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**CITY COUNCIL AGENDA
WEDNESDAY, AUGUST 3, 2011
250 NORTH 5TH STREET
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

Call to Order
(7:00 p.m.)

Pledge of Allegiance
Invocation – Reverend Blaine Scott, First United Methodist Church

[The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.]

Proclamations

Proclaiming August 12, 2011 as "Grand Valley Power Day" in the City of Grand Junction

Appointments

Ratify the Appointments to the Mesa County Building Code Board of Appeals

Certificates of Appointments

Downtown Development Authority/Downtown Grand Junction Business Improvement District

Council Comments

Citizen Comments

*** Indicates Changed Item*

**** Indicates New Item*

® Requires Roll Call Vote

***** CONSENT CALENDAR ***®**

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

Action: Approve the Minutes of the July 20, 2011 Special Meeting and the July 20, 2011 Regular Meeting

2. **Setting a Hearing Zoning the Ashley Annexation, Located at 2808 C ¾ Road** [Attach 2](#)
[File # ANX-2011-856]

A request to zone the Ashley Annexation, located at 2808 C ¾ Road, which consists of one (1) parcel, to an I-2 (General Industrial) zone district.

Proposed Ordinance Zoning the Ashley Annexation to I-2 (General Industrial), Located at 2808 C ¾ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 15, 2011

Staff presentation: Brian Rusche, Senior Planner

3. **Mesa Management LLC Revocable Permit, Located at 602 26 ½ Road** [File # SPN-2011-783] [Attach 3](#)

Mesa Management LLC is requesting a Revocable Permit to allow the existing detached garage, stone BBQ, 6' tall solid wood fence and landscaping (both existing and proposed) to remain in the recently dedicated street right-of-way for Patterson Road located at 602 26 ½ Road. The property owner dedicated this additional right-of-way as part of their site development plan.

Resolution No. 41-11—A Resolution Concerning the Issuance of a Revocable Permit to Mesa Management LLC, Located at 602 26 ½ Road

®Action: Adopt Resolution No. 41-11

Staff presentation: Scott D. Peterson, Senior Planner

4. **Persigo Wastewater Treatment Plant Sludge Processing Building Improvements Project (Dissolved Air Floatation) Construction Contract**

[Attach 4](#)

This request is for the construction of the Sludge Processing Building Improvements Project at the Persigo Wastewater Treatment Plant (WWTP). Based on previous process improvement evaluation studies at the WWTP, Staff has identified the need to improve the plant system for solids handling. Installation of Dissolved Air Floatation (DAF) equipment will allow Operators at the WWTP to optimize solids handling throughout the WWTP, and during winter months when current plant processes are reaching design capacity.

Action: Authorize the Purchasing Division to Execute a Construction Contract with RN Civil Constructors, LLC. for the Construction of the Sludge Processing Building Improvements Project at the Persigo WWTP in the Amount of \$317,000

Staff presentation: Tim Moore, Public Works and Planning Director
Jay Valentine, Assistant Financial Operations Manager

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

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

5. **Annual Justice Assistance Grant for Police Mobile Technology Upgrades**

[Attach 5](#)

The Grand Junction Police Department has been solicited by the Bureau of Justice Assistance (BJA) program of the US Department of Justice to apply for an annual grant in the amount of \$56,384. These funds are allocated evenly between Grand Junction Police Department and Mesa County Sheriff's Office and will be used in combination with other funding sources to complete mobile technology upgrades in each agencies police cars.

The Bureau of Justice Assistance requests the City Council to provide an opportunity for public comment, as part of the application process.

Action: Authorize the City Manager to Apply for the Bureau of Justice Assistance Annual Formula Grant; and if awarded, Authorize the City's Purchasing Division

to Procure New Mobile Technology for the Police Department Patrol Vehicles, in the Amount of \$56,384

Staff presentation: Troy Smith, Deputy Chief of Police

6. **Public Hearing—Amending the Grand Junction Municipal Code to Authorize the Issuance of Special Events Permits by the Local Licensing Authority**

[Attach 6](#)

A new State law allows a local jurisdiction to consider and issue Special Events Permits. The law allows non-profits and political candidates that receive a Special Event Permit to serve alcoholic beverages on non-licensed premises for up to fifteen events per year providing all requirements are met. Under the prior law the Local Licensing Authority reviewed and approved a Special Event Permit application but the State issued the license.

Ordinance No. 4478—An Ordinance Amending the Grand Junction Municipal Code Section 5.12.240 to Authorize the Issuance of Special Event Permits by and Through the Local Authority

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4478

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

***** END OF ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

7. **Non-Scheduled Citizens & Visitors**

8. **Other Business**

9. **Adjournment**

Attach 1
Minutes

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

JULY 20, 2011

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, July 20, 2011 at 5:30 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Laura Luke, Bill Pitts, and President of the Council Tom Kenyon. Councilmember Sam Susuras was absent.

Council President Kenyon called the meeting to order.

Councilmember Luke moved to go into Executive Session for discussion of personnel matters under Section 402 (4)(f)(i) of the Open Meetings Law Relative to City Council Employees Specifically the Municipal Judge, 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 and for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators under Section 402 (4)(e) of the Open Meetings Law and Council will not be returning to open session. Councilmember Boeschstein seconded the motion. The motion carried.

The City Council convened into executive session at 5:35 p.m.

Stephanie Tuin, MMC
City Clerk

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

July 20, 2011

The City Council of the City of Grand Junction convened into regular session on the 20th day of July, 2011 at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Jim Doody, Laura Luke, Bill Pitts, and Council President Tom Kenyon. Councilmembers Teresa Coons and Sam Susuras were absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Kenyon called the meeting to order. Councilmember Pitts led the Pledge of Allegiance, followed by a moment of silence.

Presentations

Yard of the Month for June

Tom Ziola, Forestry Supervisor, and Kami Long, Forestry Board Chair, introduced Don and Buzzie Aust who were June's winners of the Yard of the Month. Mr. Aust gave credit to his wife for doing most of the work.

Council President Kenyon expressed appreciation to the winners for all their hard work and said that the community shines due to efforts such as these.

Appointments

Councilmember Boeschstein moved to re-appoint Frank Watt and appoint Brad Taylor, John Pabst, and Karen Jefferson for three year terms expiring July 2014 and appoint John Heideman to a partial term expiring July 2012 to the Riverfront Commission. Council President Kenyon declared the appointments are adopted unanimously.

Certificates of Appointments

Cynthia Burke was present to receive her Certificate of Appointment to the Downtown Development Authority/Downtown Grand Junction Business Improvement District.

Council Comments

Councilmember Boeschstein mentioned that he and Steve Acquafresca met to interview Riverfront Commission candidates. He attended the Downtown Development Authority meeting. He also attended the League of Conservation Voters meeting.

There were no other Council comments.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Luke read the Consent Calendar Items #1 through #3 and then moved for approval of the Consent Calendar. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the July 5, 2011 Joint Persigo Meeting and the July 6, 2011 Regular Meeting

2. **Setting a Hearing Amending the Grand Junction Municipal Code to Authorize the Issuance of Special Events Permits by the Local Licensing Authority**

A new State law allows a local jurisdiction to consider and issue Special Events Permits. The law allows non-profits and political candidates that receive a Special Event Permit to serve alcoholic beverages on non-licensed premises for up to fifteen events per year providing all requirements are met. Under the prior law the Local Licensing Authority reviewed and approved a Special Event Permit application but the State issued the license.

Proposed Ordinance Amending the Grand Junction Municipal Code Section 5.12.240 to Authorize the Issuance of Special Event Permits by and Through the Local Authority

Action: Introduction of a Proposed Ordinance and Set a Hearing for August 3, 2011

3. **Amber Floral 2nd Floor Balcony Revocable Permit, Located at 516 Main Street**
[File #RVP-2011-706]

Amber Floral, Inc. is remodeling the interior and façade of their building at 516 Main Street. The proposed design for the façade remodel includes a 2nd story balcony which extends over the Main Street right-of-way. Amber Floral, Inc. is therefore requesting a Revocable Permit for the proposed encroachment. The proposed balcony is an arc 14'8" long and extends 3'6" into the right-of-way.

Resolution No. 38-11—A Resolution Concerning the Issuance of a Revocable Permit to Amber Floral, Inc., 516 Main Street

Action: Adopt Resolution No. 38-11

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—F Road Name Change to Patterson Road, Located between I-70 B (west side) to 26 Road and between 28 Road and I-70 B (east side) [File #SNC-2011-928]

The City and County Addressing Committee recommends that the City of Grand Junction and Mesa County officially change the F Road/Patterson Road corridor from I-70 Business Loop on the West to I-70 Business Loop on the East (approximately 9 miles) to Patterson Road. Approval of this name change will require renumbering 378 of 454 addresses along the corridor according to Mesa County's numbering grid.

The public hearing was opened at 7:11 p.m.

