

ORDINANCE NO. 3403

AN ORDINANCE APPROVING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY TO FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN AGREEMENT AND A GOVERNMENTAL AGENCY BOND TO EVIDENCE SUCH LOAN; RATIFYING PRIOR DETERMINATIONS OF THE COUNCIL; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the City of Grand Junction, in the County of Mesa and State of Colorado (the "City"), is a home rule City duly existing under the Constitution and laws of the State of Colorado and its City Charter (the "Charter"); and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, the Council has determined and does hereby determine that the City's water system (the "System") is an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution and Section 37-45.1-103, C.R.S.; and

WHEREAS, the Council has heretofore determined that the interest of the City and the public interest and necessity demand and require improvements to the System, at a cost of approximately \$3,500,000, including design, engineering, legal, financing and administrative costs relating thereto, and any other costs incidental thereto (the "Project"); and

WHEREAS, the Council has determined that in order to finance a portion of the cost of the Project, it is necessary and advisable and in the best interests of the City to enter into a loan agreement (the "Loan Agreement") with the Colorado Water Resources and Power Development Authority ("CWRPDA"), a body corporate and political subdivision of the State of Colorado, pursuant to which CWRPDA shall loan the City an amount of not to exceed \$3,500,000 (the "Loan") for such purposes; and

WHEREAS, the City's repayment obligations under the Loan Agreement shall be evidenced by a governmental agency bond (the "Bond") to be issued by the City to CWRPDA; and

WHEREAS, pursuant to Article XII, Section 96 of the Charter, the City Council may, pursuant to an ordinance and without an election, borrow money and issue revenue bonds payable from the net revenue of the System; and

WHEREAS, such Loan and Bond shall be a revenue obligation of the City, payable from the Pledged Property (as defined in the Loan Agreement); and

WHEREAS, the Council hereby determines to use the proceeds of the Loan to finance the Project; and

WHEREAS, there have been presented to the Council the forms of the Loan Agreement and the Bond (collectively, the "Financing Documents"); and

WHEREAS, the Council desires to approve the forms of the Financing Documents and authorize the execution thereof.

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

Section 1. Approvals, Authorizations, and Amendments. The forms of the Financing Documents presented at this meeting are incorporated herein by reference and are hereby approved. The City shall enter into and perform its obligations under the Financing Documents in the forms of such documents, with such changes as are not inconsistent herewith. The President of Council and City Clerk are hereby authorized and directed to execute the Financing Documents and to affix the seal of the City thereto, and further to execute and authenticate such other documents or certificates as are deemed necessary or desirable in connection therewith. The Financing Documents shall be executed in substantially the forms approved at this meeting, with such changes as are hereafter approved by the City Manager or the Finance Director.

The execution of any instrument or certificate or other document in connection with the matters referred to herein by the President of Council and City Clerk or by other appropriate officers of the City, shall be conclusive evidence of the approval by the City of such instrument.

Section 2. Election to Apply the Supplemental Act. Section 11-57-204 of the Supplemental Public Securities Act, constituting Title 11, Article 57, Part 2, C.R.S. (the "Supplemental Act") provides that a public entity, including the City, may elect in an act of

issuance to apply all or any of the provisions of the Supplemental Act. The Council hereby elects to apply all of the Supplemental Act to this ordinance and the Financing Documents.

Section 3. Loan Details. The Loan shall be in the principal amount of not to exceed \$3,500,000, shall bear interest at a net effective interest rate not to exceed 5% per annum, and shall mature and bear annual interest over a term not to exceed 23 years, and shall be payable in the time and manner, and shall be subject to prepayment, as set forth in the Financing Documents. The City Council, pursuant to Article I, Section 2(f) and the Supplemental Act, delegates to the City Manager or the Finance Director the power to determine the principal amount, interest rate, maximum maturity, and amortization schedule, subject to the provisions of this ordinance. The City shall execute and deliver to CWRPDA the Bond pursuant to the Loan Agreement as evidence of the City's obligation to make Loan Repayments (as defined in the Loan Agreement).

Section 4. Limited Obligation; Special Obligation. The obligations of the City set forth in the Financing Documents are payable solely from the Pledged Revenues and the Financing Documents do not constitute a debt of the City within the meaning of any constitutional or statutory limitation or provision.

