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**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
MONDAY, OCTOBER 1, 2007, 7:00 P.M.**

Call to Order

Pledge of Allegiance
Invocation – Reverend Michael Torphy, Religious Science
Spiritual Center

Proclamations

Proclaiming October 3, 2007 as “ENERGY STAR Change a Light Day” in the City of Grand Junction

Proclaiming October 6, 2007 as “Oktoberfest Day” in the City of Grand Junction

Proclaiming the Week of October 7 through October 13, 2007 as “Fire Prevention Week” in the City of Grand Junction

Proclaiming the Week of October 8 through October 12, 2007 as “National 4-H Week” in the City of Grand Junction

Proclaiming October, 2007 as “Drug Endangered Children’s Awareness Month” in the City of Grand Junction

Council Comments

Citizen Comments

*** Indicates New Item

® Requires Roll Call Vote

***** CONSENT CALENDAR ***®**

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

Action: Approve the Minutes of the Special Meeting of September 13, 2007, and the Minutes of the September 17, 2007 and the September 19, 2007 Regular Meetings

2. **Change to City Council Meeting Schedule** [Attach 2](#)

The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule be determined by resolution. Resolution No. 01-07 set the meeting schedule for the year 2007. With the change to the meeting schedule to include Mondays as regular meetings, it is necessary to amend that schedule.

Resolution No. 137-07 – A Resolution of the City of Grand Junction Amending the Meeting Schedule for the Grand Junction City Council

®Action: Adopt Resolution No. 137-07

Staff presentation: John Shaver, City Attorney

3. **Whiskey River Parking and Sign Revocable Permit Located within the 28 ¼ Road Right-of-Way** [Attach 3](#)

Request for a Revocable Permit to allow 10 existing parking spaces and an existing free standing sign to exist within the 28 ¼ Road right-of-way.

Resolution No. 138-07 – A Resolution Concerning the Issuance of a Revocable Permit to Boyd Holdings, Inc.

®Action: Adopt Resolution No. 138-07

Staff presentation: Senta L. Costello, Associate Planner

4. **Professional Services Contract for the Completion of a Sewer Basin Study in Conjunction with the City of Grand Junction Comprehensive Plan** [Attach 4](#)

This study will provide decision making tools for staff and policy makers when evaluating land use alternatives and relative impacts to the Persigo sewer system.

Action: Authorize the City Manager to Sign a Professional Services Contract for the Completion of a Comprehensive Sewer Basin Study with Black and Veatch for an Amount Not to Exceed \$119,660

Staff presentation: Tim Moore, Public Works and Planning Director

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

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

5. **Public Hearing—Rezoning Sunpointe North Subdivision (Proposed Ruby Ranch Subdivision) Located on the Southwest Corner of 26 Road and G ½ Road** [File #PP-2007-058] [Attach 5](#)

A request to rezone the subject property from R-2 (Residential—2 units per acre) to R-4 (Residential—4 units per acre), to be in compliance with the Growth Plan.

Ordinance No. 4118—An Ordinance Rezoning 8.42 Acres of Land Located on the Southwest Corner of 26 Road and G ½ Road from R-2 to R-4

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4118

Staff presentation: Greg Moberg, Planning Services Supervisor

6. **Public Hearing—Vacating Lujan Circle Right-of-Way and Utility Easements Shown on the Sunpointe North Subdivision Plat** [File #PP-2007-058] [Attach 6](#)

Located near the southwest corner of 26 Road and G ½ Road, Lujan Circle is a dedicated yet not constructed right-of-way, with a couple of utility easements shown on the Sunpointe North Subdivision plat. The request to vacate the right-of-way and utility easements is subject to approval and recordation of a final plat that is compliant with the Zoning and Development Code for the future Ruby Ranch Subdivision.

Ordinance No. 4119—An Ordinance Vacating Undeveloped Right-of-Way Known as Lujan Circle and Several Drainage, Irrigation and Utility Easements as Shown on the Sunpointe North Subdivision Plat Located at the Southwest Corner of 26 Road and G ½ Road

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4119*

Staff presentation: Greg Moberg, Planning Services Supervisor

7. **Non-Scheduled Citizens & Visitors**
8. **Other Business**
9. **Adjournment**

Attach 1
Minutes from Previous Meetings
GRAND JUNCTION CITY COUNCIL
SPECIAL SESSION MINUTES
SEPTEMBER 13, 2007

The City Council of the City of Grand Junction, Colorado met in Special Session on Thursday, September 13, 2007 at 2:00 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Doug Thomason, Linda Romer Todd, and President of the Council Jim Doody. Absent was Councilmember Gregg Palmer. Staff present was City Manager Laurie Kadrich and City Attorney John Shaver.

Council President Doody called the meeting to order.

Councilmember Beckstein moved to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiators and/or instructing negotiators under to section 402 4 e of Colorado's Open Meetings Act and to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under section 402 4 a of the Open Meetings Law of City-owned lands and the Council will not be returning to open session. Councilmember Hill seconded the motion. The motion carried.

The City Council convened into executive session at 2:29 p.m.

Stephanie Tuin, MMC
City Clerk

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

September 17, 2007

The City Council of the City of Grand Junction convened into regular session on the 17th day of September 2007 at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, Linda Romer Todd, and Council President Jim Doody. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Beckstein led in the Pledge of Allegiance. The audience remained standing for the invocation by Eldon Coffey, Retired Pastor.

Proclamations, Recognitions, and Presentations

Proclaiming October 2007 as “Breast Cancer Awareness Month” in the City of Grand Junction

Proclaiming October 2007 as “Kids Voting Month” in the City of Grand Junction

United Way Pacesetter Campaign Wrap Up

Police Chief Bill Gardner and Fire Chief Ken Watkins addressed the City Council as this year’s co-chairs of the City’s United Way Campaign. They introduced Nancy Stalf as Executive Director of the United Way. Chief Gardner reviewed the process and the result. The goal for the City was \$48,000. This year the City had great participation and over \$50,000 was raised. Chief Watkins then reviewed the many innovative things the various City Departments did to raise funds. Ms. Stalf praised the City employees and the City’s importance to the Pacesetter Campaign.

Mayor Doody announced that the City Council has decided to donate the \$20,433 of remaining funds from the Katrina Relief Fund to the United Way. Ms. Stalf gratefully accepted the additional donation.

Council Comments

Councilmember Todd praised the Staff for all their work on the City-owned property maps provided for the noon workshop. Mayor Doody said a subcommittee consisting of Councilmembers Todd, Palmer, and Hill was formed to further study those maps.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Beckstein read the items on the Consent Calendar, and then she moved to approve the Consent Calendar. It was seconded by Councilmember Hill, and carried by roll call vote to approve Consent Items #1 through #8.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the September 5, 2007 Regular Meeting

2. **Option Agreement for the Sale of Property Located at 3rd and Main to Western Hospitality, LLC**

Western Hospitality, LLC, in response to an RFP offered to purchase the City owned property located at 238 Main Street, is offering \$30 per square foot, for a total of \$656,250.00 for the property. City Staff and Western Hospitality have developed a purchase plan which includes an Option Agreement for the sale and purchase of the property. The Option Agreement includes a due diligence period in which the Buyer will investigate the feasibility of redevelopment of the property.

Action: Authorize the City Manager to Execute the Option Agreement for the Sale and Purchase of Real Property

3. **Purchase Parcel of Land Adjacent to Visitor Center**

Contract to purchase an atypical, triangular-shaped parcel of land adjacent to the Visitor Center.

Action: Authorize the Visitor & Convention Bureau to Execute a Contract to Purchase Parcel #2701-364-00-029 from the Biggs Heirs, LLC in the Amount of \$8,800

4. **Setting a Hearing on Rezoning Sunpointe North Subdivision (Proposed Ruby Ranch Subdivision) Located on the Southwest Corner of 26 Road and G ½ Road [File #PP-2007-058]**

A request to rezone the subject property from R-2 (Residential—2 units per acre) to R-4 (Residential—4 units per acre), to be in compliance with the Growth Plan.

Proposed Ordinance Rezoning 8.42 Acres of Land Located on the Southwest Corner of 26 Road and G ½ Road from R-2 to R-4

Action: Introduction of Proposed Ordinance and Set a Hearing for October 1, 2007

5. **Setting a Hearing on Vacating Lujan Circle Right-of-Way and Utility Easements Shown on the Sunpointe North Subdivision Plat** [File #PP-2007-058]

Located near the southwest corner of 26 Road and G ½ Road, Lujan Circle is a dedicated yet not constructed right-of-way, with a couple of utility easements shown on the Sunpointe North Subdivision plat. The request to vacate this right-of-way and utility easements is subject to approval and recordation of a final plat that is compliant with the Zoning and Development Code for the future Ruby Ranch Subdivision.

Proposed Ordinance Vacating Undeveloped Right-of-Way Known as Lujan Circle and Several Drainage, Irrigation and Utility Easements as Shown on the Sunpointe North Subdivision Plat Located at the Southwest Corner of 26 Road and G ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for October 1, 2007

6. **Setting a Hearing on Rim View Estates Annexation Located at 595 21 ⅛ Road** [File #ANX-2007-251]

Request to annex 4.70 acres, located at 595 21 ⅛ Road. The Rim View Estates Annexation consists of one parcel and includes a portion of the 21 ⅛ Road and South Broadway rights-of-way. The property is located on the southwest corner of South Broadway and 21 ⅛ Road in the Redlands.

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

Resolution No. 130-07—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, Rim View Estates Annexation, Located at 595 21 ⅛ Road and also Includes a Portion of the South Broadway and 21 ⅛ Road Rights-of-Way

Action: Adopt Resolution No. 130-07

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rim View Estates Annexation, Approximately 4.70 Acres, Located at 595 21 ⅛ Road and also Includes a Portion of the South Broadway and 21 ⅛ Road Rights-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for November 5, 2007

7. **Setting a Hearing on the Bookcliff Land and Building Annexation Located at 564 29 Road** [File #ANX-2007-232]

Request to annex 2.93 acres, located at 564 29 Road. The Bookcliff Land and Building Annexation consists of one parcel and includes a portion of the 29 Road right-of-way. This property is located on the east side of 29 Road just south of Dawn Drive. This parcel is better known as the old Bookcliff Veterinary site.

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

Resolution No. 131-07—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, Bookcliff Land and Building Annexation, Located at 564 29 Road and Including a Portion of the 29 Road Right-of-Way

Action: Adopt Resolution No. 131-07

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Bookcliff Land and Building Annexation, Approximately 2.93 Acres, Located at 564 29 Road and Including a Portion of the 29 Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for November 5, 2007

8. **I-70 and Horizon Drive Landscape Improvements Change Order No. 2**

Change Order No. 2 is for the installation of colored flat work adjacent to Horizon Drive. This work was directed and funded by the Horizon Drive Business Improvement District. This change order also reflects additional traffic control required for the installation of the tile mosaics and actual quantities installed for the project.

Action: Authorize the City Manager to Sign Change Order No. 2 for the I-70 and Horizon Drive Landscape Improvements to GH Daniels III and Associates in the Amount of \$47,645.24

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Infill and Redevelopment Request—Waterline and Street Improvements along Crawford Avenue in the Riverside Neighborhood [File #INR-2007-257]

This is a request for infill incentives for a water line and street improvements along Crawford Avenue in the Riverside neighborhood. The project is in the infill boundary area.

Ivy Williams, Development Services Supervisor, reviewed this item. She described the location, and advised the subdivision was platted in 1891. The request is for incentives to help construct a waterline to the areas. The applicant will pay for the fill material. The property is within the Infill and Redevelopment Program incentive boundary.

Councilmember Hill asked how many lots were involved. Ms. Williams said there will be eight lots, and some of the existing lots will be combined to create a buildable lot. To clarify, Ms. Williams said the lots are currently unbuildable because there is no water line, and there is no legal access established to get to these lots.

Council President Doody asked if there are sewer taps available. Ms. Williams said there are.

Councilmember Coons asked if the proposed structures will fit into the character of the neighborhood. Ms. Williams deferred to the applicant.

Tracy Collier, 2664 Brush Court, the applicant, said they would keep the vintage of the homes the same, but somewhat upgraded. It will blend into the neighborhood.

Councilmember Palmer said the Infill and Redevelopment Program is something the Council wanted to start and get implemented a while ago, and just within the hour the Council discussed the program criteria. His perspective is that this request is clearly within the framework of the program. This is a difficult parcel to develop and it will fill a community benefit. He said he would support the request.

Councilmember Coons agreed. Her concern is that the style of housing stays within the historic nature of the neighborhood. She supported the request.

Councilmember Hill voiced concern about the number of actual lots, and the number of owners of those lots.

City Attorney Shaver said all the properties but one is under contract by the applicant. The number of homes would be dictated by the zoning. A replat will be required. He said that the incentive approval could be granted contingent on complete ownership.

Councilmember Hill asked if all 12 lots could get water. He wanted assurance that all the lots will have access to the water line extension. City Attorney Shaver said the area will have to be re-platted, and all other standard steps will have to occur.

Councilmember Beckstein moved to allocate funds up to \$58,000 to install a main water line for Crawford Avenue in the Riverside neighborhood.

Councilmember Palmer seconded the motion. Motion carried.

Infill and Redevelopment Request—Corner Square at the Southwest Corner of N. 1st Street and Patterson Road [File #INR-2007-246]

This is a request for infill and redevelopment incentives for undergrounding utilities along Ranchman's Ditch on Patterson as part of a project known as Corner Square at the

southwest corner of N. 1st Street and Patterson Road. The project is in the infill boundary area.

Councilmember Beckstein stated that the applicant, Ciavonne, Roberts, and Associates is a client of the firm for which she works. City Attorney Shaver questioned Councilmember Beckstein and concluded that there is no conflict. The Council accepted the recommendation.

Ivy Williams, Development Services Supervisor, reviewed this item. She identified the location to be at the corner of 1st and Patterson, and is a mixed use development to be called the Corner Square. The Infill and Redevelopment Program incentive request is to help pay for the undergrounding of the utilities.

