DHS site.

A Phase I Environmental Assessment was completed for the site as part of the overall Parkway project. The only issue noted was that the site at 325 River Road was listed as having a leaking underground storage tank (LUST); however, the site is considered “closed” by the Department of Oil and Public Safety. In addition to the Phase I, an Environmental Baseline

Survey was prepared for the facility in June 2002 by the Colorado Geological Survey under the directive of the Department of Military Affairs and found that “the assessment revealed no evidence of recognized environmental conditions.” Therefore no special remediation requirements are anticipated for the site.

As standard practice the City of Grand Junction completes an appraisal of the real estate to be acquired prior to acquisition. The City’s appraisal valued the lease and improvements at \$561,400. The National Guard’s appraisal suggested a value of between \$700,000 and \$1,100,000. The discrepancy was in the classification of the building as a “special use facility” such as a stadium or a theater. The City’s appraiser did not believe the building could be categorized as such and therefore was not able to substantiate the higher value.

The opportunity for the National Guard to move from the City Shops complex is a win-win for both the DMVA and the City. The National Guard ultimately will have more efficiency in staffing and facility utilization by co-locating both the armory and the facility maintenance shop (FMS). The City gains an additional, well maintained facility at City Shops that allows for growth for a number of potential uses. Even if the FMS would stay in place at City Shops, they would need to use large portions of the City’s yard in order to circulate their vehicles. This would limit our ability to expand and grow at the City’s discretion.

Based on the above, an agreement was reached at \$988,000 broken down as follows:

Item	Cost
Buyout of DMVA lease at City Shops	\$ 788,000
Other site improvements at Dept of Human Services site	\$ 200,000
<b>Total cost of buyout of lease</b>	<b>\$ 988,000</b>
Reimbursement to Riverside Parkway fund by Facilities Fund	\$ 688,000
<b>Net Impact to Riverside Parkway project</b>	<b>\$ 300,000</b>

Based on the benefits to the City Shops complex that reach far beyond the Parkway, the Facilities Fund is proposed to participate \$688,000. The Facilities Fund was created in 2003 as an offshoot of the Fleet Equipment Fund. This expenditure is currently budgeted under “Police Evidence storage at City Shops” for 2007 which has \$1,000,000 allocated. Funding for the National Guard FMS lease buyout is initially to come from the City’s Riverside Parkway fund, however the Facilities fund will reimburse the Parkway fund in 2007. In addition to the purchase price, the Riverside Parkway will construct improvements along the east side of the DHS site for improved access to the proposed FMS facility. These improvements are estimated at \$200,000 making the net impact of the purchase to the Riverside Parkway project a total of \$300,000.

The National Guard must have all of the money "in the bank" prior to awarding a construction contract which is planned for October 2006. Therefore the City would need to pay the full amount of the purchase by October 2006, or about 9 months after closing. Rather than complicate the agreement with a delayed payment clause, the sum of the agreement has been

reduced from \$800,000 to \$788,000 to reflect the lost interest over the 9 month term from a January 2006 closing until September 2006.

The agreement also provides for City input into the planning of the National Guard armory / facility maintenance complex as it is also envisioned as a joint training facility for various emergency services providers of the Grand Valley.

Closing is proposed in early January. Staff recommends this purchase as it is necessary for the construction of the proposed Riverside Parkway as well as for long term redevelopment of the City Shops complex.

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by and between the STATE OF COLORADO, acting by and through the DEPARTMENT OF MILITARY AND VETERAN AFFAIRS, for the use and benefit of the COLORADO NATIONAL GUARD, whose address is 6848 South Revere Parkway, Centennial, Colorado 80112, hereinafter referred to as “the State”, and The City of Grand Junction, a Colorado home rule municipality, whose address is 250 North 5<sup>th</sup> Street, Grand Junction, Colorado 81501, hereinafter referred to as “the City”.

### RECITALS

A. By Lease Agreement dated the 23<sup>rd</sup> day of February, 1949, as amended, the City leased to the State and the State leased from the City the following described real property in the Southwest ¼ of Section 15, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, County of Mesa, State of Colorado:

Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 24, 26 and 28 in Block 7 of Grand River Subdivision, also known as 325 River Road, Grand Junction, Colorado, together with a shared right to utilize for parking purposes Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25 and 27 in Block 7 of said Grand River Subdivision which, together with all real property improvements situated thereon and all rights and privileges associated therewith are hereinafter referred to as “the Premises”.