Section 5. Pledge of Revenues. The creation, perfection, enforcement, and priority of the pledge of revenues to secure or pay the Bond provided herein shall be governed by Section 11-57-208 of the Supplemental Act and this Ordinance. The amounts pledged to the payment of the Bond shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge shall have the priority described in the Loan Agreement. The lien of such pledge shall be valid, binding, and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the City irrespective of whether such persons have notice of such liens.

Section 6. Limitation of Actions. Pursuant to Section 11-57-212 of the Supplemental Act, no legal or equitable action brought with respect to any legislative acts or proceedings in connection with the Financing Documents shall be commenced more than thirty days after the issuance of the Bond.

Section 7. No Recourse against Officers and Agents. Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Council, or any officer or agent of the City acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of or interest on the Bond. Such recourse shall not be available either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the acceptance of the Bond and as a part of the consideration of its sale or purchase, CWRPDA specifically waives any such recourse.

Section 8. Disposition and Investment of Loan Proceeds. The proceeds of the Loan shall be applied only to pay the costs and expenses of acquiring, constructing and equipping the Project, including costs related thereto and reimbursement to the City for capital expenditures heretofore incurred and paid from City funds in anticipation of the incurrence of financing therefor, and all other costs and expenses incident thereto, including without limitation the costs of obtaining the Loan. Neither CWRPDA nor any subsequent owner(s) of the Loan Agreement shall be responsible for the application or disposal by the City or any of its officers of the funds derived from the Loan. In the event that all of the proceeds of the Loan are not required to pay such costs and expenses, any remaining amount shall be used for the purpose of paying the principal amount of the Loan and the interest thereon.

Section 9. City Representative. Pursuant to Exhibit B of the Loan Agreement, Ronald M. Lappi is hereby designated as the Authorized Officer (as defined in the Loan Agreement) for the purpose of performing any act or executing any document relating to the Loan, the City, the Bond or the Loan Agreement. A copy of this Ordinance shall be furnished to CWRPDA as evidence of such designation.

Section 10. Estimated Life of Improvements. It is hereby determined that the estimated life of the Project to be financed with the proceeds of the Loan is not less than the maximum maturity of the Loan set forth in Section 3 hereof.

Section 11. Direction to Take Authorizing Action. The appropriate officers of the City and members of the Council are hereby authorized and directed to take all other actions necessary or appropriate to effectuate the provisions of this Ordinance, including

but not limited to such certificates and affidavits as may reasonably be required by CWRPDA.

Section 12. Ratification and Approval of Prior Actions. All actions heretofore taken by the officers of the City and members of the Council, not inconsistent with the provisions of this Ordinance, relating to the Financing Documents, or actions to be taken in respect thereof, are hereby ratified, approved, and confirmed.

Section 13. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 14. Repealer. All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent only of such inconsistency.

Section 15. Ordinance Irrepealable. After the Bond is issued, this Ordinance shall constitute an irrevocable contract between the City and CWRPDA, and shall be and remain irrepealable until the Bond and the interest thereon shall have been fully paid, satisfied, and discharged. No provisions of any constitution, statute, charter, ordinance, resolution or other measure enacted after the issuance of the Bond shall in any manner be construed as impairing the obligations of the City to keep and perform the covenants contained in this Ordinance.

Section 16. Effective Date, Recording and Authentication. This ordinance shall be in full force and effect 30 days after publication following final passage. This ordinance, as adopted by the Council, shall be numbered and recorded by the City Clerk in the official records of the City. The adoption and publication shall be authenticated by the signatures of the President of the Council and City Clerk, and by the certificate of publication.

INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM, WITH NOTICE OF PUBLIC HEARING, this 20th
day of February, 2002.

CITY OF GRAND JUNCTION, COLORADO

/s/ Cindy Enos-Martinez
President of the Council

Attest:

/s/ Stephanie Tuin
City Clerk

INTRODUCED, PASSED ON SECOND READING, APPROVED AND ORDERED
PUBLISHED IN PAMPHLET FORM this 6th day of March, 2002

CITY OF GRAND JUNCTION, COLORADO

/s/ Cindy Enos-Martinez
President of the Council

Attest:

/s/ Stephanie Tuin
City Clerk
(SEAL)

STATE OF COLORADO)
)
COUNTY OF MESA) SS.
)
CITY OF GRAND JUNCTION)

I, the duly elected, qualified and acting City Clerk of the City of Grand Junction, Colorado (the "City") do hereby certify:

1. The foregoing pages are a true, correct and complete copy of an ordinance (the "Ordinance") which was introduced, passed on first reading and ordered published in full by the Council at a regular meeting thereof held on February 20, 2002, and was duly adopted and ordered published in full by the City Council at a regular meeting thereof held on March 6, 2002, which Ordinance has not been revoked, rescinded or repealed and is in full force and effect on the date hereof.