David Thornton, Principal Planner, presented this item. He explained the request and the background noting this is a joint project with Mesa County and introduced Linda Danneberger with the County who is the co-chair on the committee. The committee is comprised of about twenty members. The committee addressed the nine mile corridor from I-70 Business Loop on the west side of town to the I-70 Business Loop on the east. That roadway is called Patterson Road from 1st Street (26 Road) to 28 Road (28th Street). However, there are a checkerboard of Patterson Road and F Road addresses to both the east and west of that section. Some are using County numbering and some are using City numbering. It leads to confusion with the Post Office, visitors, and emergency services. The proposal is to change the street name to Patterson Road for the entire nine miles. The result of that street name change will also change some of the address numbers. Using the County numbering system made more sense due to the number of addresses and that will eliminate the fractional addresses. The impact on the property owner is recognized and the committee has heard from some property owners that object. However, the inconsistencies create confusion and difficulties from a variety of service providers as well as visitors and newcomers.

The change will impact 454 addresses; 76 addresses will see no change, 72 will have a street number change but not a road name change, 292 will have a street name change but the street number will not change, and lastly 7 have a fractional address which will have a street number change.

There has been a lot of publicity about this change. Several meetings have occurred and advertising for this public hearing did occur. Notices were sent to various review

agencies and, of course, those property owners that will be impacted. There will also be a public hearing before the County Commissioners on August 9th at 9:05 a.m.

Comments received included some in strong support of the change to some that are strongly opposed as they are long time property owners and will incur some financial impact with the change. All comments received as of that date of packet distribution were included; additional comments have been received both against and strongly in favor since then. Comments from a telephone directory company were positive and in favor of the change in order to stop confusion when giving directions. Out of all the review agencies, none responded unfavorably. The 911 Communications Center is in favor of an addressing system that allows emergency service providers to respond quickly. The new addressing will also prevent any identical numbering.

The addressing committee will make sure all agencies are notified of the change including utilities, service providers, directory companies, and the postal service. The property owners will have to notify their service providers and magazine subscriptions. Also the postal service will keep both addresses on file for a one year period to make sure people still get their mail.

The proposal meets Goal 9 of the Comprehensive Plan regarding an effective transportation system. The recommendation of City Staff is that the City Council approve the name change.

Councilmember Pitts asked why the street was named Patterson from F Road. Mr. Thornton said it was changed about fifty years ago for the two miles in the City to Patterson Road. Councilmember Pitts noted that more addresses will need to be changed to Patterson than if they stayed with F Road. Mr. Thornton responded that much of the business community said they preferred Patterson Road versus F Road. However, some do want it to remain F Road.

Councilmember Boeschstein thanked Mr. Thornton, applauded the effort and concurred that change can be difficult. He confirmed that the Post Office will deliver to both addresses for a year. Traditionally, as the City has expanded, the City has taken the street names out of the alpha (letter) names.

Council President Kenyon clarified what fractional addresses are and that they will be eliminated. Mr. Thornton confirmed that they will be eliminated.

Council President Kenyon asked for public comment.

Brandi Pollock, owner of Fisher Liquor Barn, 2438 F Road, said her grandfather purchased this property over 70 years ago and they have been a liquor store for thirty years. She has lived in Grand Junction her entire life and it has been F Road. She thinks it has been easy to find areas based on the F Road address in this particular

area. She is concerned about the name change and cost to make the change. She would like it to stay F Road.

Darlene Swenson, retired from the Post Office, has worked with the addressing system for over twenty years. The fractional addresses really cause a problem. Many automated addresses will not include the fraction. Postal carriers are not allowed to make adjustments. Many businesses use Patterson Road when they are technically still F Road and it really causes an issue. The Post Office is going to have more part-time people and they will not know people by name. Readdressing with a consistent numbering system will aid in delivery. She supported the change. Also GPS does not work on Patterson Road; it will send you to the wrong place.

Linda Danneberger, Mesa County Planning Division Director, said she is pleased to be co-chairing the effort. Some folks do like the County mile system but they think it is correct to honor the Patterson Road name (Patterson was a local doctor). All notices sent out were signed jointly by the City and the County. It has been a great joint, coordinated project. The County Commissioners are aware and their public hearing is August 9, 2011. Without the City going forward, there would be no point in going forward on the remainder of the roadway.

Pam Folsom, 3066 F Road, said her address is going to be completely changed to 3068 Patterson and does not think it is fair to have an address that has been this way for 30 years to something completely different.

Jim Baughman, 2579 F Road, said his family has lived at that location since 1928 so he has a lot of history on that property. His father told him the change occurred when the City annexed that section and the street numbers were changed. He explained the numbering system. The confusion came as the City began annexing into the County areas. The County system starts at the Utah line and proceeds east. He had phone books from 1939, 1957, and 1962. The annexation must have happened between 1962 and 1963, as the 1960 book shows the start of the change. He contended that the change will not clear up the confusion as there will still be portions called F Road. He said it was the wrong thing to change this name back then as it had too much of an impact. He supports changing the numbering system to the County system, noting it makes total sense. He asked the Council to consider naming the entire corridor F Road. He added this is not an isolated incident as he thinks the City has numbering problems on other streets such as 1st Street and 12th Street due to the interface between the City and County numbering systems.

There were no other public comments.

The public hearing was closed at 8:02 p.m.

Council President Kenyon asked Mr. Thornton to address any of the comments that were made. Mr. Thornton, Public Works and Planning, responded to the speaker

whose street number was completely changing, and said this can probably be addressed on an administrative level. Regarding Mr. Baughman's comments, both he and Ms. Danneberger are aware that there are many other areas that have such issues but it is not easy to make a change, and they are not addressing all of those issues at the same time.

Council President Kenyon asked why the nine miles were selected. Mr. Thornton said it goes from Business Loop to Business Loop and that section is a four lane thoroughfare and is clearly urban.

Councilmember Luke asked how far F Road goes into the Redlands, and has noticed the road has been widened in the east. Are there plans to widen F Road in the Clifton area? Mr. Thornton said the area east of the Business Loop is being widened for access into the shopping center. It is more of a transition from a four lane road into a two lane road.

Linda Danneberger, County Planning Director, said east of the Business Loop, F Road is State maintained. CDOT is trying to move cars and the County wants to address pedestrian movement in that area.

Councilmember Luke asked about F Road past the Mall into the Redlands area. Mr. Thornton said there is just a short section and it is undedicated right-of-way and has one address listed as F Road.

Councilmember Pitts noted the good intentions of laying out the grid system when the town was laid out. He supports consistency but preferred the use of F Road throughout the length.

Councilmember Boeschstein noted that, as the area becomes urbanized, urban street names should be used. There should be consistent street names. There are a lot of good reasons that were testified too. He applauded the work done.

Councilmember Doody agreed with the Staff recommendations. The uniformity of changing it to Patterson has been justified. He has opposed name changes in the past. He remembers the change being for Dr. Patterson being honored. He agreed with expanding it to the nine mile corridor.

Councilmember Luke agreed it is a difficult issue. She feels strongly about not reversing decisions on name changes. It will be easier once the work is done, a year from now. This change is important to make things run smoother.

Resolution No. 39-11—A Resolution Renaming F Road to Patterson Road Between I-70 B (on the west) to 26 Road and Between 28 Road and I-70 B (on the east)

Councilmember Pitts moved to make the road name consistent and adopt Resolution No. 39-11. Councilmember Boeschenstein seconded the motion. Motion carried by roll call vote with Councilmember Pitts voting NO.

Public Hearing—JR Enclave Annexation and Zoning, Located at 247 Arlington Drive
[File #ANX-2011-755]

A request to annex 6.80 acres of enclaved property known as the JR Enclave and to zone the annexation, consisting of one (1) parcel to an R-5 (Residential 5 du/ac) zone district.

The public hearing opened at 8:16 p.m.

Brian Rusche, Senior Planner, presented this item. He described the request and the location and asked that the Staff Report and attachments be entered into the record. The Persigo Agreement mandates annexation of enclaves after five years of the property being enclaved. The State law allows for annexation of enclaves after three years. Mr. Rusche described the zoning proposed and the Comprehensive Plan designation. There is no development proposed for this property. The City is the applicant since it is an enclave. The proposal is in compliance with the annexation requirement in State law and the zoning being requested is in compliance with the Zoning and Development Code and the Comprehensive Plan. Staff recommends approval.

There were no public comments.

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

a. Annexation Ordinance

Ordinance No. 4471—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, JR Enclave Annexation, Located at 247 Arlington Drive, Consisting of Approximately 6.80 Acres

b. Zoning Ordinance

Ordinance No. 4472—An Ordinance Zoning the JR Enclave Annexation to R-5 (Residential 5 du/ac), Located at 247 Arlington Drive

Councilmember Pitts moved to adopt Ordinance Nos. 4471 and 4472 and ordered them published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Public Hearing—Zoning the Hatch Annexation, Located at 2063 S. Broadway [File #ANX-2011-698]

Request to zone the 4.39 acre Hatch Annexation that will consist of two (2) parcels located at 2063 S. Broadway to an R-12 (Residential – 12 du/ac) and B-1, (Neighborhood Business) zone district in anticipation of future residential and optional small commercial development.

The public hearing was opened at 8:22 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the request and the location. The annexation was completed previously. The Planning Commission has recommended approval of the zoning proposed. The applicants are proposing developing the property as multi-family residential units. The applicant proposes to combine the five parcels into two. They are requesting B-1 for Phase II of the project that leaves the option of commercial (office and professional services and limited retail) although no specific project is proposed. These requested zones are consistent with the Comprehensive Plan and the criteria of the Zoning and Development Code have been met.