Joe Carter, with Ciavonne, Roberts, and Associates, presented the request to underground 1,470 linear feet of overhead power lines. The applicant will pay for the rest of the utilities to go underground. The power company estimated the cost at \$201 per linear foot. Phase One of the project was approved by the Planning Commission on June 26, 2007. It is a mixed use development that will have a residential component in the later phases. Mr. Carter listed the elements of the project that meet the Infill and Redevelopment Program incentive request criteria. Mr. Carter had photographs that depicted how the power lines impact the site visually. Undergrounding of these lines is required. The applicant is allowed to pay a fee in lieu of \$25.69 per foot, but these lines are of a higher voltage, and are much more expensive to bury.

Councilmember Todd asked if the cooling and heating issues for undergrounding lines have been taken into consideration. Mr. Carter thought that was included, i.e., the right conduit was being used, and was figured into the cost estimated by Xcel Energy.

Councilmember Coons pointed out that this request exceeds the remaining funds for 2007. Ms. Williams noted that approximately \$39,000 is remaining in the 2007 budget. She noted there is one other request in process. The applicants are willing to wait until 2008 if they get the full request of funding.

Councilmember Hill asked if there would be any savings to do this in conjunction with the Big Pipe Project. Ms. Williams said that is the plan. The applicant will pay the cost up front and then get funds reimbursed in 2008.

City Manager Kadrich asked if they could get that funding reimbursed over a three or four year period of time instead of a one or two year period. Ms. Williams said that it is certainly at the discretion of the Council, and the applicant is agreeable to such an arrangement.

Councilmember Palmer asked for clarity on the fee-in-lieu and would it pay for undergrounding. Ms. Williams said it would not. Councilmember Palmer asked if it was a City requirement. Ms. Williams replied yes. The applicant could develop it piecemeal to avoid some of that requirement. Councilmember Palmer asked if the undergrounding is being done in conjunction with the Big Pipe Project. Ms. Williams stated that it will be done with each property.

Bruce Millyard, 866 Quail Run, one of the developers, said nothing has been easy with this development. They met months ago with the Big Pipe Project coordinators and Xcel Energy, and found the cost prohibitive to do that along with the Big Pipe Project. The lines to the west will remain overhead. The cost estimate does include the difference without having to relocate and underground the lines.

Councilmember Todd pointed out that the City is requiring this, yet only has \$35,000 in the fund.

Councilmember Hill asked what would have happened if the City had undergrounded the lines along Patterson Road in conjunction with the Big Pipe Project. He asked if the City shouldn't be able to participate in such private/public partnerships.

Councilmember Coons agreed if reimbursement can be delayed they should go forward and improve aesthetics.

Councilmember Beckstein was in agreement.

Councilmember Todd asked if there was a procedure to direct the City Manager to work out a schedule, after the amount is determined to be budgeted, for a reimbursement plan for the applicant over the course of a few years without coming to a conclusion tonight.

Councilmember Beckstein confirmed with Councilmember Todd what the Council was being asked to do regarding this request.

Council President Doody asked City Attorney Shaver how such a contract would be negotiated.

City Attorney Shaver replied in response to approve the expenditure, and direct the City Manager, and City Attorney to negotiate such a contract to be brought back for ratification.

Councilmember Todd asked Mr. Millyard if that could be worked out over a four or five year time frame. Mr. Millyard replied yes, he thought it could.

Councilmember Thomason stated that he was excited about the project. He commented that the only eyesore is the power lines, and he is grateful Mr. Millyard is willing to negotiate the reimbursement over a period of time.

Councilmember Palmer agreed that the project has been challenging. He is concerned that this is a City requirement, and although it would benefit the City to have all the lines undergrounded, he doesn't feel the City can afford it with only allocating \$250,000 per year for the Infill and Redevelopment Program. He is concerned that the City budget will be extended too far out into the future.

Councilmember Coons stated that although it is a requirement, the City can't afford to do it by itself, and believes in sharing the cost by asking the private sector to be partners. In this situation the City would pay the biggest chunk due to the type of lines, but would still require Mr. Millyard to pay the usual fees as well as undergrounding the other lines.

Councilmember Todd acknowledged the concerns on the amount, and clarified that she was looking beyond that at the mechanism used to make the decision.

Council President Doody said that the Infill and Redevelopment Program continues to generate extended discussions, and that all the projects are good. Perhaps a subcommittee should be established to better define the program criteria. He stated that the City Council needs to decide the level of funding for the Infill and Redevelopment Program.

Councilmember Coons moved to allocate funds up to \$258,896, and direct the City Manager, and the City Attorney to negotiate a contract with the developer for reimbursement over time subject to City Council ratification. Councilmember Thomason seconded the motion. Motion carried.

201 Boundary Change Request for Property, Located at 2591 B ¾ Road for Riverview Technology Corporation

The Riverview Technology Corporation (RTC) has requested their property be removed from the 201 Sewer Service Area Boundary. It is the Department of Energy (DOE) compound property, located at 2591 B ¾ Road.

Greg Trainor, Utility and Street Systems Director, reviewed this item. He noted that Bonnie Petersen, President of the Riverview Technology Corporation, was present. Mr. Trainor identified the location of the property in question and its proximity to the City limits. The request is to remove the property from the 201 Sewer Service Area Boundary. Water is provided to the site as an out-of-City water user. It is also being served by sewer as an out-of-City user. The service can still be provided to the site as an out-of-district customer. The County Commissioners reviewed this item at their hearing this morning, and they approved a motion to remove the property from the 201 boundary.

Ms. Petersen then addressed the City Council and concurred with Staffs' presentation. She clarified that the RTC is the manager of the former DOE property and their charge is to maintain the property and keep the jobs at this site. Any expansion over 9,999 square feet on this property would trigger annexation into the 201 Persigo requirement. Annexation would impact them in two ways. If annexed into the City limits, the Business Incubator Center, a major tenant on this site, would be precluded from providing Revolving Loan Funds to their tenants on this site. Secondly, in order to accomplish redevelopment on this site it would require grant sources for development that would not be available to a property within the City limits. The request is supported by the Incubator and the Chamber of Commerce.

Councilmember Todd asked what type of new development is being considered for the 9,999 square feet. Ms. Petersen answered that there are 7 vacant acres that could be developed and used for business development sites. One possibility is places for Incubator businesses to graduate to. There are also energy-related businesses. There is also consideration for possible use as a training site.

Councilmember Hill voiced concerns about the standards at which the property is developed, and cautioned that those standards not compromise safety.

Ms. Petersen was in agreement.

Councilmember Coons said the Business Incubator funds that can only be used in a rural area are vital to start-up businesses so she was supportive.

Councilmember Palmer served on the RTC and said that he recognizes the uniqueness of the property, and would not want the City to hamper the efforts when nothing would be gained by the City annexation. He supports the exclusion, and commended the County Commissioners for recognizing the importance of the property.

Councilmember Thomason was also in agreement from a funding standpoint, and believes it is a worthwhile exclusion from the 201.

Councilmember Todd mentioned concerns that the impression might be that when the City is a partner in a project, the same City standards don't have to be met. She was concerned with the perception of unfairness to others.

Councilmember Beckstein disagreed saying that the City is in transition, and while the same past codes don't fit today, this property is unique, and the Council needs to take that into consideration. She does not believe this is going to set a standard.

Ms. Petersen agreed that the property is unique, and the process has taken a long time because of all these things being taken into consideration.

Councilmember Palmer said that this is a property given to both the City and County by the federal government which makes it unique in and of itself.

Councilmember Beckstein asked how many companies have been helped by the RTC.

Ms. Petersen stated that they have over 450 employees, and many of those are Incubator employees. Many DOE employees start businesses that support that industry.

Councilmember Palmer moved to approve 201 Boundary Change Request from Riverview Technology Corporation to remove the property located at 2591 B ¾ Road from the 201 Sewer Service Boundary with the concurrence of the Board of County Commissioners of Mesa County. Councilmember Beckstein seconded the motion. Motion carried.

Non-Scheduled Citizens and Visitors

There were none.

Other Business

Councilmember Hill said after following up with the budget meeting, and the two infill requests, he emphasizes the need for Council to take a closer look at the program. Without more funding, no more Infill and Redevelopment requests can be heard for several years. Council needs to determine a more specific criteria, and details that will establish consistency for the program.

Council President Doody asked if a subcommittee was worth forming to put it into perspective.

Councilmember Beckstein suggested directing the City Manager to work on an amended definition, and then discussing the information in a workshop format.

Council President Doody said that Staff can go forward easier with Council assistance.

City Manager Laurie Kadrich suggested coming back to Council on October 1st as a follow-up to the budget meeting after she has had a chance to meet with Staff about some parameters on the criteria that has already been set. Then Council can decide if a committee is needed.

Councilmember Todd said she would like to see criteria included that goes beyond the greater community good, and not just what is good for the project.

Councilmember Palmer stated that because it is a policy issue, and Council is going to need to move this forward expediently, a subcommittee with Staff involvement will be the most meaningful way to make progress more quickly.

Councilmember Hill stated that one option would be to disband the program. He used the Traffic Calming Program as an example. He also asked what would \$250,000 do in this City to help anyone interested in developing inside the boundaries that have been set, or, for the City in general.

Councilmember Coons stated she liked the subcommittee idea, and working with Staff to help come up with an agreed upon criteria.

City Manager Kadrich said she wants to bring back questions and options to the Budget Committee on Council's existing program, and then work with Staff on some ideas to bring back to Council.

Councilmember Palmer stated that he would like to see established criteria in place, and would not like the worry of inconsistency about setting precedents.

City Attorney Shaver said he believes Councilmember Coons has correctly identified the problem regarding the past incentive programs, and the need for criteria to help determine the expectations of the many different types of requests the City receives.

Council President Doody suggested establishing a subcommittee with Councilmembers Palmer, Coons, and Mayor Pro Tem Beckstein.

Adjournment

The meeting adjourned at 8:57 p.m.

Stephanie Tuin, MMC
City Clerk

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

September 19, 2007

The City Council of the City of Grand Junction convened into regular session on the 19th day of September 2007 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, Linda Romer Todd, and Council President Jim Doody. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Thomason led in the Pledge of Allegiance.

Proclamations and Recognitions

Council President Doody recognized a member of the Boy Scout Troop 303.

USEPA Region 8 2007 Clean Water Act Recognition Award

Greg Trainor, Utility and Street Systems Director, presented the EPA Award to the Persigo Wastewater Treatment Plant. It is an annual award given to wastewater treatment plants. This award is a Regional Award, but the EPA has also awarded the Persigo Plant the National Award which will be presented in San Diego.

The City Council praised the Staff, the cost savings, and the innovative ideas the Staff at Persigo has brought to fruition.

Certificates of Appointments

To the Parks and Recreation Advisory Board

Jack Scott, Reford Theobald, and Tawny Espinoza were present to receive their certificates of appointment to the Parks and Recreation Advisory Board.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Coons read the items on the Consent Calendar noting that Item #6, the Brady South zoning, the first reading is being continued to October 3, 2007.

Councilmember Hill moved to approve the Consent Calendar. It was seconded by Councilmember Beckstein and carried by roll call vote to approve Consent Items #1 through #7, with item #6 being continued to October 3rd.

1. **Setting a Hearing to Expand Designated Outdoor Dining Downtown**

Some restaurant owners in the downtown area would like to expand their businesses to include sidewalk dining. This necessitates amending Chapter 32, Article III of the City Code of Ordinances, which regulates commercial use of public rights-of-way in the downtown area.

Proposed Ordinance Amending Chapter 32, Article III City Code of Ordinances, Regulating Commercial Use of Public Right-of-Way in Downtown Area, To Revise Designated Downtown Areas for Sidewalk Dining

Action: Introduction of Proposed Ordinance and Set a Hearing for October 3, 2007

2. **Setting a Hearing on the Rowell Rezone Located at 2593 G Road** [File #RZ-2007-048]

Request to rezone 1.06 acres, located at 2593 G Road, from R-1 (Residential—1 du/ac) to R-2 (Residential—2 du/ac).

Proposed Ordinance Rezoning a Parcel of Land from Residential—One Unit Per Acre (R-1) to Residential—Two Units Per Acre (R-2) Located at 2593 G Road (Rowell Rezone)

Action: Introduction of Proposed Ordinance and Set a Hearing for October 3, 2007

3. **Setting a Hearing on the Timberline Steel Annexation Located at 2185 River Road** [File #ANX-2007-242]

Request to annex 2 acres, located at 2185 River Road. The Timberline Steel Annexation consists of one parcel.

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

Resolution No. 132-07—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, Timberline Steel Annexation, Located at 2185 River Road

Action: Adopt Resolution No. 132-07

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Timberline Steel Annexation, Approximately 2 Acres, Located at 2185 River Road

Action: Introduction of Proposed Ordinance and Set a Hearing for November 7, 2007

4. **Setting a Hearing on Crespin Annexation Located at 2930 D ½ Road** [File #ANX-2007-234]

Request to annex 5.37 acres, located at 2930 D ½ Road. The Crespin Annexation consists of two parcels and is located on the north side of D ½ Road in the Pear Park area.

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

Resolution No. 133-07—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, Crespin Annexation, Located at 2930 D ½ Road and a Portion of the D ½ Road Right-of-Way

Action: Adopt Resolution No. 133-07

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Crespin Annexation, Approximately 5.37 Acres, Located at 2930 D ½ Road and a Portion of the D ½ Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for November 7, 2007

5. **Setting a Hearing on the Krabacher Annexation, Located at 2946 B ½ Road** [File #ANX-2007-241]

Request to annex 10 acres, located at 2946 B ½ Road. The Krabacher Annexation consists of one parcel. This property is on the west side of 29 ½ Road directly north of B ½ Road on Orchard Mesa.

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

Resolution No. 134-07—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, Krabacher Annexation, Located at 2946 B ½ Road

Action: Adopt Resolution No. 134-07

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Krabacher Annexation, Approximately 10 Acres, Located at 2946 B ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for November 7, 2007

6. **Setting a Hearing on Zoning the Brady South Annexation, Located at 347 and 348 27 ½ Road and 2757 C ½ Road** [File #GPA-2006-051]

SLB Enterprises LLC, owners of the properties located at 347 and 348 27 ½ Road and 2757 C ½ Road are requesting zoning of the properties from County Heavy Industrial (I-2) to Light Industrial (I-1) and Industrial Office (I-O). Planning Commission heard the request at its September 11, 2007 meeting and recommended approval of the Industrial/Office Park (I-O) zoning for all three parcels.