2. The Ordinance was duly moved and seconded and the Ordinance was passed on first reading at the meeting of February 20, 2002, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye: Harry Butler
William McCurry
Jim Spehar
Janet Terry
Reford Theobald
Cindy Enos-Martinez

Those Voting Nay: None

Those Absent: Dennis Kirtland

3. The Ordinance was duly moved and seconded and the Ordinance was finally passed, after a public hearing, at the meeting of March 6, 2002, by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye: Harry Butler
Dennis Kirtland
William McCurry
Jim Spehar
Janet Terry
Reford Theobald
Cindy Enos-Martinez

Those Voting Nay: None

Those Absent: None

4. The members of the Council were present at such meetings and voted on the passage of such Ordinance as set forth above.

5. The Ordinance was approved and authenticated by the signature of the President of the Council, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

6. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Ordinance.

7. Notices of the meetings of February 20, 2002, and March 6, 2002, in the forms attached hereto as Exhibit A were posted at City Hall in accordance with law.

8. The Ordinance was published in pamphlet form in The Daily Sentinel, a daily newspaper of general circulation in the City, on February 22, 2002 and on March 8, 2002 as required by the City Charter. Notice of a public hearing was published once in The Daily Sentinel, a daily newspaper of general circulation in the City, on February 22, 2002. True and correct copies of the affidavits of publication are attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this 6TH day of March, 2002.

/s/ Stephanie Tuin

(SEAL)

City Clerk

EXHIBIT A

(Notice of Meetings February 20, 2002 and March 6, 2002)

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

WEDNESDAY, FEBRUARY 20, 2002, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance

Invocation - Rocky Shrable, Sonrise Church of God

PROCLAMATION

***PROCLAMATION DECLARING FEBRUARY 25, 2002 AS "BILL FANNING DAY" IN THE CITY OF GRAND JUNCTION

CITIZEN COMMENTS

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

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

[Attach 1](#)

Action: Approve the Summary of the February 4, 2002 Workshop, the Minutes of the February 6, 2002 Special Meeting and the Minutes of the February 6, 2002 Regular Meeting

2. **Setting a Hearing on the Vacation of Right-of-Way, Eagle Subdivision, Cheyenne Drive and Vernon Lane** [File #VR-2002-009]

[Attach 2](#)

The request is for the vacation of four feet of unimproved dedicated right-of-way on the south side of Cheyenne Drive across the project's frontage and the vacation of the dedicated right-of-way for Vernon Lane.

Proposed Ordinance Vacating the Portion of the Right-of-Way on the South Side of Cheyenne Drive between 27 3/8 Road and Mountain View Street and the Right-of-Way for Vernon Lane

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 6, 2002

Staff presentation: Pat Cecil, Development Services Supervisor

3. **Urban Trails Master Plan Revisions** [File #PLN-2001-191] [Attach 3](#)

Resolution adopting the 2001 Urban Trails Master Plan for those areas located within the City limits and including those areas that will be annexed in the future.

Resolution No. 13-02 – A Resolution Adopting Amendments to the Urban Trails Master Plan

**Action: Adopt Resolution No. 13-02*

Staff presentation: David Thornton, Principal Planner

4. **Award of Construction Contract for 25 & G Road Intersection and Storm Drainage Improvements** [Attach 4](#)

Bids were received and opened on February 7, 2002 for 25 and G Road Intersection and Storm Drainage Improvements. The low bid was submitted by MA Concrete Construction, Inc. in the amount of \$391,178.38. This project consists of the replacement of the existing bridge at 25 Road with twin 84" pipes and the construction of a roundabout at 25 & G Road.

Work is scheduled to begin on or about March 18 and continue for 12 weeks with an anticipated completion date of June 8, 2002.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
MA Concrete Construction, Inc.	Grand Junction	\$391,178.38
Skyline Contracting, Inc.	Grand Junction	\$447,208.85
Mays Concrete, Inc.	Grand Junction	\$457,168.00
United Companies of Mesa County	Grand Junction	\$512,058.00
Engineer's Estimate		\$422,983.00

Action: Authorize the City Manager to Execute a Contract for the 25 & G Road Intersection and Storm Drainage Improvements to M. A. Concrete in the Amount of \$391,178.38

Staff presentation: Tim Moore, Public Works Manager

5. **Setting a Hearing on the Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System** [Attach 5](#)

City Council has determined that in the best interest of the City and its citizens, the water system requires line replacement in the same core area as the combined sewer elimination project. The cost estimate of approximately \$3,500,000 includes design, engineering, legal, financing and administrative costs. Approval of this ordinance would allow the City to obtain funding for these improvements through a loan agreement with the Colorado Water Resources and Power Development Authority (CWRPDA).