Councilmember Boeschstein asked if the old pool and swimming club are still in existence but vacant. Mr. Peterson confirmed noting the applicant will demolish the building, pool, and tennis courts.

Les Crawford, Professional Engineer, who works for Vortex Engineering, 2394 Patterson Road, was present representing the applicants, Mr. and Mrs. Hatch. He concurred with the Staff's presentation.

Councilmember Boeschstein asked if the swimming pool will be secured so as not to be a nuisance. Mr. Crawford said the pool will be demolished this summer and filled in so it will not be an issue.

There were no public comments.

The public hearing was closed at 8:29 p.m.

Councilmember Doody asked how many units will there be? Mr. Peterson said 39 units on build out. Councilmember Doody asked about a traffic study. Mr. Peterson said the existing road can accommodate Phase I. Councilmember Doody expressed concerns about the traffic so he is questioning the density. He was also concerned about the pressure on the schools with the possibility of Scenic Elementary closing. Mr. Peterson said the road curves are traffic calming, but according to the traffic engineers, the road can handle those densities.

Ordinance No. 4473—An Ordinance Zoning the Hatch Annexation to R-12, (Residential – 12 du/ac) and B-1, (Neighborhood Business), Located at 2063 S. Broadway

Councilmember Pitts moved to adopt Ordinance No. 4473 and ordered it published in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote with Councilmember Doody voting NO.

Public Hearing—Crossroads United Methodist Annexation and Zoning, Located at 599 30 Road [File #ANX-2011-712]

A request to annex and zone 3.9 acres, to R-4 (Residential – 4 units/acre) located at 599 30 Road. The Crossroads United Methodist Annexation consists of one parcel, which includes 20,463 square feet of 30 Road Right-of-Way.

The public hearing was opened at 8:31 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the request, the location and the reason for the request. The Church was approached about installing a cell tower on their property which creates a change in use and thus causes the need for an annexation and zoning. They have requested a zoning of R-4 which complies with the Comprehensive Plan. Since the proposed tower is a stealth tower, no conditional use permit is required. The applicant's representative is in attendance.

Council President Kenyon asked what a stealth tower is. Ms Bowers advised it is a disguised cell tower, and in this case, it will look like a light pole.

There were no public comments.

The public hearing was closed at 8:37 p.m.

a. Accepting Petition

Resolution No. 40-11—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Crossroads United Methodist Annexation, Located at 599 30 Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4474—An Ordinance Annexing Territory to the City of Grand Junction, Colorado Crossroads United Methodist Annexation, Approximately 3.90 Acres, Located at 599 30 Road

c. Zoning Ordinance

Ordinance No. 4475—An Ordinance Zoning the Crossroads United Methodist Annexation to R-4 (Residential 4 du/ac), Located at 599 30 Road

Councilmember Doody moved to adopt Resolution No. 40-11 and Ordinance Nos. 4474 and 4475 and ordered them published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Public Hearing—Amending the Grand Junction Municipal Code Regarding the Waste Hauler Service Charge

Section 13.04.300(h) of the Grand Junction Municipal Code, Wastewater Section, allows for the assessment of service charges to tank truck operators (waste haulers) for septage and grease disposal at the Persigo Wastewater Treatment Facility. The current Code assesses service charges based on the tank size of the waste hauler truck. The proposed revision would allow charges to be assessed on either tank size or gallons discharged, not just truck tank size.

The public hearing was opened at 8:38 p.m.

Dan Tonello, Wastewater Services Manager, presented this item. He described the purpose of the ordinance is to charge the waste hauler on the actual amount rather than on the size of the tank. He described the process and how a flow measuring device was recently installed. The truck size option for charging will remain in the Code.

Councilmember Doody asked how the grease is measured. Mr. Tonello said one system takes septage waste; the grease is disposed at a different site. The grease is solidified and then hauled to the dump.

There were no public comments.

The public hearing was closed at 8:41 p.m.

Ordinance No. 4476—An Ordinance Amending Section 13.04.300(h) of the Grand Junction Municipal Code Concerning Waste Hauler Service Charges

Councilmember Doody moved to adopt Ordinance No. 4476 and ordered it published in pamphlet form. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

Public Hearing—Amending the Grand Junction Municipal Code to Provide Limited Free Parking to Purple Heart Medal Veterans

This ordinance proposes to extend to Purple Heart medal veterans limited free City parking. The City Council requested that the ordinance be drafted.

The public hearing was opened at 8:43 p.m.

John Shaver, City Attorney, presented this item. He described the proposal and the reason behind the request. It will allow Purple Heart Medal Veterans to park for free at meters and in the City's parking garage.

Councilmember Luke asked what the limitations are. Mr. Shaver said it will apply to any space or any meter and includes spaces in the parking garage.

There were no public comments.

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

Councilmember Doody explained how this came forward and that the Purple Heart Veterans were wounded in battle. A Purple Heart Veteran brought the matter to the Mayor for consideration.

Council President Kenyon said all the veterans he spoke with said they will pay anyway but certainly appreciated the offer.

Ordinance No. 4477—An Ordinance Adding Section 10.040.380 to the Grand Junction Municipal Code Concerning Limited Free Parking for Purple Heart Medal Veterans

Councilmember Doody moved to adopt Ordinance No. 4477 and ordered it published in pamphlet form. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:47 p.m.

Stephanie Tuin, MMC
City Clerk



Attach 2
Setting a Hearing Zoning the Ashley Annexation,
Located at 2808 C 3/4 Road

CITY COUNCIL AGENDA ITEM

Date: July 1, 2011
Author: Brian Rusche
Title/ Phone Ext:
Senior Planner x. 4058
Proposed Schedule: 1st Reading:
Wednesday, August 3, 2011
2nd Reading
(if applicable): Monday, August 15, 2011

Subject: Zoning the Ashley Annexation, Located at 2808 C 3/4 Road
File #: ANX-2011-856
Presenters Name & Title: Brian Rusche, Senior Planner

Executive Summary: A request to zone the Ashley Annexation, located at 2808 C 3/4 Road, which consists of one (1) parcel, to an I-2 (General Industrial) zone district.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop, and enhance a healthy, diverse economy.

The proposed zoning meets Goal 12 by providing an opportunity for new development in an existing industrial area.

Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for August 15, 2011.

Board or Committee Recommendation: On July 12, 2011 the Planning Commission forwarded a recommendation of approval of the I-2 (General Industrial) zone district.

Background, Analysis and Options: See attached Staff Report/Background Information

Financial Impact/Budget: There are none.

Legal issues: There are none.

Other issues: There are none.

Previously presented or discussed: A Resolution of Intent to Annex was adopted on July 6, 2011.

Attachments:

1. Staff report/Background information
2. Annexation/Site Location Map
3. Future Land Use Map
4. Existing City/County Zoning Map
5. Zoning Ordinance

<i>STAFF REPORT / BACKGROUND INFORMATION</i>				
Location:		2808 C ³ / ₄ Road		
Applicants:		Ronald and Angelina Ashley		
Existing Land Use:		Construction Storage		
Proposed Land Use:		Indoor Shooting Range		
Surrounding Land Use:	North	Industrial		
	South	Undeveloped		
	East	Single-family Residential		
	West	Auto Salvage		
Existing Zoning:		County PUD (Planned Unit Development)		
Proposed Zoning:		I-2 (General Industrial)		
Surrounding Zoning:	North	I-2 (General Industrial)		
	South	County PUD (Planned Unit Development)		
	East	County PUD (Planned Unit Development)		
	West	County PUD (Planned Unit Development) County RSF-R (Residential Single-Family Rural)		
Future Land Use Designation:		Industrial		
Zoning within density range?		X	Yes	No

ANALYSIS:

1. Background:

The 1.144 acre Ashley Annexation consists of one (1) parcel, located at 2808 C ³/₄ Road, along with 0.153 acres of C ³/₄ Road right-of-way. The property is currently used for construction storage and is zoned County PUD (County Planned Unit Development). It is designated as Industrial by the Comprehensive Plan - Future Land Use Map.

The applicant is requesting an I-2 (General Industrial) zone district to allow for the redevelopment of the property as an Indoor Shooting Range. This use requires a Conditional Use Permit, which will be submitted and reviewed separate from this application.

2. Grand Junction Municipal Code – Chapter 21.02 – Administration and Procedures:

Section 21.02.160 of the Grand Junction Municipal Code states: Land annexed to the City shall be zoned in accordance with GJMC Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The requested zone of annexation to an I-2 (General Industrial) zone district is consistent with the Comprehensive Plan – Future Land Use Map designation of Industrial.

Section 21.02.140(a) states: In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:

- (1) Subsequent events have invalidated the original premises and findings; and/or

Response: The current zoning is County Planned Unit Development (PUD), which was approved in 1979 with the intention of commercial land uses. No development of the property has taken place since this zoning was adopted.

In 1998, Mesa County and the City of Grand Junction adopted the Persigo Agreement, which requires annexation of the property prior to development. Under the Persigo Agreement the City has agreed to zone newly annexed areas using either the current County zoning or conforming to the Comprehensive Plan. The proposed zoning of I-2 (General Industrial) conforms to the Comprehensive Plan – Future Land Use Map, adopted in 2010, which has designated the property as Industrial.

- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

Response: The land uses along 28 Road south of the Riverside Parkway consist of salvage yards, industrial warehouses, remnant single-family dwellings, undeveloped lots, and a correctional facility. While there have been previous development proposals in this neighborhood spanning the last two decades, very little new construction has taken place. The exception is adjacent to the subject property at 380 28 Road, where Crown Supply has developed an industrial office/warehouse and storage yard on about 6 acres, completed in 2009.

The opportunity for redevelopment of this property, with a use consistent with the anticipated industrial character of the surrounding area, is consistent with the Comprehensive Plan and the proposed zoning designation.

- (3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Response: The adjacent neighborhood is already served by public utilities, including sanitary sewer, domestic water, irrigation water, electric, gas, telecommunications, streets, etc. Extensions of these services to future development would be concurrent with that development.

The property is easily accessible from the Riverside Parkway.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

Response: The Comprehensive Plan anticipates that the majority of the land west of Summer Glen and south of the Riverside Parkway will be developed as industrial. Full development of these properties will likely take many years, but proper zoning is one of the first steps toward this development.

The subject property has been owned by the applicant for nearly a decade. The applicant would like the opportunity to apply for a Conditional Use Permit for an Indoor Shooting Range to be constructed on the property.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Response: The proposed zoning designation will ensure a consistent set of development standards in anticipation of future development.

Alternatives: The following zone districts would also be consistent with the Comprehensive Plan – Future Land Use Map designation for the property:

1. I-O (Industrial/Office Park)
2. I-1 (Light Industrial)

PLANNING COMMISSION RECOMMENDATION:

After reviewing the Ashley Annexation, ANX-2011-856, for a Zone of Annexation, the Planning Commission made the following findings of fact and conclusions:

1. The I-2 (General Industrial) zone district is consistent with the goals and policies of the Comprehensive Plan.
2. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

If the Council chooses to not approve the request and instead approves one of the alternative zone designations, specific alternative findings must be made as to why the Council is approving an alternative zone designation.

Annexation / Site Location Map

Figure 1



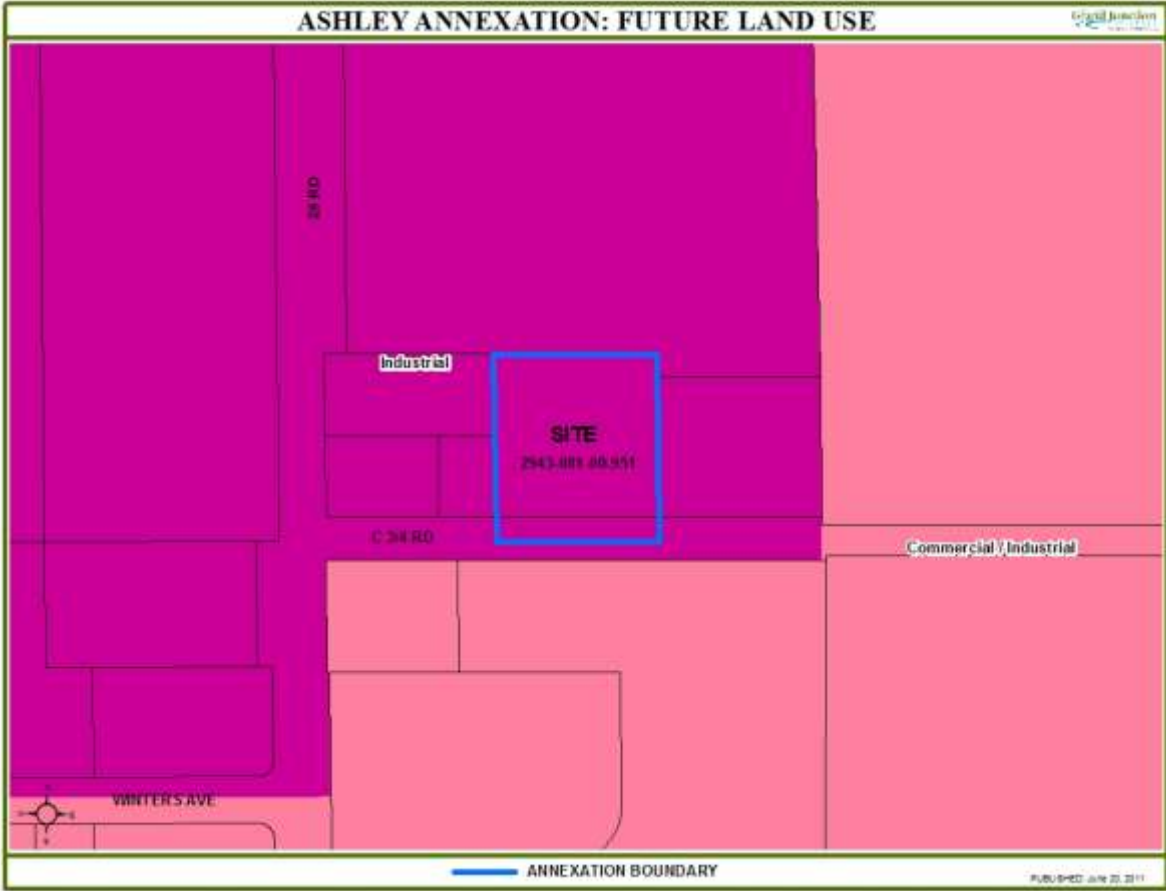
Aerial Photo Map

Figure 2



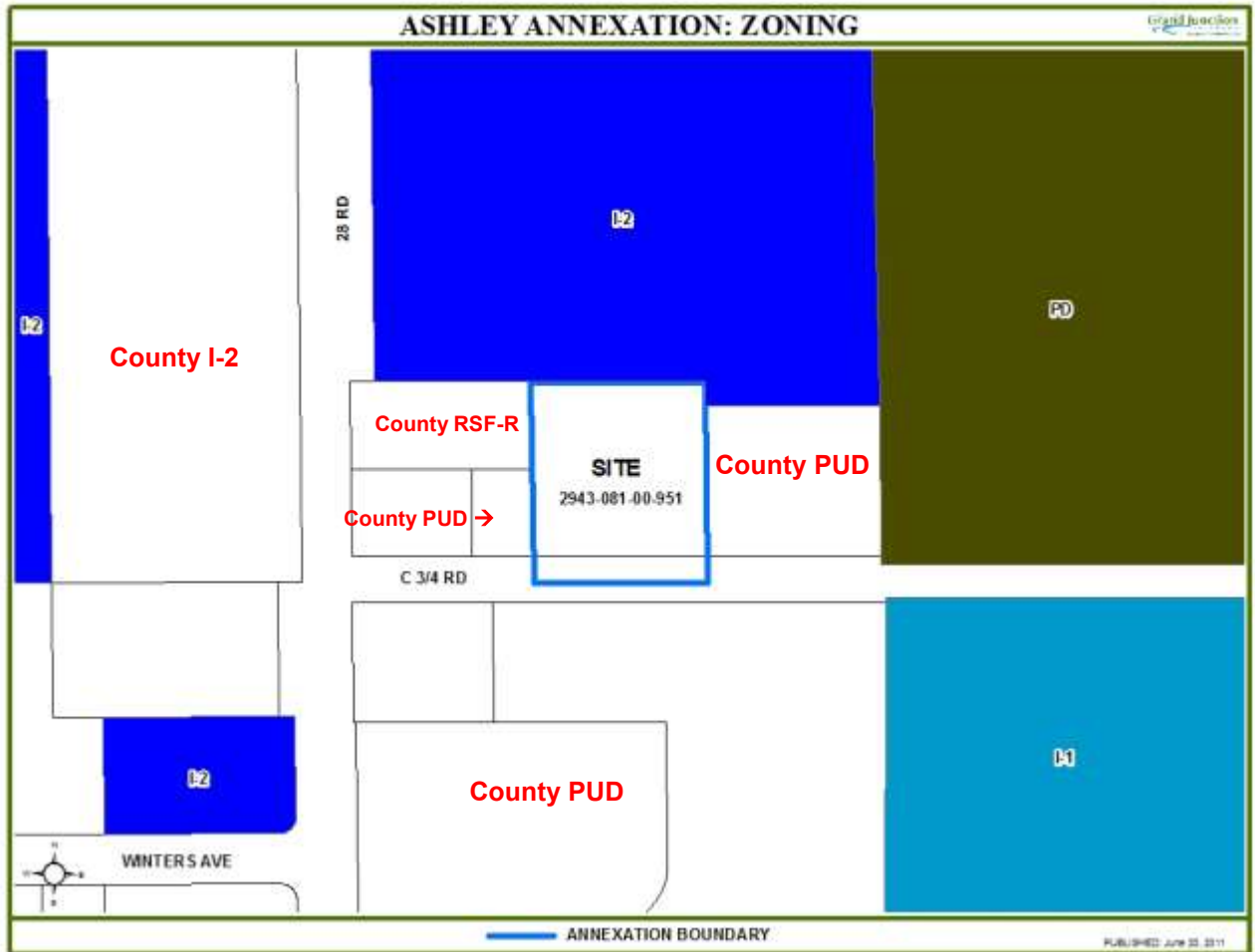
Comprehensive Plan Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE ASHLEY ANNEXATION
TO I-2 (GENERAL INDUSTRIAL)**

LOCATED AT 2808 C 3/4 ROAD

Recitals

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Ashley Annexation to the I-2 (General Industrial) zone district, finding conformance with the recommended land use category as shown on the Future Land Use map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the I-2 (General Industrial) zone district is in conformance with the stated criteria of Section 21.02.140 of the Grand Junction Municipal Code.