Proposed Ordinance Zoning the Brady South Annexation to Industrial/Office Park (I-O) Zone District, Located at 347 and 348 27 ½ Road and 2757 C ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for October 3, 2007

7. **Setting a Hearing to Create the Galley Lane Sanitary Sewer Improvement District No. SS-49-07**

A majority of the owners of real estate located in the area of Young Street between F ½ Road and Galley Lane have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties, utilizing the septic sewer elimination program to help reduce assessments levied against the affected properties. The proposed Resolution is the required first step in the formal process of creating the proposed improvement district.

Resolution No. 135-07—A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City, the Galley Lane Sanitary Sewer Improvement District No. SS-49-07, Authorizing the City Utility Engineer to Prepare Details and Specifications for the Same and Giving Notice of a Hearing

Action: Adopt Resolution No. 135-07 and Set a Public Hearing for November 7, 2007

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Assessments for Sanitary Sewer Improvement District No. SS-48-06 (East of 23 Road and Between Terry Court and the Colorado River)

The City has completed the installation of sanitary sewer facilities as requested by a majority of the property owners to be assessed, located in the area east of 23 Road and between Terry Court and the Colorado River.

The public hearing was opened at 7:17 p.m.

Tim Moore, Public Works and Planning Director, reviewed this item. He advised the actual assessment will be one thousand dollars less than the original cost due to lower construction cost.

There was one applicant in the audience, but he did not wish to speak.

There were no public comments.

The public hearing was closed at 7:21 p.m.

Councilmember Thomason asked if price is the reason why the people who didn't sign the petition are opposed. Mr. Moore said typically those in favor of the petition are generally having septic problems. The City does pay one third of the cost. Those against the petition may be opposed for a variety of reasons, including that they have a functioning septic system and don't want the additional cost.

Ordinance No. 4116—An Ordinance Approving the Assessable Cost of the Improvements made in and for Bluffs Sanitary Sewer Improvement District No. SS-48-06, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, As Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Councilmember Hill moved to adopt Ordinance No. 4116, and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Public Hearing—Vacating an Existing Alley Right-of-Way Located Adjacent to Mesa State College Properties—1257 Elm Avenue and 1260 Kennedy Avenue [File #VR-2007-177]

The petitioner, Mesa State College, is requesting to vacate an existing alley right-of-way located west of 13th Street between Elm and Kennedy Avenue, adjacent to Mesa State properties for the benefit of current building expansions. The Planning Commission recommended approval of the proposed alley right-of-way vacation at their August 14, 2007 meeting.

The public hearing was opened at 7:22 p.m.

Scott D. Peterson, Senior Planner, reviewed this item. He described the location and indicated which alleys were being vacated by this request. The four single family homes in that area have been removed. A utility and access easement will be retained if the alleys are vacated. A portion of the alley was previously vacated in 1982. The proposed alley vacation will complete the entire alley. Mr. Peterson advised what the Future Land Use Designation and the Zoning for the properties were adjacent to the vacations. The request is consistent with the Growth Plan and review criteria have been met. The Planning Commission recommended approval of the request. Mr. Peterson said the applicant is present.

Tom Logue, representing the applicant, concurred with Mr. Peterson's presentation, and was available for questions.

There were no public comments.

The public hearing was closed at 7:26 p.m.

Ordinance No. 4117—An Ordinance Vacating an Alley Right-of-Way Adjacent to Mesa State College Properties Located at 1257 Elm Avenue and 1260 Kennedy Avenue

Councilmember Thomason moved to adopt Ordinance No. 4117, and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing—Sunpointe North Subdivision Growth Plan Amendment, Located in the Southwest Corner of 26 Road and G ½ Road [File #GPA-2007-058]

There is an apparent error on the Future Land Use Map that shows 0.359 acres, surrounded by Lujan Circle, in the Sunpointe North Subdivision, designated as a Park. The entire subdivision is zoned R-2. Had the Park designation been correct, the subject parcel should have been zoned to CSR (Community Services and Recreation) upon annexation.

The public hearing was opened at 7:27 p.m.

Lori V. Bowers, Senior Planner, reviewed this item. She described that the request is to correct an error on the Future Land Use Map. She described the location as undeveloped with one dwelling structure on the property. This area was annexed into the City as an enclave. The property retained the County Zoning even though it did not meet the Growth Plan. The area in question was designated as a park, but was zoned R-2. The change will designate the area Residential Medium 4 to 8 units per acre.

The applicant's representative, Keith Ellers, with Ciavonne, Roberts, and Associates, was available for questions. He explained that there is an existing plat and the intent is to create a new plat. The first step is to get the area designation changed. The initial intention for this area is for it to be a detention pond area so they agree with Staff that it was an error.

There were no public comments.

The public hearing was closed at 7:35 p.m.

Councilmember Bonnie Beckstein made the disclosure that her firm represents Ciavonne, Roberts, and Associates. City Attorney Shaver asked Councilmember Beckstein of her connection to this project, and it was concluded there was no conflict.

Councilmember Hill acknowledged the error, but added that the change will also allow greater flexibility for re-platting the subdivision.

Resolution No. 136-07—A Resolution Amending the Growth Plan of the City of Grand Junction on 0.359 Acres in the Center of Lujan Circle, Shown on the Sunpointe North Subdivision Plat, the Southwest Corner of 26 Road and G ½ Road

Councilmember Coons moved to adopt Resolution No. 136-07. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens and Visitors

There were none.

Other Business

Councilmember Hill brought up the change in the meeting schedule, and asked for discussion on the change from the Staff's and Council's perspective.

Councilmember Todd said initially she was concerned that Council may not have the opportunity to discuss things, but that has not been the case.

Councilmember Coons said there is less redundancy, no repeat, she likes the change.

Councilmember Beckstein said presentations that weren't policy or going to come before Council were becoming the norm for workshops, and the change has made things more efficient.

Councilmember Palmer agreed that it is working better than before, and is glad they are not being laborious with Council reports. His two concerns are if the Council is giving enough recognition to some of the items that the Council wants to be sure the community is aware of, and if he has questions related to a Consent Calendar that he does not have an opportunity to address those concerns.

Councilmember Thomason said he liked the change, and it was good from a family perspective. The fact that decisions are being made is streamlining without shortchanging the process.

Council President Doody said the Council has been able to provide better customer service by moving issues through at a reasonable hour. The opportunity to use Other Business to catch up on comments has been helpful.

Councilmember Hill said items on the Consent Calendar can be pulled off if there needs to be dialogue.

City Attorney Shaver said the Council now has a variety of options regarding the Consent Calendar. Items can be read, taken off, or questions answered at pre-meeting.

City Manager Kadrich said the Council is still making this transition by trying to balance the Planning and Zoning items where Staff Planners are being prepared to divide their scheduled projects between the two days. The Budget Workshop meetings are held prior

to the Council meeting so it doesn't feel like a pre-meeting. That will change once the Budget Workshops are over.

Council President Doody commended City Manager Kadrach on the choice of Trent Prall for Deputy City Manager. He said he enjoys the interaction he has had with him.

Adjournment

The meeting adjourned at 7:45 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2
Change to City Council Meeting Schedule
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Change to City Council Meeting Schedule		
File #			
Meeting Day, Date	Monday, October 1, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	September 20, 2007		
Author Name & Title	Stephanie Tuin, City Clerk		
Presenter Name & Title	John Shaver, City Attorney		

Summary: The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule be determined by resolution. Resolution No. 01-07 set the meeting schedule for the year 2007. With the change to the meeting schedule to include Mondays as regular meetings, it is necessary to amend that schedule.

Budget: NA

Action Requested/Recommendation: Adopt the Resolution Amending the City Council Meeting Schedule

Attachments: Proposed Resolution

Background Information: As of 1994, the revised City Code of Ordinances includes a provision whereby the City Council determines annually the City Council meeting schedule and the procedure for calling a special meeting.

CITY OF GRAND JUNCTION

RESOLUTION NO. -07

**A RESOLUTION OF THE CITY OF GRAND JUNCTION
AMENDING THE MEETING SCHEDULE FOR THE GRAND JUNCTION CITY
COUNCIL**

Recitals.

The Grand Junction Code of Ordinances, Section 2-26, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

On January 3, 2007, the City Council adopted Resolution No. 01-07 which set the City Council meeting schedule.

The City Council recently decided that in addition to the regular meetings held on the first and third Wednesday of each month, that they will also hold regular meetings on the Monday preceding the first and third Wednesday. Therefore, the City Council meeting schedule must be amended.

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

1. The meeting schedule for the regular meetings of the City Council is the first and third Wednesday of each month, at the hour of 7:00 p.m. and the Monday preceding those Wednesdays, also at the hour of 7:00 p.m. with the exception of Mondays which are City holidays.
2. Additional special meetings may be called by the President of the City Council for any purpose and notification of such meeting shall be posted twenty-four hours prior to the meeting. Each and every member of City Council shall be notified of any special meeting at least twenty-four hours in advance.

Read and approved this day of , 2007.

President of the Council

ATTEST:

City Clerk

Attach 3
Whiskey River Parking and Sign Revocable Permit
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Whiskey River Parking and Sign Revocable Permit		
File #	CUP-2007-197		
Meeting Day, Date	October 1, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	September 17, 2007		
Author Name & Title	Senta L. Costello, Associate Planner		
Presenter Name & Title	Senta L. Costello, Associate Planner		

Summary: Request for a Revocable Permit to allow 10 existing parking spaces and an existing free standing sign to exist within the 28 1/4 Road right-of-way.

Budget: N/A

Action Requested/Recommendation: Approval and acceptance of the Resolutions issuing the Revocable Permits.

Attachments:

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

Background Information: Please see attached background information

BACKGROUND INFORMATION				
Location:		490 28 1/4 Road		
Applicant:		Boyd Holdings Inc. – Louis (Rusty) Boyd		
Existing Land Use:		Tavern		
Proposed Land Use:		Tavern		
Surrounding Land Use:	North	Retail / Office		
	South	Mobile Home Park		
	East	Mobile Home Park		
	West	Daycare / Vacant commercial		
Existing Zoning:		C-1 (Light Commercial)		
Proposed Zoning:		C-1 (Light Commercial)		
Surrounding Zoning:	North	C-1 (Light Commercial)		
	South	PD (Mobile Home Park)		
	East	PD (Mobile Home Park)		
	West	C-1 (Light Commercial)		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

Staff Analysis:

1. Background

The property was originally developed in 1980 as a restaurant with the current parking layout and signage being established at the same time. The property was remodeled and converted to a bar/tavern in 1986 and has continued in that use to the present with few changes to the site or building.

2. Section 2.17.C of the Zoning and Development Code

Requests for a revocable permit must demonstrate compliance with all of the following criteria:

- a. There will be benefits derived by the community or area by granting the proposed revocable permit.
 - The revocable permit will legalize the parking and signage for the property that has existed in its current configuration for 27 years and formalize responsibility for the area used by the business.

- b. There is a community need for the private development use proposed for the City property.
 - The existing use is a well established business at this location. The property has been used continuously used for this and similar uses for 27 years giving evidence to the need / desire for this type of business at this location.
- c. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.
 - The parking and signage for the property has existed in its current configuration for 27 years and the revocable permit will formalize responsibility for the area used by the business. There are no other potential uses or conflicting uses anticipated for the property.
- d. The proposed use shall be compatible with the adjacent land uses.
 - The tavern/bar use has existed in the neighborhood for 21 years without any extreme, long term, or unresolved issues.
- e. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.
 - The use does not negatively impact access, traffic circulation, neighborhood stability/character, or sensitive areas.
- f. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.
 - The request is in conformance with and implements the following goals, objectives, and policies:
 - Goal 5 – To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.
 - Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.
- g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two of the Zoning and Development Code and the SSID Manual.
 - The application meets the submittal requirements of Section 127 of the City Charter, the Zoning and Development Code, and the SSID Manual.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Whiskey River application, CUP-2007-197 for the issuance of a revocable permit for 10 existing parking spaces and an existing free standing sign, the following findings of fact and conclusions have been determined to be met:

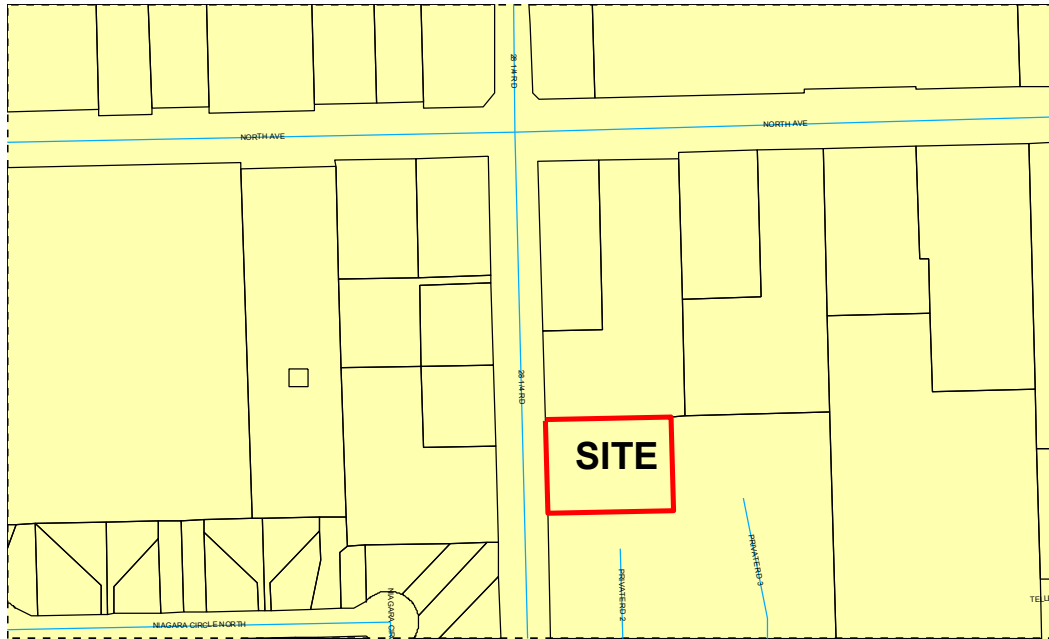
1. The review criteria in Section 2.17.C of the Zoning and Development Code have all been met.