Proposed Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System; Authorizing the Form and Execution of the Loan Agreement and a Governmental Agency Bond to Evidence Such Loan; Ratifying Prior Determinations of the Council; and Prescribing Other Details in Connection Therewith.

Action: Adopt Proposed Ordinance on First Reading, Set a Hearing for March 6, 2002 and Authorize Publication in Pamphlet Form

Staff presentation: Ron Lappi, Administrative Services Director
Dan Wilson, City Attorney

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

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

6. **Public Hearing – Approval of a Growth Plan Consistency Review and Rezoning Ordinance for Riverside Market Located at 215 Chuluota Avenue** [File#RZ-2001-226] (Continued from January 16, 2002) [Attach 6](#)

Request for Approval of: 1) Growth Plan Consistency Review for a neighborhood grocery market; and 2) Second Reading of the Rezoning Ordinance to Rezone 215 Chuluota Avenue from Residential Multi-Family-8 (RMF-8) zone district, to Planned Development (PD) with the Neighborhood Business (B-1) zone as the underlying default zone.

a. Resolution for Growth Plan Consistency

Resolution No. 14-02 – A Resolution Finding the Redevelopment of the Neighborhood Market Located at 215 Chuluota Avenue to be Consistent with the Growth Plan

b. Rezone Ordinance

Ordinance No. 3399 – An Ordinance Rezoning 215 Chuluota Avenue from the Residential Multi-Family-8 (RMF-8) Zone District to Planned Development with Neighborhood Business (B-1) as the Default Zone

**Action: Adopt Resolution No. 14-02 and Ordinance No. 3399 on Second Reading*

Staff presentation: Lisa Gerstenberger, Senior Planner

7. **Public Hearing - Appeal of the Planning Commission's Recommendation of Denial for the Rezoning Request for Midwest Commercial Subdivision, Located at 2295 Highway 6&50** [File #RZ-2001-227] [Attach 7](#)

The petitioner is requesting approval to rezone approximately 35.8 acres, consisting of 25 platted lots from the General Industrial (I-2) zone district to the Light Industrial (I-1) zone district. The Planning Commission at their December 11, 2001 hearing recommended denial of the rezoning request to the City Council.

Ordinance No. 3400 - An Ordinance Zoning the Midwest Commercial Subdivision, 35.8 Acres of Land Located at 2295 Highway 6 & 50

**Action: Conduct the Public Hearing for the Second Reading of the Ordinance and the Petitioner's Appeal of the Planning Commission Recommendation*

Staff presentation: Pat Cecil, Development Services Supervisor

8. **Public Hearing - Zoning for Webb Crane Annexation from County PC & AFT to City PD (Planned Development) Located at 761 23 ½ Road** [File #ANX-2000-158] [Attach 8](#)

Request for approval of the zone of annexation for approximately 20 acres from County Planned Commercial (PC) and AFT (Agricultural Forestry Transitional) to City PD (Planned Development) zone district. The site was annexed on February 16, 2000.

Ordinance No. 3401 - An Ordinance Zoning the Webb Crane Annexation Approximately 20 Acres of Land Located at 761 23 ½ Road

*Action: Adopt Ordinance No. 3401 on Second Reading

Staff presentation: Pat Cecil, Development Services Supervisor

9. **Public Hearing – Setting the City Manager’s Salary** [Attach 9](#)

Article VII, Section 57 of the Charter states the City Manager’s salary is to be fixed by the Council by ordinance. Based on the market survey comparing similar communities, the City Council has determined the 2002 salary for the Grand Junction City Manager.

Ordinance No. 3402 – An Ordinance Amending Ordinance 3387, Section 3, Setting the Salary of the City Manager

*Action: Adopt Ordinance No. 3402 on Second Reading

Presentation: City Council

10.*** **Authorization of Final Expenditures for Cornerstones of Law and Liberty**

The Cornerstones of Law and Liberty Plaza has been complete and all final charges have been submitted for payment.