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

The following property be zoned I-2 (General Industrial):

ASHLEY ANNEXATION

A certain parcel of land lying in the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 19, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

COMMENCING at the Southwest corner of the NW 1/4 NW 1/4 of said Section 19 and assuming the South line of the NW 1/4 NW 1/4 of said Section 19 bears S 89°41'26" E with all other bearings contained herein being relative thereto; thence from said Point of Commencement, S 89°41'26" E along the South line of the NW 1/4 NW 1/4 of said Section 19, a distance of 250.19 feet to the Point of Beginning; thence from said Point of Beginning, N 00°25'06" W a distance of 239.00 feet to a point on the South line of the Western Slope Warehouse Annexation No. 4, City of Grand Junction Ordinance No. 3122, as same is recorded in Book 2575, Page 352, Public Records of Mesa County, Colorado; thence S 89°41'38" E along the South line of said Annexation, a distance of

208.52 feet; thence S 00°25'06" E a distance of 239.00 feet to a point on the South line of the NW 1/4 NW 1/4 of said Section 19; thence N 89°41'26" W along the South line of the NW 1/4 NW 1/4 of said Section 19, a distance of 208.52 feet, more or less, to the Point of Beginning.

CONTAINING 49,836.3 Square feet or 1.144 Acres, more or less, as described.

LESS 6,655.6 Square feet or 0.153 Acres, more or less, of C 3/4 Road Right-of-way.

INTRODUCED on first reading the ____ day of _____, 2011 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2011 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk



Date: July 20, 2011
Author: Scott D. Peterson
Title/ Phone Ext: Senior
Planner/1447
Proposed Schedule: August 3,
2011
2nd Reading
(if applicable): N/A.

Attach 3
**Mesa Management LLC Revocable Permit,
Located at 602 26 ½ Road**

CITY COUNCIL AGENDA ITEM

Subject: Mesa Management LLC Revocable Permit, Located at 602 26 ½ Road
File #: SPN-2011-783
Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

Mesa Management LLC is requesting a Revocable Permit to allow the existing detached garage, stone BBQ, 6' tall solid wood fence and landscaping (both existing and proposed) to remain in the recently dedicated street right-of-way for Patterson Road located at 602 26 ½ Road. The property owner dedicated this additional right-of-way as part of their site development plan.

How this item relates to the Comprehensive Plan Goals and Policies:

By enhancing the visual appeal of the community through quality development along with the development of a well-balanced transportation system, the requested Revocable Permit implements the following Goals and Policies of the Comprehensive Plan:

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

Goal 9: Develop a well-balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources.

Action Requested/Recommendation:

Adopt Resolution Granting a Revocable Permit to Mesa Management LLC to Allow the Existing Detached Garage, Stone BBQ, 6' Tall Solid Wood Fence and Landscaping (both existing and proposed) to Remain in the Recently Dedicated Street Right-of-way for Patterson Road Located at 602 26 ½ Road.

Board or Committee Recommendation:

N/A.

Background, Analysis and Options:

See attached Staff Report.

Financial Impact/Budget:

N/A.

Legal issues:

N/A.

Other issues:

N/A.

Previously presented or discussed:

Rezone request for this property from R-4, (Residential – 4 du/ac) to R-O, (Residential Office) was approved by the City Council on March 14, 2011.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Blended Residential Map
Existing City Zoning Map
Resolution
Revocable Permit
Agreement

BACKGROUND INFORMATION					
Location:		602 26 ½ Road			
Applicant:		Mesa Management LLC, Owner Michael McCormick, General Manager			
Existing Land Use:		Single-family house			
Proposed Land Use:		Office space for Columbine Caregivers			
Surrounding Land Use:	North	Single-family residential			
	South	St. Mary's Hospital			
	East	Single-family residential			
	West	Commercial neighborhood shopping center			
Existing Zoning:		R-O, (Residential Office)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	R-4, (Residential – 4 du/ac)			
	South	PD, (Planned Development)			
	East	R-4, (Residential – 4 du/ac)			
	West	B-1, (Neighborhood Business)			
Future Land Use Designation:		Residential Medium (4 – 8 du/ac)			
Zoning within density range?		X	Yes		No

Project Analysis:

1. Background:

Mesa Management LLC is requesting a Revocable Permit for property located at 602 26 ½ Road. The property is situated at the northeast corner of 26 ½ Road/7th Street and Patterson Road. As part of the Site Plan Review application to develop the property as an office for Columbine Caregivers, the applicant was required by the City to dedicate additional right-of-way for Patterson Road. Since Patterson Road is classified as a Principal Arterial, 110' of right-of-way is required for the entire roadway. The applicant in this instance, granted an additional 20' of property for right-of-way to the City to make up the 55' half-street of right-of-way required which included the existing structures of the detached garage, stone BBQ, 6' tall fence and landscaping. In order to allow the existing structures to remain along with proposed new landscaping that will be located in the right-of-way, a Revocable Permit from the City is therefore required.

Section 21.02.180 of the Zoning and Development Code states that review and approval of Revocable Permits for landscaping, including fencing and irrigation can be approved at the City Staff level, however the City Council is required to approve Revocable Permits for all other encroachments (structures) into the City's right-of-ways. In order for simplicity, this Revocable Permit will include the proposed new landscaping in conjunction with the existing structures of the detached garage, stone BBQ and 6' tall solid wood fence.

2. Section 21.02.180 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 applicant was required to dedicate as part of their Site Plan Review application, to the City, additional right-of-way for Patterson Road. At some point in the future, this additional right-of-way will be utilized as an additional travel lane and/or right turn lane.

- b. There is a community need for the private development use proposed for the City property.

The detached garage, stone BBQ, fencing and landscaping were already existing land uses when the additional right-of-way for Patterson Road was required to be dedicated as part the Site Plan Review application. The applicant now wishes to obtain a Revocable Permit to allow the existing structures to remain along with the proposed new landscaping.

- c. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property.

No other uses or conflicting uses are anticipated by the City in the area of the right-of-way encroachments. The detached garage, stone BBQ, fencing and landscaping were already existing land uses when the additional right-of-way for Patterson Road was required to be dedicated as part the Site Plan Review application.

- d. The proposed use shall be compatible with the adjacent land uses.

The existing and proposed uses of a detached garage, stone BBQ, fencing and landscaping are all compatible with the adjacent land uses.

- e. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas.

There are no negative impacts anticipated. The applicant wishes to maintain the existing detached garage for use as a outside storage shed, stone BBQ, 6' tall solid wood fence and existing and proposed landscaping until such a time as the right-of-way is required to be constructed by the City.

- f. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Comprehensive Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.

The applicant's request for a Revocable Permit meets with the goals and policies of the Comprehensive Plan and other adopted plans and policies of the City.

- g. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Section 21.02.180 of the Zoning and Development Code and the SSIDS Manual.

The applicant has complied with all applicable codes and requirements as stated in Section 127 of the City Charter, Section 21.02.180 of the Zoning and Development Code and the SSIDS Manual.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Mesa Management LLC application, SPN-2011-783 for the issuance of a Revocable Permit for an existing detached garage, stone BBQ, fencing and landscaping, Project Manager makes the following findings of fact and conclusions:

1. The review criteria in Section 21.02.180 of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the requested Revocable Permit for an existing detached garage, stone BBQ, fencing and existing and proposed landscaping, SPN-2011-783.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Blended Residential Map
Existing City Zoning Map
Resolution
Revocable Permit
Agreement