B. The City Council of the City has determined that the construction, installation and operation of the Riverside Parkway Transportation Corridor in Grand Junction, Mesa County, Colorado (“the Project”), authorized by the City Council on January 21, 2004 pursuant to Ordinance No. 3595, is necessary for the health, safety and welfare of the inhabitants of the City of Grand Junction. The City Council of the City has committed all resources necessary for the construction, installation and operation of the Project.

C. The Project requires that the City take possession of and remove improvements from the following described portions of the Premises (“the Partial Takings”) for the construction, installation and operation of the Project:

1. A tract or parcel of land for Public Roadway & Utilities Right-of-Way purposes identified as Project Parcel No. C-15A as described on the attached **Exhibit “A”** and depicted on the attached **Exhibit “C”**, and also;
2. An area of land to be used as a Perpetual Multi-Purpose Easement identified as Project Parcel No. PE C-15A as described on the attached **Exhibit “B”** and depicted on the attached **Exhibit “C”**.

D. The State has represented to the City that the loss of the Partial Takings will impact the remainder of the Premises (“the Remainder”) to the extent that the State may not have a viable use for the Remainder.

E. The City and the State have reached agreement whereby the City will purchase the entirety of the State’s leasehold interest(s) in and to the Premises, inclusive of all existing improvements on the Premises, for compensation consisting of (i) the sum of \$788,000.00 in cash, (ii) a leasehold interest in a portion of the Premises for a term beginning on the date the City takes possession of the Partial Takings and ending on May 17, 2007, in the form of **Exhibit “D”** attached hereto and incorporated herein by this reference (the “DMVA Lease-Back Agreement”); and (iii) certain improvements to State owned lands, as more fully set described in Section 5 below (collectively, the “Total Compensation”).

NOW, THEREFORE, based on the recitals above and in consideration of their mutual promises and other valuable consideration, the receipt and adequacy of which are acknowledged, the parties hereto agree as follows:

1. The State hereby agrees to accept the Total Compensation for the entirety of the State’s leasehold interest(s) in and to the Premises and the City hereby agrees to pay and deliver to the State the Total Compensation, subject to the promises, terms, covenants and conditions of this Agreement.

2. (a) At Closing, as hereinafter defined, the City shall deliver to the State:

- (i) Five (5) fully executed original of this Memorandum of Agreement;
- (ii) The sum of Eight Hundred Thousand Dollars (\$788,000) in cash;
- (iii) Five (5) fully executed originals of the DMVA Lease-Back Agreement;
- and
- (iv) A copy of the Resolution approved by the City Council of the City authorizing the payment of the Total Compensation and the execution of the Lease Agreement by the City.

(b) At the Closing, the State shall deliver to the City:

- (i) One (1) fully executed original of this Memorandum of Agreement; and
- (ii) One (1) fully executed original of the DMVA Lease-Back Agreement;
- (iii) One (1) fully executed 5<sup>th</sup> Amendment to Lease in the form of **Exhibit “E”** attached hereto and incorporated herein by this reference; and
- (iv) One (1) completed and executed Federal Form W-9.

3. Closing of the conveyance shall occur at the City's Riverside Parkway Office, 2529 High Country Court, Grand Junction, Colorado, on or before **December 30, 2005**, or at an earlier or later date as mutually agreed upon between the State and the City, but in any event no later than January 31, 2006.

4. The State agrees that the Total Compensation as agreed upon between the State and the City is just and fully compensates the State for its interests in and the conveyance of the entirety of its leasehold interest(s) in and to the Premises together with all real property improvements thereon, including, but not limited to, all buildings, surface improvements, fencing & gates, lighting, heating and ventilation systems, inside telephone wiring and connecting blocks/jacks, floor coverings, intercom systems, sprinkler systems and controls, boilers, furnaces and attachments, storm windows, storm doors, window shades, awnings, blinds, screens, window coverings, curtain rods, drapery rods, storage sheds, and all keys ("the Inclusions"). Upon termination of the DMVA Lease-Back, the City shall be solely responsible for any claims or liabilities which may arise in connection with the use and/or condition of the Premises, regardless of the date upon which such claim is made or liability incurred, except as specifically provided otherwise in the Lease Agreement.