Action: Authorize the Final Cost of the “Cornerstones of Law and Liberty” at \$57,716, up from the \$50,000 limit that was set by the Council in June of 2001

Staff presentation: Dan Wilson, City Attorney

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

12. **OTHER BUSINESS**

13.*** **EXECUTIVE SESSIONS** [Attach 10](#)

- a. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators relative to amending existing contracts, under C.R.S. Section 24-6-402(4)(e) and to receive legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b)
- b. To discuss the Purchase, Acquisition, Lease, Transfer, or Sale of Real, Personal or other Property Interest under C.R.S. Section 24-6-402(4)(a) on two separate properties
- c. To receive legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding Water Issues (City of Golden case)

- d. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators relative to amending existing contracts, under C.R.S. Section 24-6-402(4)(e) and to receive legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) in regards to the relationship with DDA

14. **ADJOURNMENT**

EXHIBIT A (cont.)

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

WEDNESDAY, MARCH 6, 2002, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Gary Cake, More Than Words Ministry

PROCLAMATIONS

PROCLAMATION DECLARING THE WEEK OF MARCH 3-9, 2002 AS "2002 WOMEN IN CONSTRUCTION WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING MARCH 8, 2002 AS "CLUB 20 DAY" IN THE CITY OF GRAND JUNCTION

*****APPOINTMENTS**

APPOINTMENT TO THE PARKS AND RECREATION ADVISORY BOARD

PRE-SCHEDULED CITIZENS AND VISITORS

STEVE SHEEHY WITH MESA COUNTY SAFETY COUNCIL TO ADDRESS CITY COUNCIL ON PLANS FOR A SAFETY VILLAGE

MIKE AND ALANA BELL TO ADDRESS CITY COUNCIL ON A DENIED SEWER BACKUP CLAIM

CITIZEN COMMENTS

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

1. **Minutes of Previous Meetings** [Attach 1](#)
Action: Approve the Summary of the February 18, 2002 Workshop and the Minutes of the February 20, 2002 Regular Meeting
2. **Sole Source Purchase Request of Computer Software for the Police Department** [Attach 2](#)

The Police Department is seeking approval for a sole source purchase of a CADMine program and service. This program is provided through Corona Solutions and is compatible with existing software. Corona Solutions is the only provider of this type of service. CADMine is a program that imports data from the computer aided dispatch system which is then used to compute crime trends and detailed reports on call load, workload, response times, counts by type of event, unit ID and area.

Action: Authorize the Sole Source Purchase of CADMine from Corona Solutions for the Police Department

Staff presentation: Robert Knight, Police Lieutenant

3. **Setting a Hearing on the Zoning the Gunn Annexation #1 & #2**

[File #ANX-2002-014]

[Attach 3](#)

First reading of the Zone of Annexation Ordinance for the Gunn Annexation located at 2981 Gunnison Ave. The 0.688-acre Gunn Annexation consists of one parcel of land.

Proposed Ordinance Zoning for the Gunn Annexation #1 & 2 to I-1(Light Industrial), Located at 2981Gunnison Avenue

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 20, 2002

Staff presentation: Senta Costello, Associate Planner

4. **Setting a Hearing on Zoning the Cimarron Mesa Annexation Located at 225 Linden Avenue** [File #ANX-2001-161]

[Attach 4](#)

The applicant proposes a zone of annexation from County RSF-4 to City RSF-4 for the 32.567 acre Cimarron Mesa Annexation. A Preliminary Plan to subdivide the parcel into 109 single-family lots was approved by the Planning Commission at its February 19, 2002 hearing. The Planning Commission recommends approval of the zone of annexation.

Proposed Ordinance Zoning the Cimarron Mesa Subdivision Annexation Residential Single Family – Four (RSF-4) Located at the Southwest Corner of Linden Avenue and B ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 20, 2002

Staff presentation: Bill Nebeker, Senior Planner

5. Setting a Hearing on the Rinderle Annexation located at the SE Corner of 28 Road and B ½ Road [File #ANX-2002-027] [Attach 5](#)

Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Rinderle Annexation located at the southeast corner of 28 Road and B ½ Road.

The 11.575-acre Rinderle Annexation consists of one parcel of land.