Site Location Map

Figure 1



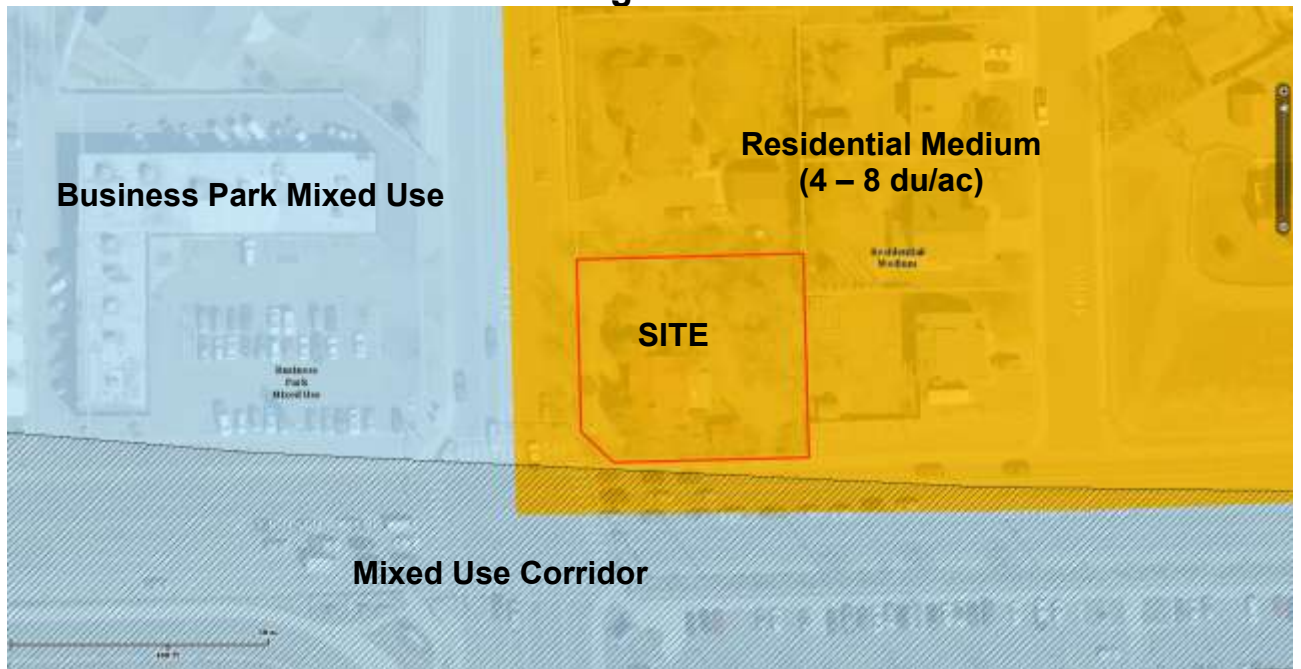
Aerial Photo Map

Figure 2



Comprehensive Plan

Figure 3



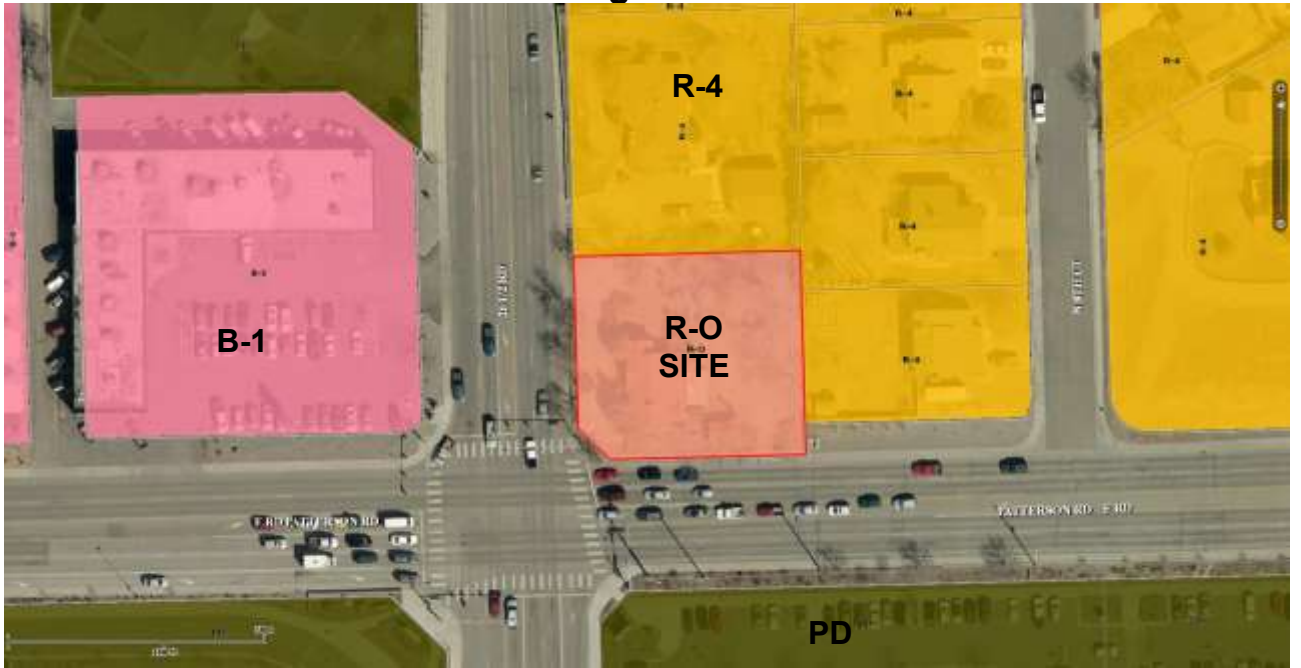
Blended Residential Map

Figure 4



Existing City Zoning

Figure 5



RESOLUTION NO. _____

**A RESOLUTION CONCERNING
THE ISSUANCE OF A REVOCABLE PERMIT TO
MESA MANAGEMENT LLC, LOCATED AT 602 26 1/2 ROAD**

Recitals.

A. Mesa Management LLC, 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:

A parcel of land situate in the SE 1/4 SW 1/4 of Section 2, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Commencing at the S 1/4 corner of said Section 2, the basis of bearing being N00°01'19"E along the west line of said SE 1/4 SW 1/4 to the C-S 1/16 corner of said Section 2;
thence N00°01'19"E a distance of 160.00 feet;
thence S89°53'32"E a distance of 45.00 feet to the east right-of-way line of 26 1/2 Road and the point of beginning;
thence S89°53'32"E a distance of 144.88 feet;
thence S00°01'03"E a distance of 130.00 feet to the north right-of-way of F Road;
thence N89°53'32"W a distance of 125.00 feet along said right-of-way;
thence N44°54'00"W a distance of 28.28 feet along said right-of-way;
thence N00°01'19"E a distance of 110.00 feet along said right-of-way to the point of beginning.

Said parcel contains 0.43 acres more or less and identified by Mesa County Tax Schedule Number 2945-024-00-023.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair an existing detached garage, stone BBQ, fencing and landscaping within the following described public right-of-way:

A strip of land for road right-of-way purposes, situate in the SW 1/4 SE 1/4 of Section 2, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being described as follows:

Commencing at the S 1/4 corner of said Section 2, the basis of bearing being N00°01'19"E along the west line of said SW 1/4 SE 1/4 to the C-S 1/16 corner of said Section 2;

thence S89°53'32"E a distance of 190.00 feet along the south line of said SW 1/4 SE 1/4;
thence N00°01'03"W a distance of 30.00 feet to the north right-of-way of F Road as recorded in Book 1505 at Page 921 and the point of beginning;
thence N89°53'32"W a distance of 125.00 feet along said right-of-way;
thence N44°54'00"W a distance of 28.28 feet along said right-of-way;
thence N00°01'19"E a distance of 22.41 feet along said right-of-way;
thence S44°54'00"E a distance of 31.69 feet;
thence S89°53'32"E a distance of 122.58 feet to the west line of Lot 1, Walker Heights subdivision as recorded in Plat Book 11 at Page 55;
thence S00°01'03"E a distance of 20.00 feet to the point of beginning.

Said strip contains 2,950 square feet more or less.

C. Relying on the information supplied by the Petitioner and contained in File No. SPN-2011-783 in the office of the City's Public Works and 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 _____, 2011

Attest:

President of the City Council

City Clerk

REVOCABLE PERMIT

Recitals.

A. Mesa Management LLC 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:

A parcel of land situate in the SE 1/4 SW 1/4 of Section 2, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being more particularly described as follows:

Commencing at the S 1/4 corner of said Section 2, the basis of bearing being N00°01'19"E along the west line of said SE 1/4 SW 1/4 to the C-S 1/16 corner of said Section 2;
thence N00°01'19"E a distance of 160.00 feet;
thence S89°53'32"E a distance of 45.00 feet to the east right-of-way line of 26 1/2 Road and the point of beginning;
thence S89°53'32"E a distance of 144.88 feet;
thence S00°01'03"E a distance of 130.00 feet to the north right-of-way of F Road;
thence N89°53'32"W a distance of 125.00 feet along said right-of-way;
thence N44°54'00"W a distance of 28.28 feet along said right-of-way;
thence N00°01'19"E a distance of 110.00 feet along said right-of-way to the point of beginning.

Said parcel contains 0.43 acres more or less and identified by Mesa County Tax Schedule Number 2945-024-00-023.

B. The Petitioner has requested that the City Council of the City of Grand Junction issue a Revocable Permit to allow the Petitioner to install, maintain and repair an existing detached garage, stone BBQ, fencing and landscaping within the following described public right-of-way as identified in Exhibit A:

A strip of land for road right-of-way purposes, situate in the SW 1/4 SE 1/4 of Section 2, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, being described as follows:

Commencing at the S 1/4 corner of said Section 2, the basis of bearing being N00°01'19"E along the west line of said SW 1/4 SE 1/4 to the C-S 1/16 corner of said Section 2;
thence S89°53'32"E a distance of 190.00 feet along the south line of said SW 1/4 SE 1/4;
thence N00°01'03"W a distance of 30.00 feet to the north right-of-way of F Road as recorded in Book 1505 at Page 921 and the point of beginning;

thence N89°53'32"W a distance of 125.00 feet along said right-of-way;
thence N44°54'00"W a distance of 28.28 feet along said right-of-way;
thence N00°01'19"E a distance of 22.41 feet along said right-of-way;
thence S44°54'00"E a distance of 31.69 feet;
thence S89°53'32"E a distance of 122.58 feet to the west line of Lot 1, Walker Heights subdivision as recorded in Plat Book 11 at Page 55;
thence S00°01'03"E a distance of 20.00 feet to the point of beginning.