5. Following the Closing, the State will install and construct a new Organized Maintenance Shop ("OMS") and Colorado National Guard Armory ("Armory") on a portion of State owned land located in the Southwest ¼ of Section 18, Township 1 South, Range 1 East of the Ute Meridian, Mesa County, Colorado ("the State Property"). As part of the Total Compensation for the Premises, the City, in coordination with DMVA, agrees to design, construct and install certain in-kind improvements on the State Property (the "In-Kind Construction Project"). The conceptual diagram attached hereto as Attachment "A" shall form the basis for the design and construction of the In-Kind Construction Project, which is more particularly described as the:

- a. Development of Engineering documents to describe the construction work to be reviewed and approved by DMVA and implemented by the City.
- b. Reconstruction of the existing asphalt paved service drive located East of the Grand Junction Regional Center, located North of and adjacent to D Road, with the installation of a new 24-foot wide (measured from back-of-curb to back-of-curb) 6-inch thick concrete paved service drive with concrete curb and gutter, to include:
  1. Removal of existing asphalt paving.
  2. Installation and compaction of class 6 road base material.
  3. Installation of 2-foot wide vertical curb & gutter. Existing curb & gutter that has adequate structural integrity and which is vertically situated to match the new paving and provide suitable drainage may remain in place.
  4. Installation of concrete paving.

5. Installation of asphalt paving.
- c. Materials testing and inspections related to the construction of the In-Kind Construction Project shall be performed by trained and qualified City personnel and shall conform to City Standards.

The design and construction of the In-Kind Construction Project shall conform to the City of Grand Junction's Standard Contract Documents for Capital Improvements Construction Manual ("City Standards"). The Code Reviewer for the State shall be permitted to review and approve the design and perform inspections of the construction of the In-Kind Construction Project. The City shall provide project management through the completion of the construction of the In-Kind Construction Project, which shall occur no later than December 31, 2006, and the acceptance of such improvements by the State. Additionally, DMVA representatives shall be invited to attend regular jobsite meetings and shall be provided copies of all jobsite meeting minutes, test results and other pertinent correspondence.

6. To the extent the State Property on which the new OMS and Armory will be built is located within the metropolitan area of Grand Junction, the City desires to participate with the State in planning for use of the State Property. The City desires to implement the construction and operation of a public safety training facility that may be jointly used by the State, the City and other public agencies, in coordination with the DMVA Armory, OMS and Cemetery activities, on a portion of the State Property to be determined by the master plan for the site, which will be developed by the State.

7. This Memorandum of Agreement embodies all agreements between the parties hereto and no other promises, terms, conditions, duties or obligations, oral or written, have been made which might serve to modify, add to or change the terms and conditions of this Agreement.

8. This Memorandum of Agreement shall be deemed a contract extending to and binding upon the parties hereto and upon the party's respective successors and assigns and both parties shall be entitled to specific performance of this Agreement.

For the City of Grand Junction, a Colorado home rule municipality:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Kelly Arnold, Grand Junction City Manager

The State of Colorado  
Bill Owens, Governor



Acting by and through the Colorado Department of Military and Veteran Affairs  
For the Use and Benefit of the Colorado National Guard

By: \_\_\_\_\_  
The Adjutant General

Date: \_\_\_\_\_

APPROVED:  
STATE OF COLORADO  
Department Of Personnel & Administration  
State Buildings & Real Estate Programs

By: \_\_\_\_\_  
For the Executive Director

Date: \_\_\_\_\_

[THE OFFICE OF THE ATTORNEY GENERALS REVIEWS CONTRACTS ON  
BEHALF OF THE STATE CONTROLLER. IF THE SIGNATURE OF THE STATE  
CONTROLLER'S OFFICE IS NOT REQUIRED, THAN THE SIGNATURE OF THE  
ATTORNEY GENERAL'S OFFICE ALSO IS NOT REQUIRED.

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

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY  
AT 325 RIVER ROAD FROM COLORADO DEPARTMENT OF MILITARY AND  
VETERANS AFFAIRS

Recitals.