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

Resolution No. 15-02 – 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, Rinderle Annexation, Located at the Southeast Corner of 28 Road and B ½ Road

**Action: Adopt Resolution No. 15-02*

b. Set a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Rinderle Annexation, Approximately 11.575 acres, Located at the Southeast Corner of 28 Road and B ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002

Staff presentation: Bill Nebeker, Senior Planner

6. Setting a Hearing on the Staton Annexation Located at 2673 ½ B ½ Road [File # ANX-2002-028] [Attach 6](#)

Resolution for referral of petition to annex and first reading of the annexation ordinance and exercising land use jurisdiction immediately for the Staton Annexation, Located at 2673 ½ B ½ Road.

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

Resolution No. 16-02 – 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, Staton Annexation, Located

at 2673 ½ B ½ Road and Including a Portion of the Linden Avenue Right-of-way and Including a Portion of the Linden Avenue Right-of-way

**Action: Adopt Resolution No. 16-02*

b. Set a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Staton Annexation, Approximately 17.329 acres, Located at 2673 ½ B ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002

Staff presentation: Ronnie Edwards, Associate Planner

7. Setting a Hearing on the Dettmer Annexation located at 2916 D ½ Road

[File #ANX-2002-013]

[Attach 7](#)

Resolution for Referral of Petition to Annex/First Reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Dettmer Annexation located at 2916 D-1/2 Road. This 0.861-acre (37,506.2 square feet) annexation consists of a single parcel of land.

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

Resolution No. 17-02 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, the Dettmer Annexation, Located at 2916 D ½ Road

**Action: Adopt Resolution No. 17-02*

b. Set a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Dettmer Annexation, Approximately 0.861 acres, Located at 2916 D ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002

Staff presentation: Kristen Ashbeck, Senior Planner

8. **Setting a Hearing on the Traver No. 3 Annexation Located Along the Grand Valley Irrigation Canal, NE of 30 and D Roads** [File #ANX-2001-011] [Attach 8](#)

Resolution for Referral of Petition to Annex, First Reading of the annexation ordinance and exercising land use jurisdiction immediately for the Traver Annexation No. 3, a parcel of land lying along the Grand Valley Irrigation Company Canal situated north of the Traver Annexation No. 2 and east of D and 30 Roads. This 0.2407 acre (10,484.9 square feet) annexation consists of a single parcel of land.

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

Resolution No. 18-02 – 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, Traver Annexation No. 3, Located along the Grand Valley Irrigation Canal, Northeast of D and 30 Roads

**Action: Adopt Resolution No. 18-02*

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

Proposed Ordinance Annexing Territory to the City Of Grand Junction, Colorado, Traver Annexation No. 3, Approximately 0.2407 Acres, Located at the Grand Valley Irrigation Canal, Northeast of D and 30 Roads

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 17, 2002

Staff presentation: Kristen Ashbeck, Senior Planner

9. **Setting a Hearing on Rezoning the Paul B. Boyd Subdivision, Located at 838 26 ½ Road, 2660 Catalina Drive and 2662 Catalina Drive** [File #RZ-2002-015] [Attach 9](#)

The Petitioner is requesting a rezoning from RMF-5 (Residential Multi-Family, not to exceed 5 dwelling units per acre) to RSF-4 (Residential Single Family, not to exceed 4 dwelling units per acre). The rezone request is the result of a minor subdivision. Two lots were reconfigured into 3 lots, leaving a split zoning on the newly created lot. This proposal will rezone the new lot and the lot to the west to RSF-4. This request is in conformance with the Growth Plan, which suggests a density of residential medium, 4 to 8 units per acre.

Proposed Ordinance Zoning 3 Parcels of Land Located in the Paul B. Boyd Subdivision, 838 26 ½ Road, 2662 Catalina Drive and 2660 Catalina Drive

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 20, 2002

Staff presentation: Lori V. Bowers, Associate Planner

10. **Sale of City Right-of-Way at Horizon Drive, G Road and 27 ½ Road Intersection to Pizza Hut** [Attach 10](#)

Adjacent to the Pizza Hut property on Horizon Drive and G Road, is an area of City right-of-way that is not used because of the reconstruction of the Horizon Drive, G Road and 27 ½ Road intersection. This agreement will convey the City property to the adjacent landowner. In exchange, the business owner agrees to pay for, develop and maintain the property.

Action: Authorize the City Manager to Execute an Agreement Conveying City Right-of-Way and Providing Details of the Conveyance

Staff presentation: Tim Moore, Public Works Manager

11. **Contract Amendment #2 to ICON Engineering Contract for Leach Creek and Horizon Drive Drainage Plans** [Attach 11](#)

Original contract with ICON was for the investigation of alternatives, and preparation of Letter of Map Revision (LOMR) for Horizon Drive Channel/ Independent Ranchmen's Ditch (HC/IRD) Basin around Mesa Mall. Amendment #2 proposes to complete the study to reduce or eliminate the potential for flooding between Mesa Mall and 25 ½ Road.