Said strip contains 2,950 square feet more or less.

C. Relying on the information supplied by the Petitioner and contained in File No. SPN-2011-783 in the office of the City's Public Works and 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 _____, 2011

The City of Grand Junction,
a Colorado home rule municipality

Attest:

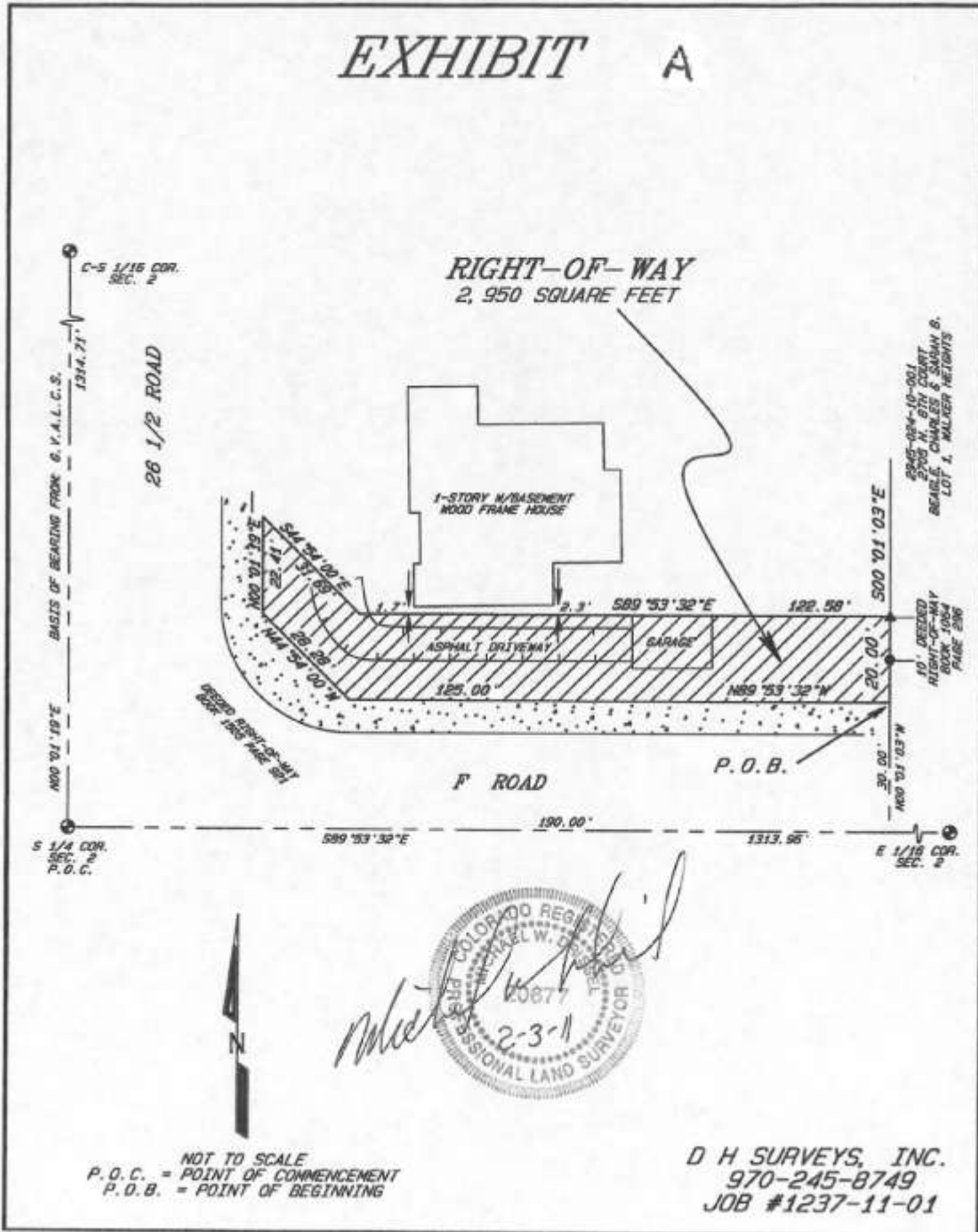
City Clerk

City Manager

Acceptance by the Petitioner:

Mesa Management LLC

EXHIBIT A



AGREEMENT

Mesa Management LLC, for itself and for its successors and assigns, does hereby agree to:

(a) Abide by each and every term and condition contained in the foregoing Revocable Permit;

(b) Indemnify and hold harmless the City of Grand Junction, its officers, employees and agents with respect to all claims and causes of action, as provided for in the approving Resolution and Revocable Permit;

(c) Within thirty (30) days of revocation of said Permit by the City Council, peaceably surrender said public right-of-way to the City of Grand Junction;

(d) At the sole cost and expense of the Petitioner, remove any encroachment so as to make said public right-of-way fully available for use by the City of Grand Junction or the general public.

Dated this _____ day of _____, 2011

Mesa Management LLC

By: _____
Michael McCormick, General Manager

State of Colorado)

)ss

County of Mesa)

The foregoing Agreement was acknowledged before me this ___ day of _____, 2011, by Michael McCormick, General Manager of Mesa Management LLC.

My Commission expires: _____

Witness my hand and official seal.

Notary Public



Date: July 13, 2011
 Author: Bret Guillory, Utility
Engineer
 Title/ Phone Ext: 970-244-1590
 Proposed Schedule: August 3,
2011
 2nd Reading
 (if applicable): _____

Attach 4
Persigo Wastewater Treatment Plant Sludge
Processing Building Improvements

CITY COUNCIL AGENDA ITEM

Subject: Persigo Wastewater Treatment Plant Sludge Processing Building Improvements Project (Dissolved Air Flootation) Construction Contract
File # (if applicable):
Presenters Name & Title: Tim Moore, Public Works and Planning Director Jay Valentine, Assistant Financial Operations Manager

Executive Summary:

This request is for the construction of the Sludge Processing Building Improvements Project at the Persigo Wastewater Treatment Plant (WWTP). Based on previous process improvement evaluation studies at the WWTP, Staff has identified the need to improve the plant system for solids handling. Installation of Dissolved Air Flootation (DAF) equipment will allow Operators at the WWTP to optimize solids handling throughout the WWTP, and during winter months when current plant processes are reaching design capacity.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop, and enhance a healthy, diverse economy.

This process modification project will provide for safe and more efficient treatment of the waste stream now, and into the future with build-out of the WWTP.

Action Requested/Recommendation:

Authorize the Purchasing Division to Execute a Construction Contract with RN Civil Constructors, LLC. for the Construction of the Sludge Processing Building Improvements Project at the Persigo WWTP in the amount of \$317,000.

Board or Committee Recommendation:

n/a

Background, Analysis and Options:

Solids handling at the Persigo WWTP consist of two treatment processes to stabilize sludge. Primary clarifiers separate solids for treatment in two anaerobic digesters. Secondary solids are wasted to an aerobic digester. The digested solids are then combined and dewatered using a belt filter press. Dewatered solids are hauled to the composting facility at the Mesa County landfill.

A study was completed in 2010 to evaluate alternatives to enhance capacity of the aerobic digestion process which has reached its design capacity. During winter conditions, it becomes difficult to remove adequate amounts of water from the sludge. As a result, the aerobic digester basins fill with solids causing operational challenges for solids handling at the plant. Based on the results of the study, installation of a DAF unit proved to be the most cost effective means to increase the ability to manage solids within the WWTP. This will also increase treatment capacity of the existing aerobic digesters, while meeting current Colorado Department of Public Health and Environment (CDPHE) requirements that the existing aerobic digester process does not meet.

A design contract was then executed by the City Manager in September of 2010 to allow for detailed design of the DAF project and submittal to CDPHE for review.

The City received approval from CDPHE for the DAF project on March 29, 2011.

Purchase of the DAF equipment was approved by Council on May 2, 2011.

A formal solicitation was advertised in the Daily Sentinel, and sent to the Western Colorado Contractors Association (WCCA). Six bids were received from the following firms:

Firm	Location	Amount
RN Civil Construction, LLC.	Centennial, CO	\$317,000.00
Aslan Construction, Inc.	Berthoud, CO	\$332,913.00
Velocity Constructors, Inc.	Denver, CO	\$333,078.00
Stanek Constructors, Inc.	Golden, CO	\$335,000.00
Triad Western, Inc.	Cortez, CO	\$349,700.00
Wyoming Efficiency Const.	Colorado Springs, CO	\$474,920.00

Financial Impact/Budget:

There is \$1,650,000 budgeted in 2011 for this project and other capacity upgrade related projects at the WWTP.