RECOMMENDATION:

I recommend that the City Council approve the requested revocable permit for 10 existing parking spaces and an existing free standing sign within the 28 1/4 Road right-of-way, CUP-2007-197.

Site Location Map

Figure 1



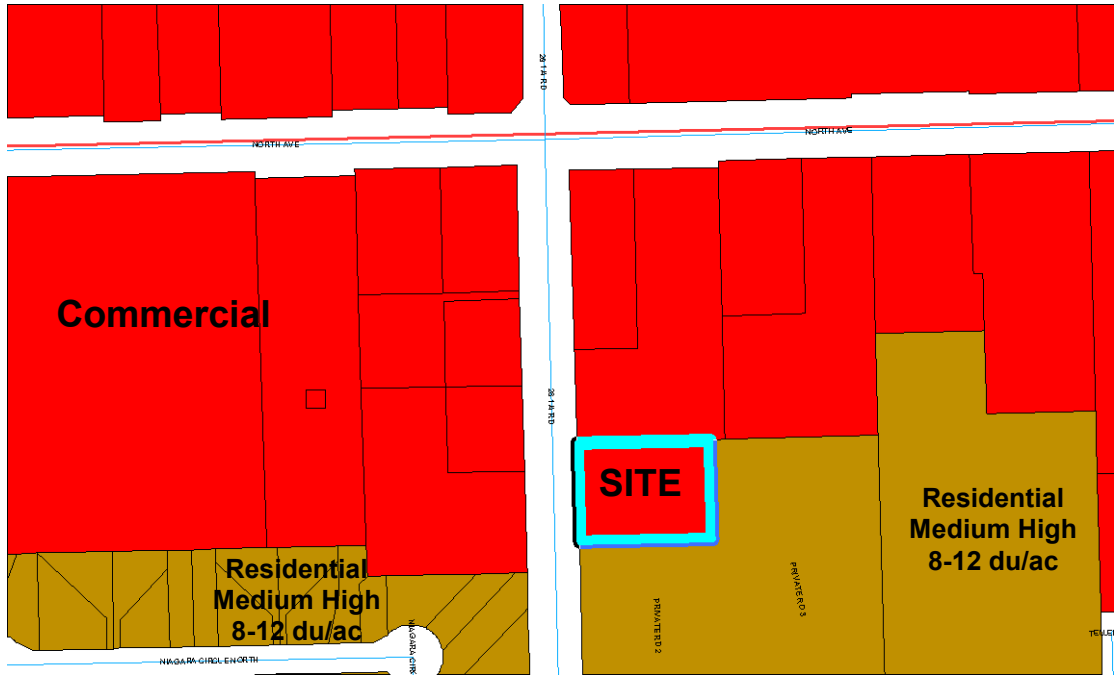
Aerial Photo Map

Figure 2



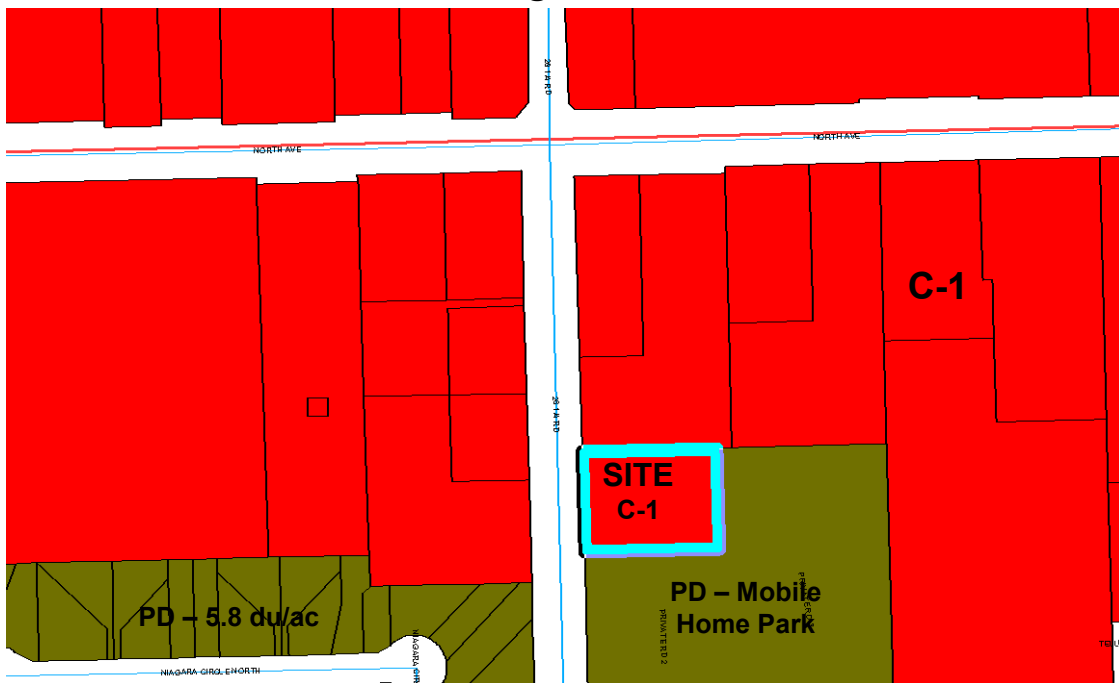
Future Land Use Map

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, COLORADO

RESOLUTION NO. _____

**A RESOLUTION CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO
BOYD HOLDINGS, INC.**

RECITALS

A. Boyd Holdings, Inc, - Louis H. Boyd, Jr. hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 1, Darwin Subdivision and identified by Mesa County Tax Schedule Number 2943182-09-001.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to maintain and repair 10 parking spaces and a freestanding sign within the following described public right-of-way:

See attached Exhibits A and B

C. Relying on the information supplied by the Petitioner and contained in File No. CUP-2007-197 in the office of the City's Public Works & Planning Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

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

1. That the City Manager is hereby authorized and directed to issue the attached Revocable Permit to the above-named Petitioner for the purpose aforescribed and within the limits of the public right-of-way aforescribed, subject to each and every term and condition contained in the attached Revocable Permit.

PASSED and ADOPTED this _____ day of _____, 2007.

Attest:

City Clerk

President of the City Council

REVOCABLE PERMIT

Recitals

A. Boyd Holdings, Inc, - Louis H. Boyd, Jr. hereinafter referred to as the Petitioner, represent it is the owner of the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Lot 1, Darwin Subdivision and identified by Mesa County Tax Schedule Number 2943182-09-001.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to maintain and repair 10 parking spaces and a freestanding sign within the following described public right-of-way:

See attached Exhibits A and B

C. Relying on the information supplied by the Petitioner and contained in File No. CUP-2007-197 in the office of the City's Public Works & Planning Department, the City Council has determined that such action would not at this time be detrimental to the inhabitants of the City of Grand Junction.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby issued to the above-named Petitioner a Revocable Permit for the purpose aforescribed and within the limits of the public right-of-way aforescribed; provided, however, that the issuance of this Revocable Permit shall be conditioned upon the following terms and conditions:

1. The Petitioner's use and occupancy of the public right-of-way as authorized pursuant to this Permit shall be performed with due care or any other higher standard of care as may be required to avoid creating hazardous or dangerous situations and to avoid damaging public improvements and public utilities or any other facilities presently existing or which may in the future exist in said right-of-way.
2. The City hereby reserves and retains a perpetual right to utilize all or any portion of the aforescribed public right-of-way for any purpose whatsoever. The City further reserves and retains the right to revoke this Permit at any time and for any reason.
3. The Petitioner, for itself and for its successors, assigns and for all persons claiming through the Petitioner, agrees that it shall defend all efforts and claims to hold, or attempt to hold, the City of Grand Junction, its officers, employees and agents, liable for damages caused to any property of the Petitioner or any other party, as a result of the Petitioner's occupancy, possession or use of said public right-of-way or as a result of any City activity or use thereof or as a result of the installation, operation, maintenance, repair and replacement of public improvements.
4. The Petitioner agrees that it shall at all times keep the above described public right-of-way in good condition and repair.

5. This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner and the Petitioner's successors and assigns shall save and hold the City of Grand Junction, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claim or cause of action however stated arising out of, or in any way related to, the encroachment or use permitted, and that upon revocation of this Permit by the City the Petitioner shall, at the sole cost and expense of the Petitioner, within thirty (30) days of notice of revocation (which may occur by mailing a first class letter to the last known address), peaceably surrender said public right-of-way and, at its own expense, remove any encroachment so as to make the aforescribed public right-of-way available for use by the City or the general public. The provisions concerning holding harmless and indemnity shall survive the expiration, revocation, termination or other ending of this Permit.

6. This Revocable Permit, the foregoing Resolution and the following Agreement shall be recorded by the Petitioner, at the Petitioner's expense, in the office of the Mesa County Clerk and Recorder.

Dated this _____ day of _____, 2007.

Attest:

The City of Grand Junction,
a Colorado home rule municipality

City Clerk

City Manager

Acceptance by the Petitioner:

Boyd Holdings, Inc. – Louis H. Boyd, Jr.

Exhibit A
Description

A Parcel of land situate in the Northeast 1/4 Northwest 1/4 Section 18, Township 1 South, Range 1 East of the Ute Meridian, being more particularly described as follows:

The East 10 feet of the Right of Way for 28 1/4 Road abutting Lot 1 of Darwin Subdivision, with a Reception Number of 1235159 at the Mesa County Clerk and Recorders Office, All in the City of Grand Junction, Mesa County, Colorado.

Description authored by,
Vincent A. Popish
Independent Survey, Inc.
133 N 8th St.
Grand Junction, Co 81501

HINGE NAIL
W1/16 NORTH LINE SEC 18
T1S, R1E, UTE MERIDIAN

Exhibit B

NO. 5 REBAR
5' WITNESS CORNER

15' UTILITY & IRRIGATION EASEMENT
DEDICATED ON DARWIN SUBDIVISION
RECEPTION NO. 1235159

10.0' WIDE STRIP FOR PARKING
AREA - REVOCABLE PERMIT.

LOT 1
DARWIN SUBDIVISION
WHISKY RIVER BAR
490 28 1/4 ROAD
BOYD HOLDINGS, INC.
BOOK 2686 PAGE 965

LEGEND:

- FOUND SURVEY MARKER
- GRATE
- ▒ CONCRETE
- ⊗ EXISTING LIGHT POLE
- ⊕ SEWER MANHOLE
- ⊙ WATER METER
- ☼ EXISTING TREE
- x - 6' TALL WOOD FENCE

EDGE OF ASPHALT

EDGE OF ASPHALT

DRIVEWAY

28 1/4 ROAD

BACK OF CURB

5' WIDE SIDEWALK

14' MULTIPURPOSE EASEMENT

15' UTILITY & IRRIGATION EASEMENT
DEDICATED ON DARWIN SUBDIVISION
RECEPTION NO. 1235159

12' TALL CONCRETE WALL

40.7' (MEASURED) 856.94' (RECORD) 856.47'
N00°05'05"W 1318.52' (RECORD)

40.00'

14'

N00°05'05"W

150.00'

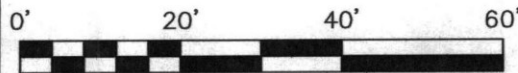
15'

40.00'

2 1/2" ALUMINUM CAP ON NO. 6 REBAR
STAMPED: "JOHNSON NW1/16 SEC 18
1995 16835"

LOT 2
DARWIN SUBDIVISION

BASIS OF BEARINGS:
Bearings are based on the West line
of NE 1/4 NW 1/4 Section 18, T1S, R1E
of the Ute Meridian, as depicted on the
Darwin Subdivision, Reception No.
1235159, value given is N00°05'05"W.



SKETCH FOR REVOCABLE PARKING PERMIT

**INDEPENDENT
SURVEY, Inc.**

VINCENT A. POPISH, PLS
133 N 8th Street Phone (970)257-7552
Grand Junction, Colorado 81501 Cell (970)986-9035

Client: RTL
Date: 9/06/2007
Scale: 1"=20'
Drawn by: vap
File No.: 207052
File Name: sketches

ABBREVIATIONS USED:
P.O.B.=POINT OF BEGINNING
N=NORTH
S=SOUTH
SQ. FT.=SQUARE FEET
W=WEST
E=EAST
NW=NORTHWEST
NE=NORTHEAST



Vincent A. Popish
LS No. 33650

Attach 4**Contract for the Completion of a Sewer Basin Study
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Completion of a Sewer Basin Study in Conjunction with the City of Grand Junction Comprehensive Plan		
File #			
Meeting Day, Date	Monday, October 1, 2007		
Placement on the Agenda	Consent	X	Individual
Date Prepared	September 24, 2007		
Author Name & Title	Bret Guillory, Utility Engineer		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: This study will provide decision making tools for staff and policy makers when evaluating land use alternatives and relative impacts to the Persigo sewer system.

Budget: Staff has budgeted funds in the amount of \$130,000 (2007 revised budget) for this study effort. Cost not to exceed for the study based on a proposal from Black and Veatch is estimated at \$119,660.

Action Requested/Recommendation: Approve City Manager to sign a professional services contract for completion of a comprehensive sewer basin study with Black and Veatch for an amount not to exceed \$119,660.

Attachments:

- Professional Services Agreement
- Scope of work
- Cost proposal

Background Information: Staff has worked with Kevin J. Meador, P.E. on the two previous sewer basin studies for the Persigo System. The previous studies were completed in 1993, and 1997 (in conjunction with the land use plan), by Mr. Meador (then associated with the Front Range office of HDR). Mr. Meador has extensive knowledge of the Persigo sewer system. Both prior studies have provided us with very useful information that has proven invaluable over the last 15 years as a planning tool for boundary expansion evaluation, growth related Capitol Improvement Projects, and evaluation of sewer infrastructure capacity when considering possible land use changes. .

The scope of services associated with this study effort are listed below.

1. Review and update the wastewater drainage basins within the 201 Facility Planning boundaries including adjacent areas (some included and some not

included) in the original 201 Facility Planning boundaries and 1997 revision to the study. Additional areas include; 30 Road to 32 Road north of Highway 50 and south of the Colorado River, North of I-70 to J Road, between 21 Road and 26 Road, and the White Water area located along Highway 50 south east of 32 Road.