Action: Authorize the City Manager to Sign Amendment #2 to the Existing Contract with ICON Engineering for \$30,685 to Fund the Additional Work

Staff presentation: Trent Prall, Utilities Engineer

12. **Recommendations from the Grand Junction Commission on Arts and Culture for Funding Support to Organizations for Art and Cultural Events, Projects, and Programs** [Attach 12](#)

On February 26 and 27, 2002 the Commission reviewed requests and presentations from 23 organizations and agencies, totaling \$57,836, for financial support, per Commission goals, criteria, and guidelines. The Commission recommends funding the following:

Art Center art exhibit series	\$2,500
Bookcliff Barbershop Chorus nursing home tour	\$1,000
David Taylor Dance Theatre (Denver) performance	\$2,000
Downtown Association Art & Jazz Festival	\$2,000
Grand Junction Symphony opening concert	\$1,000
Grand Valley Blacksmith Guild workshop	\$500
Grand Valley Community Theater musical	\$1,000
KAFM Public Radio calendar underwriting	\$2,000
KRMJ-TV "Western Bounty" underwriting	\$2,000
Mesa Co. Library/New Emerson Artist-in-Residence	\$1,500
Mesa State Foundation Art Educators' Conference	\$600
Mesa State Summer Dance workshop	\$1,500
Museum of Outdoor Arts (Englewood) Design & Build	\$836
Museum of Western Colo. Apple Jubilee	\$1,000
Performing Arts Conservatory musical	\$1,500
Schumann Singers concerts	\$500
SD#51 Art Heritage Artists-in-Residence	\$4,000
St. Andrews Grand Valley Renaissance Faire	\$1,000
VSA Arts Festival for the Disabled	\$1,200
West. Colo. Botanical Garden Amphitheater	\$1,000
Western Colorado Chorale concert tickets	\$500
TOTAL	\$29,136

Action: Approve Commission Recommendations for Arts and Cultural Events and Programs

Staff presentation: Allison Sarmo, Cultural Arts Coordinator

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

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

*****13. Funding Policies for Outside Organizations**

[Attach 13](#)

The City Council has developed guidelines to help with funding decisions for outside groups. This resolution will adopt the guidelines developed by the Council.

Resolution No. 19-02 - Adopting Guidelines for Funding Outside Organizations

**Action: Adopt Resolution No. 19-02*

Staff presentation: David Varley, Assistant City Manager

14. Public Hearing - Vacation of Right-of-Way, Eagle Subdivision, Cheyenne Drive and Vernon Lane [File #VR-2002-009] [Attach 15](#)

The request is for the vacation of four feet of unimproved dedicated right-of-way on the south side of Cheyenne Drive across the project's frontage and the vacation of the dedicated right-of-way for Vernon Lane in the Eagle Subdivision.

Ordinance No. 3400 - An Ordinance Vacating the Portion of the Right-of-Way on the South Side of Cheyenne Drive between 27 3/8 Road and Mountain View Street and the Right-of-Way for Vernon Lane in the Eagle Subdivision

**Action: Adopt Ordinance No. 3400 on Second Reading*

Staff presentation: Pat Cecil, Development Services Supervisor

15. Public Hearing - Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System [Attach 16](#)

City Council has determined that in the best interest of the City and its citizens, the water system requires line replacement in the same core area as the combined sewer elimination project. The cost estimate of approximately \$3,500,000, includes design, engineering, legal, financing and administrative costs. Approval of this ordinance would allow the City to obtain funding for these improvements through a loan agreement with the Colorado Water Resources and Power Development Authority (CWRPDA).

Ordinance No. 3403 – A Ordinance Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Improvements to the City's Water System; Authorizing the Form and Execution of the Loan Agreement and a Governmental Agency Bond to Evidence Such Loan; Ratifying prior Determinations of the Council; and Prescribing Other Details in Connection Therewith

**Action: Adopt Ordinance No. 3403 on Second Reading*

Staff presentation: Ron Lappi, Administrative Services Director
Dan Wilson, City Attorney