Project Costs:

Total Design and Engineering services	\$97,310.00
*Equipment Purchase	\$387,047.00
Construction Project Cost	\$317,000.00
<u>City Construction Inspection & Contract Administration</u>	<u>\$25,000.00</u>

Sub-Total Estimated Project Cost **\$826,357.00**

Other Projects for 2011

Nitrification /De-Nitrification Design \$50,000.00

Nitrification / De-Nitrification Project \$400,000.00

½ of UV Disinfection Project \$164,250.00

Sub-Total Other Projects **\$614,250.00**

TOTAL **\$1,440,607.00**

Legal issues:

n/a

Other issues:

n/a

Previously presented or discussed:

*Purchase of the DAF equipment for this project was approved by Council at the May 2, 2011 meeting.

Attachments:

n/a



Date: 07-18-11
 Author: Troy Smith
 Title/ Phone Ext: Deputy Chief:
3563
 Proposed Schedule: August
3, 2011
 2nd Reading
 (if applicable): _____

Attach 5
Annual Justice Assistance Grant for Police
Mobile Technology Upgrades

CITY COUNCIL AGENDA ITEM

Subject: Annual Justice Assistance Grant for Police Mobile Technology Upgrades
File # (if applicable):
Presenters Name & Title: Troy Smith, Deputy Chief of Police

Executive Summary:

The Grand Junction Police Department has been solicited by the Bureau of Justice Assistance (BJA) program of the US Department of Justice to apply for an annual grant in the amount of \$56,384. These funds are allocated evenly between Grand Junction Police Department and Mesa County Sheriff’s Office and will be used in combination with other funding sources to complete mobile technology upgrades in each agencies police cars.

The Bureau of Justice Assistance requests the City Council to provide an opportunity for public comment, as part of the application process. Therefore, a public hearing is requested for the purpose of satisfying this requirement.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 11: Public safety facilities and services for our citizens will be a priority in planning for growth.

By enhancing the Police Departments mobile technology, the Department will be able to better prioritize and respond to citizen requests for police services.

Action Requested/Recommendation:

Authorize the City Manager to Apply for the Bureau of Justice Assistance Annual Formula Grant; and if awarded, Authorize the City’s Purchasing Division to Procure New Mobile Technology for the Police Department Patrol Vehicles, in the Amount of \$56,384.

Board or Committee Recommendation:

NA

Background, Analysis and Options:

The Grand Junction Police Department and Mesa County Sheriff's Office have been recipients of funding from this annual formula grant for many years and both have benefitted from the funding for various projects. The funding level changes each year as the Bureau of Justice Assistance calculates, for each State and Territory, an allocation based upon the statutory JAG formula (U.S.C. 3755(d)(2)(B)). A Memorandum of Understanding has been signed, as required, by the Police Chief and the Sheriff, stipulating these funds will be used for mobile technology upgrades. The City of Grand Junction, through the Grand Junction Police, will again serve as the fiscal agent for these funds. Funds received in prior years ranged from \$14,000 to \$254,568.

Financial Impact/Budget:

There will be no net impact to the General Fund Associated with this request, however, \$56,384 will need to be appropriated with the related revenue budgeted, during the revision process.

Legal issues:

None

Other issues:

None

Previously presented or discussed:

This is an annual formula grant application process, as has been done in previous years, requires an opportunity for public comment and City Council approval at the application phase.

Attachments:

None



Date: July 11, 2011
 Author: Stephanie Tuin and
John Shaver
 Title/ Phone Ext: City Clerk, x1511
 Proposed Schedule: 1st Reading
July 20, 2011
 2nd Reading: August 3, 2011

Attach 6
Public Hearing – Amending the Grand Junction Municipal Code to Authorize the Issuance of Special Events Permits by the Local Licensing Authority

CITY COUNCIL AGENDA ITEM

Subject: Amending the Grand Junction Municipal Code to Authorize the Issuance of Special Events Permits by the Local Licensing Authority
File # (if applicable):
Presenters Name & Title: John Shaver, City Attorney Stephanie Tuin, City Clerk

Executive Summary:

A new State law allows a local jurisdiction to consider and issue Special Events Permits. The law allows non-profits and political candidates that receive a Special Event Permit to serve alcoholic beverages on non-licensed premises for up to fifteen events per year providing all requirements are met. Under the prior law the Local Licensing Authority reviewed and approved a Special Event Permit application but the State issued the license.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 4: *Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.*

Many of the Special Events involving liquor are held downtown and attract many visitors. The Local Licensing Authority is the most appropriate entity to review, approve and issue Special Event Permits because it is most familiar with the events and the community.

Goal 12: *Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.*

By supporting the many Special Events held throughout the year by non-profits and also eliminating the extra step of submitting the application to the State, the Special Event process will be shortened and the community and the non-profit applicants will be served more efficiently and effectively.

Action Requested/Recommendation:

Hold a Public Hearing and Consider Final Passage and Final Publication of the Proposed Ordinance

Board or Committee Recommendation:

NA

Background, Analysis and Options:

Under the Colorado Liquor Code a Special Event is generally defined as a license issued to a non-profit organization or political candidate that allows service of either 3.2% beer or beer, wine and spirituous liquors at events and in places that are not already licensed to serve alcohol.

Often events take place downtown, in a City park and on unlicensed areas of Colorado Mesa University, in addition to other locations in the City. The Local Licensing Authority thoroughly reviews all applications to ensure that all legal requirements are met and so that the event will not be injurious to the public welfare.

Under the current process, the application is sent to the State Liquor Enforcement Division for issuance of the permit which can take up to three weeks. Senate Bill 11-066, adopted by the legislature this year and signed by the Governor on May 23, 2011, allows local jurisdictions to choose not to send the special events permit applications to the State but rather to issue the permit itself.

The proposed ordinance will amend the City Code to formalize the process change and issue the permit locally. The State will be notified of all Permits issued by the City.

The City has always prohibited the sale of spirituous alcohol at Special Events in City parks, including the Downtown Shopping Park. That prohibition will not change if the proposed ordinance is adopted.

Financial Impact/Budget:

The fees the City receives remain the same so there is no financial impact.

Legal issues:

The City Attorney has reviewed all legal issues and the ordinance. The City Attorney has approved the ordinance as to form and content.

Other issues:

NA

Previously presented or discussed:

First reading o the ordinance was July 20, 2011.

Attachments:

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE GRAND JUNCTION MUNICIPAL CODE SECTION 5.12.240 TO AUTHORIZE THE ISSUANCE OF SPECIAL EVENT PERMITS BY AND THROUGH THE LOCAL AUTHORITY

Recitals.

Colorado Revised Statute 12-48-101 *et. seq.* authorizes the issuance of Special Events Permits for the sale, by the drink only, of malt beverages and spirituous and vinous liquors to qualifying organizations and political candidates, subject to applicable provisions of law and subject to the limitations imposed by law.

Prior to May 23 of this year the law required that applications for Special Events permits be made to the Local Licensing Authority and the State Liquor Enforcement Division. In order for a license to issue an applicant had to receive approval from both entities.

Senate Bill 11-066, considered and adopted by the Colorado Legislature in its 2011 session, amends 12-48-101 C.R.S. *et. seq.* to authorize the issuance of Special Events Permits for the sale, by the drink only, of malt beverages, spirituous and vinous liquors to qualified organizations and political candidates subject to law and the limitations imposed by the Local Authority approval only, providing that the Local Authority has enacted a law to solely issue Special Event Permits.

The City Council has considered the proposed ordinance and finds that issuing Special Event Permits solely at the local level is: a) a means to improve customer service, b) prudent as the City's process is very exacting, c) beneficial because the City Hearing Officer is more familiar with the specific circumstances of the various local Special Events, d) already reviewing the application thoroughly to ensure compliance with the law, and e) a more efficient means of issuing these unique licenses.

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

Section 1.

Section 5.12.240 Special event permits is hereby repealed and reenacted as follows: (ADDITIONS IN CAPS, deletions are underlined)

(a) AS AUTHORIZED BY LAW, THE LOCAL LICENSING AUTHORITY HAS ELECTED NOT TO NOTIFY THE STATE LICENSING AUTHORITY TO OBTAIN THE STATE LICENSING AUTHORITY'S APPROVAL OR DISAPPROVAL OF AN APPLICATION FOR A SPECIAL EVENT PERMIT. THE LOCAL LICENSING

AUTHORITY WILL REPORT TO THE LIQUOR ENFORCEMENT DIVISION, WITHIN TEN DAYS AFTER IT ISSUES A PERMIT, THE NAME OF THE ORGANIZATION TO WHICH A PERMIT WAS ISSUED, THE ADDRESS OF THE PERMITTED LOCATION, AND THE PERMITTED DATES OF ALCOHOL BEVERAGE SERVICE.

(a) (b) Under the authority granted in § 12-48-107(1) and (2), C.R.S., an application for a special event permit shall be filed with the local licensing authority and shall be accompanied by a fee as established by resolution of the City Council for both investigation and issuance of such permit.

(b) (c) A special event permit issued by the City for any event occurring in or on any public street, road, highway, and park or public way which is publicly owned shall not allow the possession and consumption of spirituous liquors.

Introduced on first reading this 20th day of July, 2011 and ordered published in pamphlet form.

Passed and adopted on second reading this _____ day of _____, 2011 and ordered published in pamphlet form.

President of the Council

ATTEST:

City Clerk