2. Evaluation of sewer infrastructure capacity based on land use recommendations associated with the comprehensive plan (four different scenarios).
3. Re-evaluation of sewer trunk extensions to various drainage basins (Figure 4-1 of the 1997 study revision effort). This would include areas outside the current 201 planning area as identified in 1 above.
4. Updated recommendation for required route alternatives and line sizes to adequately serve designated basins including estimate of costs for each line extension.
5. Evaluation of plant expansion alternatives, beyond the current 25 MGD build out capacity of the Persigo Waste Water Treatment Plant. Do we have adequate room at the Persigo plant site to expand to 37.5 MGD or 50 MGD?



PROFESSIONAL SERVICES AGREEMENT

2007 / 2008 Comprehensive Wastewater Basin Study

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PROFESSIONAL SERVICES AGREEMENT

SECTION 1: GENERAL CONTRACT TERMS AND CONDITIONS

- 1.1 Contract Terms:** This Contract is entered into this _____ day of _____, 2007 by **Black & Veatch** hereinafter called "the Consultant" and **the City of Grand Junction, Colorado**, hereinafter called "the City."
- 1.2 Amendment:** No oral statement of any person shall modify or otherwise change, or affect the terms, conditions or specifications stated in this contract. All amendments to the contract shall be made in writing by the City Purchasing Division.
- 1.3 Assignment:** The Consultant shall not sell, assign, transfer or convey this contract, in whole or in part, without the prior written approval from the City.
- 1.4 Compliance with Laws:** The Consultant's work under this contract shall comply with all Federal, State, County and local laws governing or covering this type of service
- 1.5 Conflict of Interest:** No public official or City employee shall have interest in this contract.
- 1.6 Project Manager:** The project management for the City for this contract shall be accomplished by Bret Guillory, Utility Engineer.

The project manager, on behalf of the City, shall render decisions in a timely manner pertaining to the work proposed or performed by the Consultant. The project manager shall be responsible for approval and/or acceptance of any related performance of the Scope of Services.

The project management for the Consultant for this contract shall be accomplished by Kevin J. Meador.

- 1.7 Contract Termination:** This contract shall remain in effect until any of the following occurs:
- (1) contract expires;
 - (2) completion of services;
 - (3) acceptance of services; or
 - (4) termination for convenience by either party with a written Notice of Cancellation stating therein the reasons for such cancellation and the effective date of cancellation.

1.8 Definitions:

1.8.1 "City" refers to the City of Grand Junction, Colorado.

1.8.2 "Consultant" refers to the person, partnership, firm or corporation entering into an agreement with the City of Grand Junction for the services required and the legal representatives of said party or the agent appointed to act for said party in the performance of the service(s) contracted for.

1.9 Employment Discrimination: During the performance of services under this contract the Consultant agrees to the following conditions:

1.9.1 The Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, handicap, or national origin except when such condition is a legitimate occupational qualification reasonably necessary for the normal operations of the Consultant. The Consultant agrees to post in conspicuous places, visible to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

1.9.2 The Consultant, in all solicitations or advertisements for employees placed by or on behalf of the Consultant, shall state that such Consultant is an Equal Opportunity Employer.

1.9.3 Notices, advertisements, and solicitations placed in accordance with federal law, rule, or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

1.10 Ethics: The Consultant shall not accept or offer gifts or anything of value nor enter into any business arrangement with any employee, official, or agent of the City.

1.11 Failure to Deliver: In the event of failure of the Consultant to deliver services in accordance with the contract terms and conditions, the City, after due oral or written notice, may procure the services from other sources and hold the Consultant responsible for any costs resulting in additional purchase and administrative services. This remedy shall be in addition to any other remedies that the City may have.

1.12 Failure to Enforce: Failure by the City at any time to enforce the provisions of the contract shall not be construed as a waiver of any such provisions. Such failure to enforce shall not affect the validity of the contract or any part thereof or the right of the City to enforce any provision at any time in accordance with its terms.

1.13 Force Majeure: The Consultant shall not be held responsible for failure to perform the duties and responsibilities imposed by the contract due to legal strikes, fires, riots, rebellions, and acts of God beyond the control of the Consultant, unless otherwise specified in the contract.

1.14 Indemnification: The Consultant shall defend, indemnify and save harmless the City and all its officers, employees, insurers and self-insurance pool, from and against all liability, suits, actions, or other claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person, persons, or property on account of any negligent act or

fault of the Consultant, or of any Consultant's agent, employee, subcontractor or supplier in the execution of, or performance under, this contract. The Consultant shall pay any judgment with cost which may be obtained against the City growing out of such injury or damages.

- 1.15 Independent Consultant:** The Consultant shall be legally considered an independent consultant and neither the Consultant nor its employees shall, under any circumstances, be considered servants or agents of the City. The City shall be at no time legally responsible for any negligence or other wrongdoing by the Consultant, its servants, or agents. The City shall not withhold from the contract payments to the Consultant for any federal or state unemployment taxes, federal or state income taxes, Social Security Tax or any other amounts for benefits to the Consultant. Further, the City shall not provide to the Consultant any insurance coverage or other benefits, including Workers' Compensation, normally provided by the City for its employees.
- 1.16 Ownership:** All plans, prints, designs, concepts, reports, models, etc., shall become the property of the City.
- 1.17 Patents/Copyrights:** The Consultant agrees to protect the City from any claims involving infringements of patents and copyrights. In no event shall the City be liable to the Consultant for any suit arising on the grounds of patent or copyright infringement. Patent and copyright infringements shall null and void this contract.
- 1.18 Remedies:** The Consultant and the City agree that both parties have all rights, duties, and remedies available as stated in the Uniform Commercial Code.
- 1.19 Venue:** This contract shall be deemed to have been made in and shall be construed and interpreted in accordance with the laws of the City of Grand Junction, Mesa County, Colorado.
- 1.20 Waiver of Consequential Damages:** Neither party shall be responsible or held liable to the other party for special, indirect, incidental, punitive, exemplary, or consequential damages, or for loss of profit, investment, product, use, goodwill, opportunity, or revenue; business interruption; cost of capital or replacement, goods, services, facilities or power; governmental and regulatory sanctions; and claims of customers for all such damages; whether arising under breach of contract or warranty, tort, strict liability, indemnity, or any other theory of legal liability. Engineer's total aggregate liability to Client under this Agreement whether arising under breach of warranty or contract, tort, strict liability, indemnity, or any other theory of legal liability, shall not exceed the compensation actually received by Engineer under this Agreement.

SECTION 2: INSURANCE REQUIREMENTS

- 2.1 Insurance Requirements:** The Consultant agrees to procure and maintain, at its own cost, policies of insurance sufficient to insure against all liability, claims, demands and other obligations assumed by the Consultant pursuant to this

Section. Such insurance shall be in addition to any other insurance requirements imposed by this Contract or by law. The Consultant shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this Section by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types.

2.2 Insurance Limits: The Consultant shall procure and maintain and, if applicable, shall cause any Subcontractor of the Consultant to procure and maintain insurance coverage listed below. Such coverage shall be procured and maintained with forms and insurers acceptable to the City. All coverage shall be continuously maintained to cover all liability, claims, demands, and other obligations assumed by the Consultant pursuant to this Section. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage. Minimum coverage limits shall be as indicated below.

(a) Worker Compensation insurance to cover obligations imposed by applicable laws for any employee engaged in the performance of work under this Contract, and Employers' Liability insurance with minimum limits of:

FIVE HUNDRED THOUSAND DOLLARS (\$500,000) each accident,
FIVE HUNDRED THOUSAND DOLLARS (\$500,000) disease - policy limit,
and
FIVE HUNDRED THOUSAND DOLLARS (\$500,000) disease - each
employee

(b) General Liability insurance with minimum combined single limits of:

ONE MILLION DOLLARS (\$1,000,000) each occurrence and
ONE MILLION DOLLARS (\$1,000,000) per job aggregate.

The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, products, and completed operations. The policy shall include coverage for explosion, collapse, and underground hazards. The policy shall contain a severability of interests provision.

(c) Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than:

ONE MILLION DOLLARS (\$1,000,000) each occurrence and
ONE MILLION DOLLARS (\$1,000,000) aggregate

With respect to each of the Consultant's owned, hired, or non-owned vehicles assigned to be used in performance of the Work. The policy shall contain a severability of interests provision.

(d) Professional Liability insurance with minimum limit of not less than:

ONE MILLION DOLLARS (\$1,000,000) each occurrence and
ONE MILLION DOLLARS (\$1,000,000) aggregate

- 2.3** The policies required by paragraphs (a), (b), and (c) above shall be endorsed to include the City and the City's officers and employees as additional insureds. Every policy required above shall be primary insurance, and any insurance carried by the City, its officers, or its employees, or carried by or provided through any insurance pool of the City, shall be excess and not contributory insurance to that provided by the Consultant. No additional insured endorsement to any required policy shall contain any exclusion for bodily injury or property damage arising from completed operations. The Consultant shall be solely responsible for any deductible losses under any policy required above.

SECTION 3: SCOPE OF SERVICES

- 3.1 General:** The general scope of services to be performed under this contract shall be the completion of the Comprehensive Wastewater Basin Study. The Consultant shall act as a representative of the City before, during, and at completion of the project.
- 3.2 Scope of Services:** The Scope of Services shall be as described in Exhibit A.
- 3.3 Project Schedule:** The Project Schedule shall be as described in Exhibit B.

SECTION 4: COMPENSATION AND METHOD OF PAYMENT

- 4.1 Compensation:** For satisfactorily performing the scope of work described above the Consultant shall receive periodic payments for consulting work through the completion of the project. Professional services authorized and performed during the duration of the sewer basin study in conjunction with the comprehensive plan project will be paid for as reimbursable expenses at the unit prices listed in the Fee Schedule (see Exhibit C).
- 4.2 Method of Payment:** The Consultant shall submit invoices at the completion of various phases during the process, as identified in Exhibit C, and on monthly or less frequent basis for services authorized during the bidding and construction phases.

SECTION 5: EXECUTION

5.1 In Witness whereof, the parties hereto have caused this Contract to be duly executed, intending to be bound thereby.

City of Grand Junction

Authorized

Signature: _____

Name and Title: _____

Date: _____

Black & Veatch

Authorized

Signature: _____

Name and Title: _____

Date: _____

Exhibit A

City of Grand Junction, Colorado Wastewater Basin study Update

Scope of Services

Background

The City of Grand Junction, Colorado (City) is in the process of completing a Comprehensive Plan through the year 2030. The Plan will be completed over a 2-year period (2007-2008). As a part of this effort, the City desires to update their wastewater basin study originally completed in 1992 and updated in 1997. The basin study effort needs to be closely coordinated with the Comprehensive Plan Consultant (CPC), the City, and Mesa County.

Policy makers are considering possible expansion of the 201 Service Area outside those areas previously evaluated. Wastewater infrastructure capacity and the ability to serve outlying areas of the current 201 Service Area will be key to future land use recommendations. Key elements of the study will include:

- Updating the wastewater basin boundaries, flow criteria, and infrastructure facilities.
- Preparing a wastewater system model to assist in alternative evaluations.
- Identifying infrastructure requirements and costs to serve the 201 Service Area and outlying areas.

Scope of Services

The scope of services for the project includes the following major tasks:

- Task 1: Data Collection and Updates
- Task 2: Alternative Development and Evaluations
- Task 3: Meetings and Comprehensive Plan Coordination
- Task 4: Report Preparation

Specific scope elements associated with the project are detailed below.

Task 1: Data Collection and Updates

General

This task includes collecting updated information on the existing wastewater service area and changes since the 1997 study update. Data updates will include land use, infrastructure, and wastewater basin boundaries.

Additional areas not included previously are:

- 30 Road to 32 Road north of Highway 50 and south of the Colorado River.
- North of I-70 to J Road (between 21 Road and 26 Road).
- White water area located along Highway 50 southeast of 32 Road.

Specific tasks include:

- Task 1.1 Review infrastructure and basin changes since 1997 provided by City.
- Task 1.2 Review and update the wastewater drainage basins within the 201 Service Area boundaries including adjacent areas. Some of these areas were not included in the original 201 Service Area.
- Task 1.3 Review current land uses and densities compared to the 1997 study update. Projected land use and densities will be provided by the CPC.
- Task 1.4 Collect wastewater infrastructure data (pipe size, slopes, manhole invert elevations, lengths, and locations to be used in the system model). Data will be gathered for the City's GIS, as-built information, previous modeling information, and City provided data.
- Task 1.5 Review and update wastewater flow criteria. Residential and commercial flows including peak-to-average flow factors will be reviewed for GIS data for 1998 to 2006. Criteria will be compared to 1997 study update data and recommendations made for changes (if any) to criteria.
- Task 1.6 Prepare technical memoranda (TM1) summarizing data changes to be included in the study as well as planning criteria recommendations.

Task 2: Alternative Development and Evaluations

General

Land use scenarios (up to three alternatives) will be developed by the CPC and wastewater service will be evaluated for the scenarios. A wastewater system model consisting of the City's interceptors will be used to evaluate impacts of land use scenarios on the wastewater system capacity. Infrastructure improvements needed to serve additional and revised areas will be identified and costs estimated. Finally, the wastewater treatment plant site's ability to accommodate future expansion will be evaluated.

Specific tasks include:

- Task 2.1 Review land use scenarios developed in coordination with the CPC. Prepare TM2 summarizing planning criteria and land use.
- Task 2.2 Review available wastewater models with City and recommend model for use with this study.
- Task 2.3 Develop interceptor system model based on GIS data gathered in Task 1.4 for major interceptors. Model will include existing pipes and future pipes for up to three land use scenarios. A diurnal curve will be developed for use in the model based on available flow data. The model will be validated using existing available data. No additional flow monitoring will be conducted at this time.

The Orchard Mesa Sanitation District system will be included in the model. Data will be provided by the City.
- Task 2.4 Develop projected wastewater flows based on land use scenarios in Task 2.1 for potential growth areas.
- Task 2.5 Evaluate collection system capacity and infrastructure needs based on land use scenarios. Develop alternatives for wastewater service in coordination with the CPC for undeveloped areas and changes to 201 Service Area.
- Task 2.6 Reevaluate sewer trunk extension to drainage basins identified in the 1997 study update. Areas outside of the current 201 Service Area will be included.
- Task 2.7 Update recommendations for required route alternatives and pipe sizes to serve designated basins.