A. The City of Grand Junction has entered into a contract with the Colorado Department of Military and Veteran Affairs, for the purchase by the City of certain real property located within the proposed alignment of the Riverside Parkway.

<b>Project Number</b>	<b>Schedule #</b>	<b>Address</b>	<b>Zoned</b>	<b>Current Use</b>	
C-15	2945-154-13-941	325 River Road	I-1	I-1	

B. The purchase contract provides that on or before December 21, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of the 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 the remaining lease agreement and improvements the property at 325 River Road.

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 \$788,000. 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. The sum of \$788,000 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**

Public Hearing – 2006 Budget Appropriation Ordinance

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA						
<b>Subject</b>	Annual Appropriation Ordinance for 2006					
<b>Meeting Date</b>	December 21, 2005					
<b>Date Prepared</b>	12/13/05				<b>File #</b>	
<b>Author</b>	Lanny Paulson			<b>Budget &amp; Accounting Manager</b>		
<b>Presenter Name</b>	Ron Lappi			<b>Administrative Services Director</b>		
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>	<input type="checkbox"/>	<b>Yes</b>	<input checked="" type="checkbox"/>	<b>No</b>	<b>Name</b>	
<b>Workshop</b>	<input checked="" type="checkbox"/>	<b>Formal Agenda</b>			<b>Consent</b>	<input checked="" type="checkbox"/> <b>Individual Consideration</b>

**Summary:** The total appropriation for all thirty-eight accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, the Downtown Development Authority, and the Downtown BID) is \$158,472,377. Although not a planned expenditure, an additional \$2,000,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

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

**Action Requested/Recommendation:** Final passage on December 21, 2005.

**Attachments:** Proposed Ordinance

**Background Information:** With the following exceptions the budget, by fund, is as presented to the City Council at the Budget Workshop on Saturday November 5th, 2005.

- ✚ A new fund has been established to appropriate \$265,000 for the Downtown BID.
- ✚ The City Council agreed to pay the Botanical Society's delinquent utility bills as of 12/31/2005 out of the General Fund Contingency account.
- ✚ The Council agreed to allocate \$10,464 of the Economic Development Fund's appropriation in support of the Downtown Business Improvement District.

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

**THE ANNUAL APPROPRIATION ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, THE DOWNTOWN DEVELOPMENT AUTHORITY, THE DOWNTOWN BID, THE RIDGES METROPOLITAN DISTRICT, AND THE GRAND JUNCTION WEST WATER AND SANITATION DISTRICT, FOR THE YEAR BEGINNING JANUARY 1, 2006, AND ENDING DECEMBER 31, 2006**

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

**SECTION 1.** That the following sums of money, or so much therefore as may be necessary, be and the same are hereby appropriated for the purpose of defraying the necessary expenses and liabilities, and for the purpose of establishing emergency reserves of the City of Grand Junction, for the fiscal year beginning January 1, 2006, and ending December 31, 2006, said sums to be derived from the various funds as indicated for the expenditures of:

<b>FUND NAME</b>	<b>FUND #</b>	<b>APPROPRIATION</b>	<b>Emergency Reserve</b>
General	100	\$ 50,653,643	\$ 2,000,000
Enhanced 911 Special Revenue	101	\$ 1,080,288	
Visitor & Convention Bureau	102	\$ 1,641,236	
DDA Operations	103	\$ 193,416	
CDBG Special Revenue	104	\$ 450,000	
Parkland Expansion	105	\$ 584,110	
Golf Course Expansion	107	\$ 127,000	
Economic Development	108	\$ 450,000	
DDA/TIF Special Revenue	109	\$ 872,463	
Conservation Trust Special Revenue	110	\$ 417,348	
Downtown BID	111	\$ 265,000	
Sales Tax CIP	201	\$ 21,125,988	
Storm Drainage Improvement	202	\$ 5,070,000	
DDA/TIF/CIP	203	\$ 0	
Riverside Parkway Capital Improvement	204	\$ 27,803,000	
Future Street Improvements	207	\$ 1,090,000	
Facilities	208	\$ 1,000,000	
Water	301	\$ 5,502,658	
Solid Waste	302	\$ 2,773,823	
Two Rivers Convention Center	303	\$ 2,927,526	
Swimming Pools	304	\$ 985,932	
Lincoln Park Golf Course	305	\$ 945,049	
Tiara Rado Golf Course	306	\$ 1,251,831	
Parking	308	\$ 4,705,270	
Irrigation	309	\$ 218,279	
Data Processing	401	\$ 2,859,407	
Equipment	402	\$ 3,126,252	