16. NON-SCHEDULED CITIZENS & VISITORS

17. OTHER BUSINESS

18. ADJOURNMENT

EXHIBIT B – Affidavits of Publication

State PROOF OF PUBLICATION

NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN THAT: The City Council of the City of Grand Junction, Colorado, at its regular convened meeting on February 19, 2002, passed on first reading the following entitled proposed ordinance: "AN ORDINANCE APPROVING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY TO FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN AGREEMENT AND A GOVERNMENTAL AGENCY BOND TO EVIDENCE SUCH LOAN; RATIFYING PRIOR DETERMINATIONS OF THE COUNCIL AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH" and summary as follows: Allow the City of Grand Junction to obtain funding for the water system and combined sewer elimination project and authorized the publication in pamphlet form. NOTICE IS FURTHER GIVEN THAT the public hearing will be held March 6, 2002, at 7:30 p.m. in the City Auditorium, 250 N. 5th Street, at which time public comments will be taken and considered before the final adoption of the proposed ordinance. Copies of the proposed ordinance are available for public inspection in the City Clerk's Office, 250 N. 5th Street, City Hall, at any time Monday through Friday between the hours of 7:30 a.m. and 5:30 p.m. BY THE ORDER OF THE CITY COUNCIL /s/ Stephanie Train City Clerk Published February 22, 2002

STATE OF COLORADO

) County of Mesa)
ss.

Velvet Johnson

Being duly sworn, says that I am Legal Secretary of The Daily Sentinel a daily newspaper, published and duly printed in Grand Junction, Colorado in said County and State; that said newspaper has a general circulation in said County and has been continuously and uninterruptedly published therein, during a period of at least fifty-two consecutive weeks next prior to the first publication of the annexed notice; that said newspaper is a newspaper within the meaning of the act of the general Assembly of the State of Colorado, entitled "An Act to regulate the printing of legal notices and advertisements," and amendments thereto; that the notice of which the annexed is a printed copy taken from said newspaper, was published in said newspaper, and in the regular and entire issue of every number thereof, once a day for 1 successive day; that said notice was so published in said newspaper proper and not in any supplement thereof, and that first publication of said notice as aforesaid, was on the 22nd day of February, 2002, and the last, on the 22nd day of February, 2002.

Velvet Johnson

Subscribed and sworn to before me, this 22nd day of Feb., 2002

My Commission Expires
R. H. [Signature]



EXHIBIT B (cont.)

State PROOF OF PUBLICATION

STATE OF COLORADO

County of Mesa)
ss.

Velvet Johnson

NOTICE OF ADOPTION OF ORDINANCE NO. 3493 AN ORDINANCE OF THE CITY OF GRAND JUNCTION TO BE PUBLISHED IN PAMPHLET FORM
NOTICE IS HEREBY GIVEN: That on the 6th Day of March, 2002, at 7:30 p.m. in the City Hall Auditorium, 250 N. 5th Street, Grand Junction, Colorado, the City Council of the City of Grand Junction held a public hearing, after proper notice, to consider the final passage of an Ordinance, the title of which is: AN ORDINANCE APPROVING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY TO FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN AGREEMENT AND A GOVERNMENTAL AGENCY BOND TO EVIDENCE SUCH LOAN; RATIFYING PRIOR DETERMINATIONS OF THE COUNCIL; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH. Copies of the adopted Ordinance are available for public inspection in the office of the City Clerk, 250 N. 5th Street, Grand Junction, CO between 7:30 a.m. and 5:30 p.m., Monday through Friday. Stephanie Tulin, CMC City Clerk
Published March 8, 2002

Being duly sworn, says that I am _____ Legal Secretary _____ of The Daily Sentinel a daily newspaper, published and duly printed in Grand Junction, Colorado in said County and State; that said newspaper has a general circulation in said County and has been continuously and uninterruptedly published therein, during a period of at least fifty-two consecutive weeks next prior to the first publication of the annexed notice; that said newspaper is a newspaper within the meaning of the act of the general Assembly of the State of Colorado, entitled "An Act to regulate the printing of legal notices and advertisements," and amendments thereto; that the notice of which the annexed is a printed copy taken from said newspaper, was published in said newspaper, and in the regular and entire issue of every number thereof, once a _____ day for 1 successive _____ day _____; that said notice was so published in said newspaper proper and not in any supplement thereof, and that first publication of said notice as aforesaid, was on the _____ 08th _____ day of _____ March _____, 2002, and the last, on the _____ 08th _____ day of _____ March _____, 2002.

Velvet Johnson

Subscribed and sworn to before me, this _____ 08th _____ day of _____ March _____, 2002

Kathy Jordan
My Comm. Expires _____ August 31, 2003