- Task 2.8 Estimate costs for infrastructure improvements/extension identified in Tasks 2.5, 2.6, and 2.7. Conceptual planning level costs will include a 30 percent contingency and will be based on current costs and *Engineering News Record* building cost index.
- Task 2.9 Prepare TM3 summarizing findings and recommendation evaluations. Prepare additional TM4 summarizing recommended improvements, costs, and phasing plans.

Task 3: Meetings and Comprehensive Plan Coordination

General

Coordination with the City, CPC, and Mesa County will be vital to project success. Ten coordination meetings are anticipated for the study in addition to project kickoff and review meetings (four anticipated) with the City.

Specific tasks include:

- Task 3.1. Conduct project kickoff meeting with the City and CPC to review objectives, establish contacts, communicating procedures, and establish project schedule. Meeting minutes will be prepared and distributed to attendees.
- Task 3.2 Conduct and/or attend comprehensive plan coordination meetings (10 anticipated).
- Task 3.3 Conduct study review meetings with City (2 anticipated).
- Draft recommendations
 - Draft report
- Task 3.4 Conduct final report presentation to City.

Task 4 – Report Presentation

General

Study findings and recommendations will be summarized in a report. The draft report will be submitted to the City for review and comments. Final comments will be incorporated in the final report. The report format will be similar to the 1992 Basins study.

Specific tasks include:

Task 4.1. Prepare draft report (10 copies) including the following sections.

- TM1 - Data Collection and Updates
- TM2 - Planning Criteria and Land Use
- TM3 - Alternative Development Evaluation
- TM4 – Recommended Improvements and Costs

Task 4.2 Incorporate draft report review comments and prepare final report (10 copies and electronic files).

Information/Services Provided by City

- Updated information on facilities (sewers, lift stations), land use, and boundary changes since 1997 basin study update.
- Interceptor sewer manhole invert data
- Assist with GIS data gathering.
- Evaluations and recommendations review.
- Coordination with CPC:
 - Land use scenarios.
 - Land use densities.
- Orchard Mesa system layout and data (for inclusion in model).

Project Deliverables

- Meeting minutes.
- Updated wastewater system model.
- Draft and final study report (including update map (Figure 4-1 from 1992 study)).

**Attach 5
Public Hearing—Rezoning Sunpointe North Subdivision
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Rezone Sunpointe North Subdivision (proposed Ruby Ranch Subdivision) located on the SW Corner of 26 Road and G 1/2 Road		
File #	PP-2007-058		
Meeting Day, Date	Monday, October 1, 2007		
Placement on the Agenda	Consent		Individual X
Date Prepared	September 19, 2007		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	Greg Moberg, Planning Services Supervisor		

Summary: A request to rezone the subject property from R-2 (Residential – 2 units per acre) to R-4 (Residential – 4 units per acre), to be in compliance with the Growth Plan.

Budget: N/A

Action Requested/Recommendation: Conduct a public hearing and adopt the zoning Ordinance on second reading.

Attachments:

1. Site Location Map / Aerial Photo Map
2. Future Land Use Map / Existing City and County Zoning
3. Rezone Ordinance

Background Information:

1. Sunpointe North Subdivision (Proposed Ruby Ranch Subdivision) is bounded on the west by the Grand Valley Highline Canal, with Blue Heron Meadows Subdivision on the other side of the canal. G 1/2 Road is north and 26 Road is located to the east. Jacobson's Pond Subdivision is across 26 Road to the east. Directly south is 2.7 acres of vacant land. The topography consists of slightly rolling hills.

The property was annexed into the City in 2000, as part of the G Road North Annexation. The annexation area consisted of 274 acres of land. The City annexed the land with the existing County zoning in place, which was RSF-2, realizing that when these properties redeveloped they would need to be rezoned to be consistent with the Growth Plan. The Future Land Use Map designated this area to develop in the Residential Medium category of 4 to 8 dwelling units per acre.

The Sunpointe North Subdivision Plat (future Ruby Ranch Subdivision) consists of 8.42 acres consisting of nine lots and an open space lot, 0.359 acres in size, which is in the center of the subdivision surrounded by Lujan Circle. This parcel was shown on the Future Land Use Map with a Park designation. This was inconsistent with the existing R-2 zoning, as well as the proposed zoning of R-4 for this subdivision. The Growth Plan Amendment to correct this has been prepared for City Council's consideration. This request is to rezone the property to R-4, to be consistent with the Growth Plan for this area. The proposed Ruby Ranch Subdivision is currently under review.

2. Consistency with the Growth Plan: Once the Future Land Use Map error is corrected by City Council, the proposed development will be consistent with the Growth Plan and the North Central Valley Plan.

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

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

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

Response: State law requires the City to zone newly annexed areas within 90 days of the annexation. Since this was such a large area for annexation, the area property owners requested that the proposed City zoning be identical with existing Mesa County zoning for enclaves. Therefore the zoning was not in error at the time of adoption. At that time it was noted that the proposed RSF-R and some of the proposed RSF-2 zone districts did not conform to the Growth Plan's Future Land Use Map recommended densities. It was determined at that time that any future development on these properties may include rezoning to higher densities supported by the Growth Plan Future Land Use map.

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

Response: The character of the neighborhood is changing due to the construction of several new subdivisions such as Blue Heron Meadows and Woodridge Subdivisions to the west, and Jacobson's Pond Subdivision to the northeast. All of these subdivisions have been rezoned so that their developments would be consistent with the Growth Plan.

3. The proposed rezone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations;

Response: The proposed rezone to R-4 is within the allowable density range recommended by the Growth Plan. All other subdivision to the east and west have been zoned and developed to the R-4 standards making Ruby Ranch Subdivision conform to the surrounding neighborhoods.

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

Response: It has been determined that the public infrastructure will address the impacts of the development consistent with the R-4 zone district. Services are being upgraded in cooperation with the City and the developers of the Jacobson's Pond Subdivision to the northeast. The design of 26 Road and G ½ Road improvements are in the development process and will be reflected on the Final Plat, therefore this criterion is met.

5. The supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's needs; and

Response: The rezoning request is to accommodate the Growth Plan Future Land Use Map. It was always the intent to rezone the property upon future development, not based on the availability of other land supplies.

6. The community will benefit from the proposed zone.

Response: The proposed zoning change will allow the property to be developed at a density that will support its infrastructure needs and the natural geographic constraints of the property. The property is situated only 3 miles directly north of the core of the City, and promotes the desire for compact and fiscally

responsible development patterns. The plan provides interconnectivity to future adjacent subdivisions.

Alternatives: In addition to the R-4 zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property:

- R-5 (Residential – 5 du/ac)
- R-8 (Residential – 8 du/ac)

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Ruby Ranch Subdivision application, file number PP-2007-058 for rezone, the Planning Division makes the following findings of fact and conclusions:

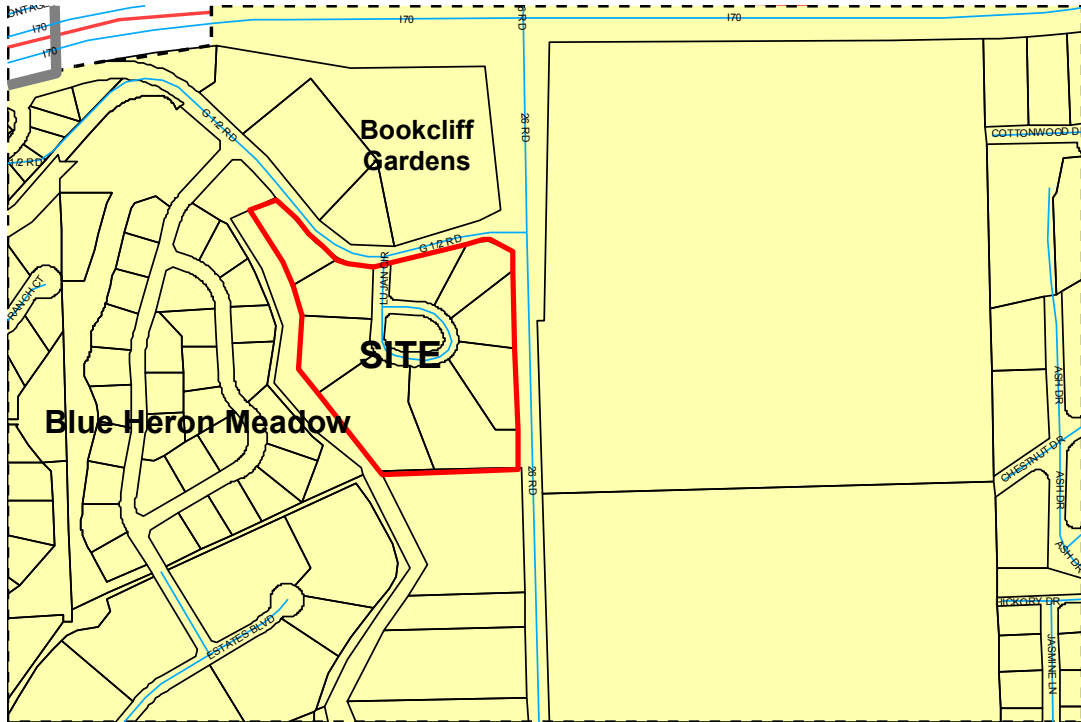
2. The requested zone is consistent with the goals and policies of the Growth Plan and the North Central Valley Plan.
3. The rezone criteria in Section 2.6.A of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, at their regularly scheduled meeting of September 11, 2007, forwards a recommendation of approval to the City Council, for the requested rezone.