Stores	403	\$	101,266	
Self Insurance	404	\$	1,373,627	
Communications Center	405	\$	5,018,618	
General Debt Service	610	\$	3,935,888	
DDA Debt Service	611	\$	811,463	
GJWWSD Debt Service	612	\$	145,492	
Ridges Metro District Debt Service	613	\$	227,990	
Grand Junction Public Finance Corp.	614	\$	286,890	
Parks Improvement Advisory Board	703	\$	30,000	
Cemetery Perpetual Care	704	\$	46,000	
Joint Sewer System	900	\$	8,375,624	
<b>TOTAL ALL FUNDS</b>		<b>\$</b>	<b>158,472,377</b>	<b>\$ 2,000,000</b>

**SECTION 2.** The following amounts are hereby levied for collection in the year 2006 and for the specific purpose indicated:

	Millage Rate	Amount Levied
City of Grand Junction General Fund	8.000	\$5,103,350
Temporary Credit Mill Levy	<u>- .708</u>	<u>- 451,463</u>
Net Levy	7.292	\$4,651,887
Ridges Metropolitan District #1	5.900	\$135,169
Grand Junction West Water & Sanitation District	0.000	\$0
Downtown Development Authority	5.000	\$136,372

**INTRODUCED AND ORDERED PUBLISHED** the 7th day of December, 2005.

**TO BE PASSED AND ADOPTED** the \_\_\_\_\_ day of December, 2005.

Attest:

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

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

**Attach 18**

Adoption of the 2006-2007 Biennial Budget

**CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA							
<b>Subject</b>	Budget Resolution for the 2006-2007 Biennial Budget						
<b>Meeting Date</b>	December 21, 2005						
<b>Date Prepared</b>	12/13/05				<b>File #</b>		
<b>Author</b>	Lanny Paulson			<b>Budget &amp; Accounting Manager</b>			
<b>Presenter Name</b>	Ron Lappi			<b>Administrative Services Director</b>			
<b>Report results back to Council</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Yes</b>	<b>When</b>	
<b>Citizen Presentation</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>No</b>	<b>Name</b>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Workshop</b>	
						<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<b>Formal Agenda</b>	<b>Consent</b>
							<b>Individual Consideration</b>

**Summary:** In accordance with the provisions of Section 59 of the Charter of the City of Grand Junction, the City Manager has submitted to the City Council a budget estimate of the revenues and expenditures of conducting the affairs of the City of Grand Junction for the fiscal years ending December 31, 2006 and 2007

**Budget:** The expenditure budget for the biennial period totals \$299,260,373.

**Action Requested/Recommendation:** Adoption on December 21, 2005.

**Attachments:** Proposed Resolution

**Background Information:** The 2006-2007 Biennial Budget is the eighth two-year budget the City has adopted. The first being the 1992-1993 budget prepared in 1991.



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

**A RESOLUTION ADOPTING THE BUDGET FOR THE PURPOSE OF DEFRAYING THE EXPENSES AND LIABILITIES FOR THE FISCAL YEARS ENDING DECEMBER 31, 2006 AND 2007.**

WHEREAS, In accordance with the provisions of Section 59 of the Charter of the City of Grand Junction, the City Manager has submitted to the City Council a budget estimate of the revenues and expenditures of conducting the affairs of the City of Grand Junction for the fiscal years ending December 31, 2006 and 2007; and

WHEREAS, after full and final consideration of the budget estimates, the City Council is of the opinion that the budget should be approved and adopted:

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

That the budget estimate of the revenues and expenses of conducting the affairs of said City for the fiscal years ending December 31, 2006 and 2007, as submitted by the City Manager, be and the same is hereby adopted and approved for defraying the expense of and the liabilities against the City of Grand Junction, Colorado, for the fiscal years ending December 31, 2006 and 2007.

ADOPTED AND APPROVED THIS \_\_\_\_\_ day of December 2005.

APPROVED:

\_\_\_\_\_

President of the Council

ATTEST:

City Clerk

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