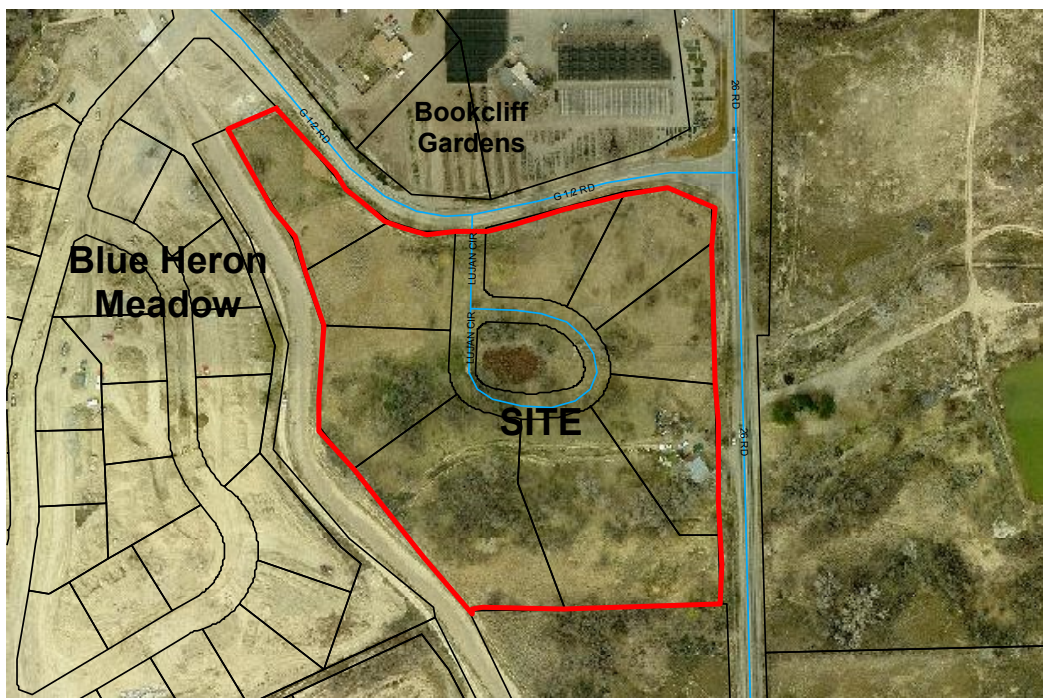
Site Location Map

SW Corner 26 Rd and G ½ Rd



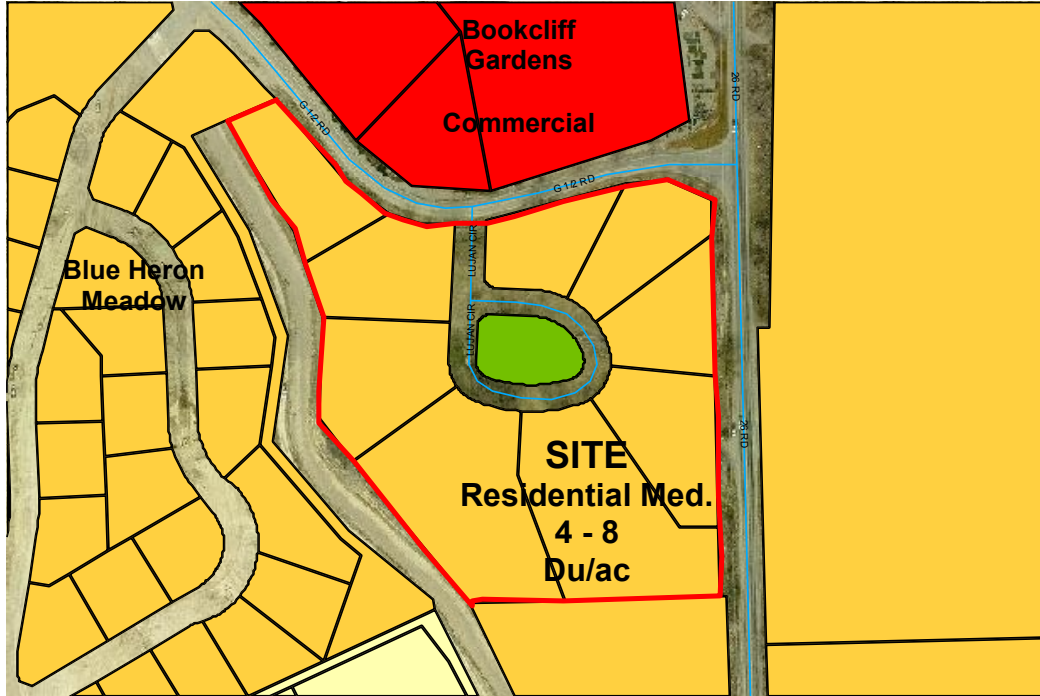
Aerial Photo Map

SW Corner 26 Rd and G ½ Rd



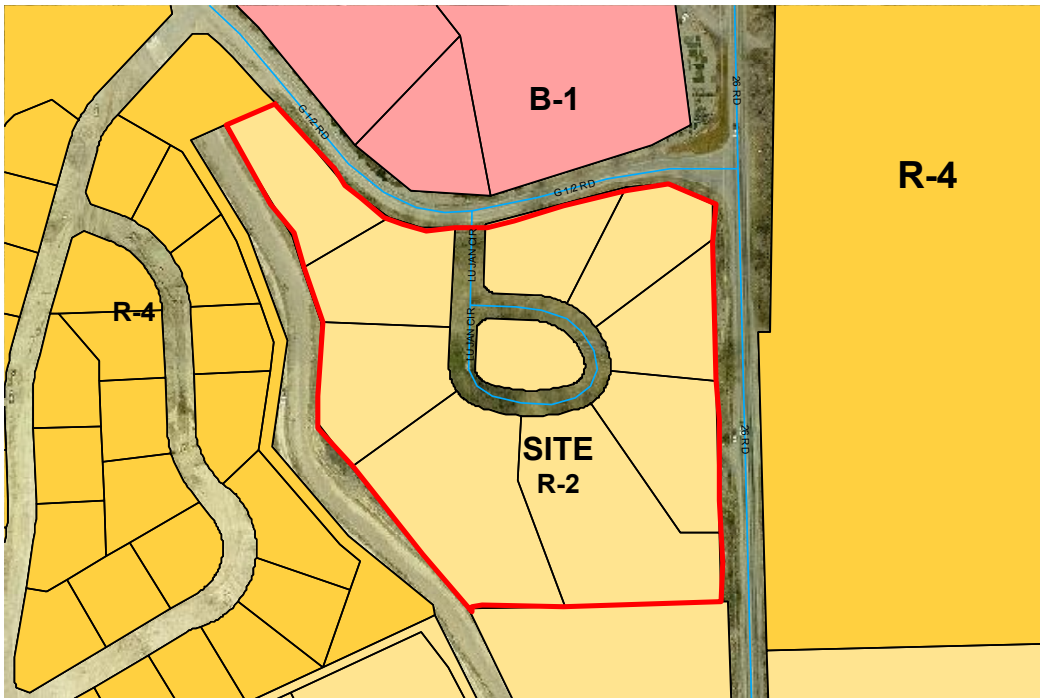
Future Land Use Map

SW Corner 26 Rd and G ½ Rd



Existing City and County Zoning

SW Corner 26 Rd and G ½ Rd



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

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE REZONING 8.42 ACRES OF LAND LOCATED ON
THE SOUTHWEST CORNER OF 26 ROAD AND G 1/2 ROAD FROM R-2 TO R-4**

RECITALS:

A rezone from the Residential - 2 units per acre (R-2) district to the Residential - 4 units per acre (R-4) district has been requested for the properties located on the South West corner of 26 Road and G 1/2 Road for purposes of developing a residential subdivision. The City Council finds that the request meets the goals and policies and future land use set forth by the Growth Plan (Residential Medium, 4 to 8 dwelling units per acre). City Council also finds that the requirements for a rezone as set forth in Section 2.6 of the Zoning and Development Code have been satisfied.

The Grand Junction Planning Commission, at its September 11, 2007 hearing, recommended approval of the rezone request from the R-2 district to the R-4 district.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF GRAND JUNCTION THAT THE PARCEL DESCRIBED BELOW IS HEREBY
ZONED TO THE RESIDENTIAL – 4 UNITS PER ACRE (R-4) DISTRICT:**

Sunpointe North Subdivision recorded with the Mesa County Clerk and Recorder, Plat Book 13, Page 319.

INTRODUCED for FIRST READING and PUBLICATION this 19th day of September, 2007.

PASSED on SECOND READING this _____ day of _____, 2007.

ATTEST:

City Clerk

President of Council

Attach 6

**Public Hearing—Vacating Lujan Circle Right-of-Way and Utility Easements
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Vacation of Lujan Circle Right-of-Way and Utility Easements shown on the Sunpointe North Subdivision Plat.		
File #	PP-2007-058		
Meeting Day, Date	Monday, October 1, 2007		
Placement on the Agenda	Consent		Individual X
Date Prepared	September 19, 2007		
Author Name & Title	Lori V. Bowers, Senior Planner		
Presenter Name & Title	Greg Moberg, Planning Services Supervisor		

Summary: Located near the SW corner of 26 Road & G 1/2 Road, Lujan Circle is a dedicated yet not constructed right-of-way, with a couple of utility easements shown on the Sunpointe North Subdivision plat. The request to vacate the right-of-way and utility easements is subject to approval and recordation of a final plat that is compliant with the Zoning and Development Code for the future Ruby Ranch Subdivision (file number PP-2007-058).

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and pass second reading an ordinance to vacate the right-of-way for Lujan Circle and utility easements shown on the Sunpointe North Subdivision plat.

Attachments:

1. Site Location Map / Aerial Photo Map
2. Future Land Use Map / Existing City and County Zoning
3. Sunpointe North Subdivision Plat
4. Ordinance vacating ROW and easements

Background Information:

1. Sunpointe North Subdivision (Proposed Ruby Ranch Subdivision) is located adjacent to the Grand Valley Highline Canal on the west, with Blue Heron Meadows Subdivision on the other side of the canal. G ½ Road is north and 26 Road is located

to the east. Jacobson's Pond Subdivision is across 26 Road to the east. Directly south is 2.7 acres of vacant land. The topography consists of slightly rolling hills.

This application is a request to vacate the platted, yet not constructed, right-of-way of Lujan Circle. This is shown on the Sunpointe North Subdivision Plat which was approved in 1984 by the Board of County Commissioners. The final Plat was recorded in July of 1985. The property was annexed into the City in 2000, as part of the G Road North Annexation. The annexation area consisted of 274 acres of land. The Sunpointe North Subdivision Plat consists of nine lots and one small lot, 0.359 acres in size that is in the center of the subdivision surrounded by Lujan Circle. A twenty-foot utility and irrigation easement is shown on the east and west, with another ten-foot irrigation easement on the west heading slightly south. A drainage easement near the northern end of the property is also being vacated, which runs slightly north to south.

By vacating the platted but not yet constructed right-of-way, along with the utility, drainage and irrigation easements, provides the developer with a clean slate to develop a subdivision that will meet the density requirements of the Growth Plan. No public utilities were constructed for this subdivision, and new dedicated easements for GVIC (Grand Valley Irrigation Company) and GVWUA (Grand Valley Water Users Association) will be provided with the future proposed subdivision.

2. Consistency with the Growth Plan: Once the Future Land Use Map error is corrected by the City Council the proposed development will be consistent with the Growth Plan and the North Central Valley Plan.

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

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

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

By vacating the existing right-of-way for Lujan Circle, shown on the Sunpointe North Plat, a new subdivision can be designed that will meet the density requirements of the Growth Plan (the Sunpointe North Plat does not). The proposed new road alignment will allow for better neighborhood interconnectivity. Trail connections will be made per the Urban Trails Master Plan. The proposal also supports the goals and policies of The North Central Valley Plan.

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

The vacation of the dedicated but not yet constructed right-of-way and utility easements will land lock the already platted parcels. A Preliminary plan is currently under review

for the proposed new subdivision. Once the new subdivision is platted there will be no landlocked parcels as new right-of-way and easements will be dedicated.

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

The parcel will not be restricted by the proposed vacation. The vacation of the right-of-way and utility easements will increase the value of the parcel so a new more efficient design that will meet the requirements of the Growth Plan can be provided without a hindrance of the existing design.

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

There will be no adverse impacts. Once the new subdivision is approved the impacts to the health, safety and welfare of the community and the quality of the public facilities should be improved.

- 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.

Adequate public facilities and services are not inhibited since no public facilities were constructed for the Sunpointe North Subdivision.

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

By vacating the existing right-of-way and utility easements, the traffic circulation shall be improved with the new subdivision plan.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Ruby Ranch Subdivision application, file number VR-2007-058 for vacation of right-of-way and utilities, the Planning Division makes the following findings of fact, conclusions and conditions:

4. The requested vacation of public right-of-way and utility easements is consistent with the goals and policies of the Growth Plan and the North Central Valley Plan.

5. The review criteria for Vacations of Public Rights-of-Way and Easements found in Section 2.11.c of the Zoning and Development Code have all been met.

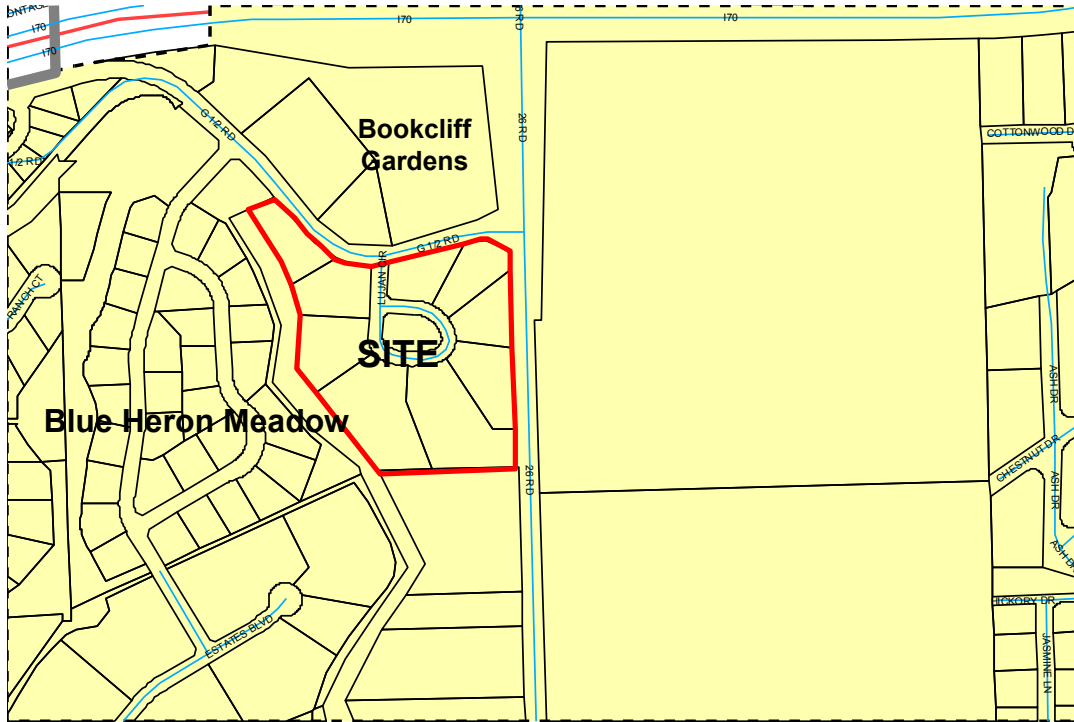
3. Approval shall be subject to approval and recordation of a final plat that is compliant with the Zoning and Development Code for Ruby Ranch Subdivision.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission at their regularly scheduled meeting of September 11, 2007, forwards a recommendation of approval of the requested vacations.

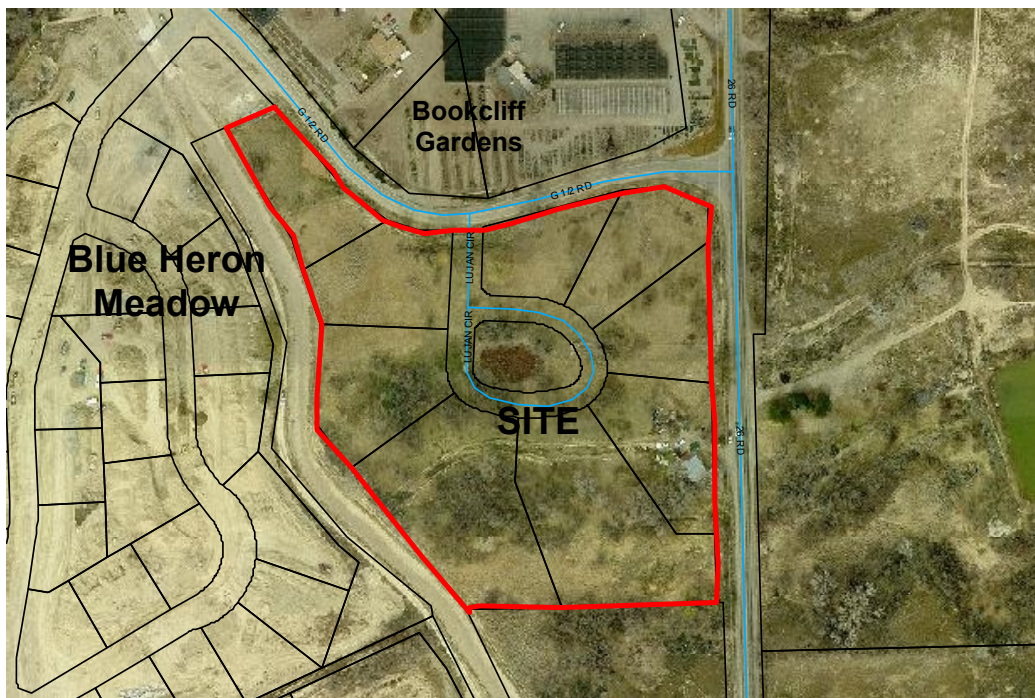
Site Location Map

SW Corner 26 Rd and G ½ Rd



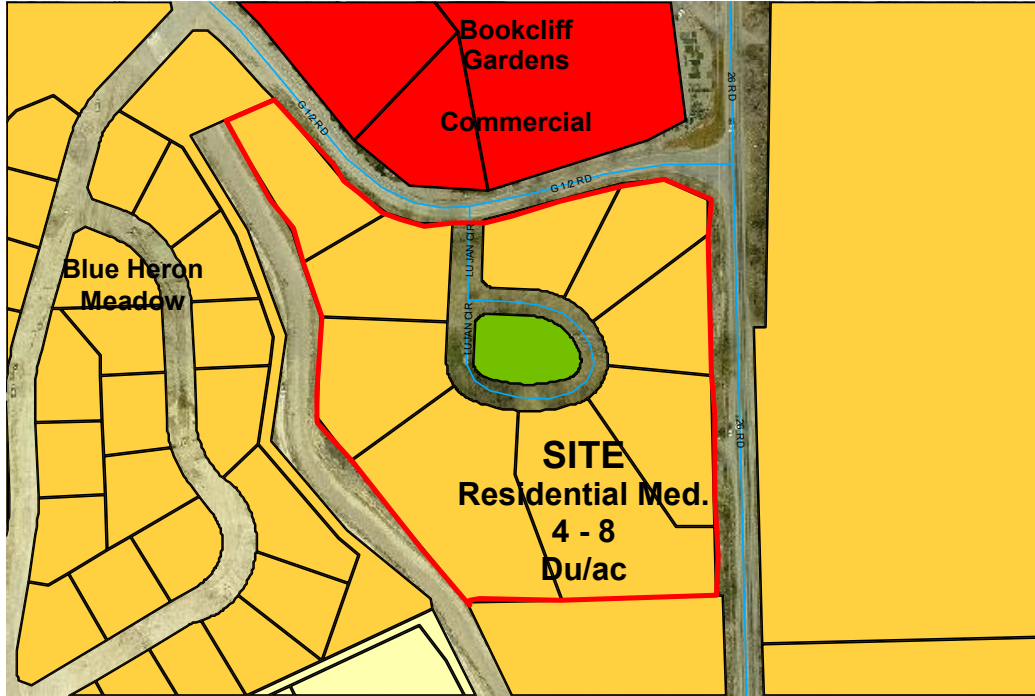
Aerial Photo Map

SW Corner 26 Rd and G ½ Rd



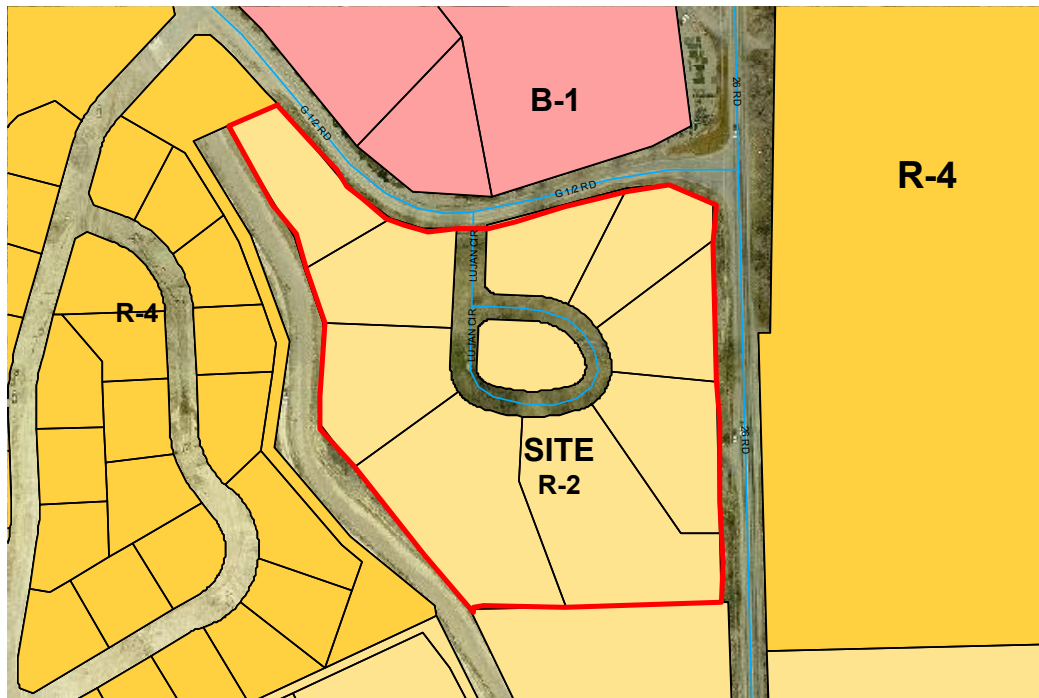
Future Land Use Map

SW Corner 26 Rd and G ½ Rd



Existing City and County Zoning

SW Corner 26 Rd and G ½ Rd

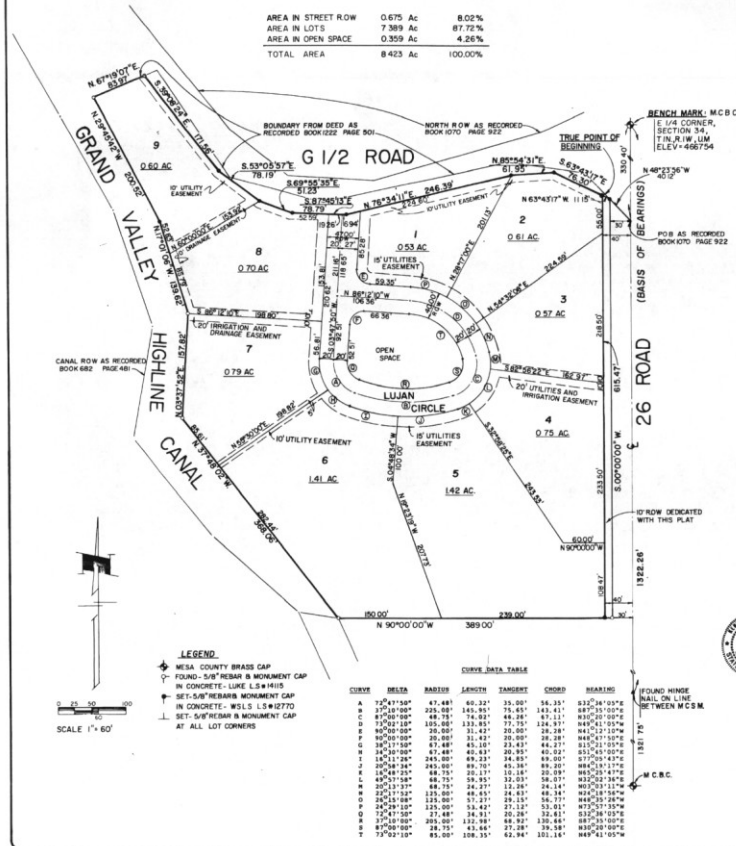


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

SUNPOINTE NORTH

AREA QUANTITIES

AREA IN STREET ROW	0.675 AC	8.02%
AREA IN LOTS	7.389 AC	87.72%
AREA IN OPEN SPACE	0.359 AC	4.26%
TOTAL AREA	8.423 AC	100.00%



LEGEND

- MESA COUNTY BRASS CAP
- FOUND - 5/8" REBAR B MONUMENT CAP
- IN CONCRETE - LINE L&W MARKS
- SET - 5/8" REBAR B MONUMENT CAP
- IN CONCRETE - W&LS L&W 12770
- SET - 5/8" REBAR B MONUMENT CAP
- AT ALL LOT CORNERS

CURVE DATA TABLE

CURVE	BEARS	RADIUS	LENGTH	TANGENT	CHORD	BEARING
A	72°41'18"	47.48'	60.33'	30.00'	46.33'	S12°24'00"W
B	37°18'00"	225.00'	145.93'	75.45'	143.41'	S87°30'00"W
C	83°00'00"	48.75'	76.80'	48.00'	57.11'	S83°00'00"W
D	73°02'18"	105.00'	132.83'	75.75'	124.87'	S48°41'05"W
E	80°07'00"	50.00'	31.42'	20.00'	28.24'	S65°21'05"W
F	90°07'00"	50.00'	48.10'	24.85'	44.23'	S15°01'05"W
G	28°30'00"	47.48'	48.10'	20.00'	23.13'	S15°01'05"W
H	18°31'28"	245.00'	89.23'	34.85'	89.00'	S77°05'43"E
I	205°34'54"	245.00'	89.70'	43.90'	89.00'	S85°31'37"E
J	180°48'33"	48.75'	25.11'	15.18'	20.00'	S85°30'47"E
K	48°51'18"	48.75'	39.93'	32.00'	38.21'	S85°30'47"E
L	200°13'37"	48.75'	26.27'	13.28'	24.14'	N07°30'11"W
M	200°13'37"	48.75'	26.27'	13.28'	24.14'	N07°30'11"W
N	200°13'37"	48.75'	26.27'	13.28'	24.14'	N07°30'11"W
O	200°13'37"	48.75'	26.27'	13.28'	24.14'	N07°30'11"W
P	248°28'18"	125.00'	53.42'	27.12'	53.01'	S75°30'35"W
Q	72°41'18"	47.48'	60.33'	30.00'	46.33'	S12°24'00"W
R	37°18'00"	225.00'	145.93'	75.45'	143.41'	S87°30'00"W
S	83°00'00"	48.75'	76.80'	48.00'	57.11'	S83°00'00"W
T	73°02'18"	105.00'	132.83'	75.75'	124.87'	S48°41'05"W

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That the undersigned Dale E. Jones and K. Eric Alpha, the owners of real property situated in the County of Mesa, State of Colorado and being a part of the S&1/4, S&1/4 of Section 34, Township 1 North, Range 1 West of the 10th Meridian, being more particularly described as follows:

The original description is recorded in Book 1232 Page 581.

The current plat description is as follows:

Commencing at the Brass cap monumenting the East one-quarter corner of said Section 34, thence along the Eastern line thereof S00°00'00"E 330.40 feet to a point with all bearings in this description being relative to a bearing of 200°00'00"E along this line, thence S65°31'05"W 60.12 feet, thence S45°41'17"W 11.15 feet to the true point of beginning; thence S85°30'50"W 633.47 feet; thence S85°30'50"W 388.00 feet; thence S87°41'02"W 388.00 feet; thence S02°31'17"E 331.82 feet; thence S15°01'05"W 139.42 feet; thence S07°41'07"W 220.33 feet; thence S07°19'27"E 83.97 feet; thence S15°01'05"W 131.38 feet; thence S15°01'05"W 131.38 feet; thence S85°31'17"E 41.25 feet; thence S85°31'17"E 41.25 feet; thence S15°01'05"W 131.38 feet; thence S15°01'05"W 131.38 feet; thence S85°31'17"E 41.25 feet; thence S85°31'17"E 76.38 feet to the true point of beginning and containing 8.423 acres more or less.

That said owners do hereby dedicate and set apart all of the streets and roads as shown on the accompanying plat to use of the public forever, and do hereby dedicate to the public utilities those portions of said real property which are labeled as utility easements on the accompanying plat as depicted, easements for the installation and maintenance of utilities, irrigation and drainage facilities, including, but not limited to electrical lines, gas lines, telephone lines, together with the right to trim interfering trees and brush; with perpetual right of ingress and egress for installation and maintenance of such lines. Such easements and right shall be utilized in a reasonable and prudent manner.

That all expense for street paving or improvements shall be furnished by the seller or purchaser, not by the County of Mesa.

WITNESSES whereof said owners have caused their names to be hereto subscribed this 9th day of July, 1984.

Dale E. Jones
K. Eric Alpha

NOTICE

STATE OF COLORADO }
COUNTY OF MESA }

The foregoing instrument was acknowledged before me this 9th day of July, 1984, by Dale E. Jones and K. Eric Alpha, as tenants in common.

My Commission Expires: Oct 7, 1987

COUNTY PLANNING COMMISSION CERTIFICATE

Approved this 14th day of July, 1984, County Planning Commission of the County of Mesa, State of Colorado.

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

Approved this 14th day of July, 1984, Board of County Commissioners of the County of Mesa, State of Colorado.

UTILITIES COORDINATING COMMITTEE

Approved this 14th day of July, 1984, Utilities Coordinating Committee of the County of Mesa, State of Colorado.

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO } SS
COUNTY OF MESA }

I hereby certify that this instrument was filed in my office at 11:41 o'clock A.M. on this day of July, 1984, and is duly recorded in Book 1232 at page 579.

Dale E. Jones
K. Eric Alpha

SURVEYOR'S CERTIFICATE

I, Kenneth L. Sloan, do hereby certify that I am a registered land surveyor licensed under the laws of the State of Colorado, that this plat is a true, correct and complete plat of SUNPOINTE NORTH monumented, platted, dedicated and shown hereon, that this plat was made from an accurate survey of said property by me, and on the basis of my knowledge and belief correctly shows the location and dimensions of the parcels, easements and dedicated right-of-way of said subdivision in compliance with Colorado State regulations governing the subdivision of land.

By: Kenneth L. Sloan
Surveyor

NOTICE: According to Colorado Law, you must commence any legal action based upon any defect in this survey within six years after you first discover such defect, or in no event, any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

The Subdivision Protective Comments are recorded in Plat Book _____ Page _____

SUNPOINTE NORTH
SECTION 34, TWP 1N, RANG 1W, U.M.

BECK, SHURUM and ASSOCIATES, INC.
NATIONAL REGISTERED SURVEYORS
1000 EAST 17TH AVENUE, SUITE 200
DENVER, COLORADO 80202



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE VACATING UNDEVELOPED RIGHT-OF-WAY
KNOWN AS LUJAN CIRCLE AND SEVERAL DRAINAGE, IRRIGATION, AND
UTILITY EASEMENTS AS SHOWN ON THE SUNPOINTE NORTH SUBDIVISION
PLAT LOCATED AT THE SOUTHWEST CORNER OF 26 ROAD AND G 1/2 ROAD**

RECITALS:

A vacation of the dedicated yet un-constructed right-of-way known as Lujan Circle, located near the south west corner of 26 Road and G 1/2 Road has been requested by the property owner. Also requested is the vacation of the drainage, irrigation and utility easements shown thereon. The vacation request is a result of the Ruby Ranch Subdivision's proposal to develop a single family subdivision on 8.42 acres. The request to vacate is specifically for those dedications recorded in the Mesa County Clerk & Recorder's records at Plat Book 13, Page 319.

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. This Ordinance shall not become effective until the recording of the Final Plat for the Ruby Ranch Subdivision.

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.

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

The dedicated right-of-way, drainage, irrigation and utility easements as shown on the Sunpointe North Subdivision Plat recorded with the Mesa County Clerk and Recorder at Plat Book 13, Page 319, and as depicted on the attached Exhibit "A" are hereby vacated.

Introduced on first reading this 19th day of September, 2007 and ordered published.

Adopted on second reading this _____ day of _____, 2007.

Mayor

ATTEST:

City Clerk

Exhibit "A"

