

ORDINANCE NO. 3410

**EMERGENCY ORDINANCE AMENDING ORDINANCE NO.
3403; PRESCRIBING OTHER DETAILS IN CONNECTION
AN THEREWITH; AND DECLARING A SPECIAL EMERGENCY.**

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 previously passed and adopted Ordinance No. 3403 on March 6, 2002 (the "Prior Ordinance"), authorizing the execution and delivery of a Loan Agreement (as defined in the Prior Ordinance); and

WHEREAS, Section 3 of the Prior Ordinance provided that the maximum principal amount of the Loan (as defined in the Prior Ordinance) would not exceed \$3,500,000; and

WHEREAS, it is necessary to amend Section 3 of the Prior Ordinance with the effect of increasing the principal amount of the Loan to \$3,566, 521.69, in order to finance the City's share of the costs of issuance of the Colorado Water Resources and Power Development Authority's ("CWRPDA") bonds issued in part to finance the Loan; and

WHEREAS, Section 50 of the City Charter provides that an ordinance may be passed as an emergency measure in cases of a special emergency for the preservation of the public peace, health or safety, upon the unanimous vote of all members of the City Council.

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

Section 1. Amendment of Prior Ordinance. Section 3 of the Prior Ordinance is hereby amended to read as follows:

Section 3. Loan Details. The Loan shall be in the principal amount of not to exceed \$3,566,521.69, shall bear interest at a net effective interest rate not to exceed 5.00% 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 2. Effect of Amendment. Except as specifically amended in this ordinance, all provisions of the Prior Ordinance remain in full force and effect.

Section 3. 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 4. 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 5. Declaration of Special Emergency. Due to the immediate need by the City and CWRPDA to close the Loan under current market conditions, a special emergency exists which requires the immediate passage of this ordinance as an emergency measure, and it is hereby declared that this ordinance is immediately necessary for the preservation of the public peace, health or safety.

Section 6. Effective Date, Recording and Authentication. Pursuant to Sections 50(c) and 51 of the City Charter, this ordinance shall be finally passed on the date hereof and shall be effective upon passage and adoption. 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. This ordinance shall be published within three days of the date hereof.

INTRODUCED AND FINALLY PASSED AS AN EMERGENCY MEASURE,
APPROVED AND ORDERED PUBLISHED IN PAMPHLET FORM this 3rd day of
April, 2002, CITY OF GRAND JUNCTION, COLORADO

Attest:

/s/ Stephanie Tuin
City Clerk

/s/ Cindy Enos-Martinez
President of the Council

(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 and duly adopted as an emergency ordinance and ordered published in pamphlet form by the City Council at a regular meeting thereof held on April 3, 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 and adopted as an emergency ordinance at the meeting of April 3, 2002, by an unanimous vote of the members of the Council as follows:

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

Those Voting Nay: 0
Those Absent: 0

4. The members of the Council were present at such meeting 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. Notice of the meeting of April 3, 2002, in the form attached hereto as Exhibit A, was 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 April 5, 2002 as required by the City Charter. The affidavit of publication is attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal
of said City this 9th day of April, 2002.

(SEAL)

/s/ Stephanie Tuin
City Clerk

EXHIBIT A
(Notice of Meeting)

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

WEDNESDAY, APRIL 3, 2002, 7:30 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation - Rev. Michael Torphy
Grand Junction Church of Religious Science

PROCLAMATIONS / RECOGNITIONS

PROCLAMATION DECLARING APRIL 18, 2002 AS "ARBOR DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE MONTH OF APRIL, 2002 AS "NATIONAL CHILD ABUSE PREVENTION MONTH" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 7-13, 2002 AS "WEEK OF THE YOUNG CHILD" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 11, 2002 AS "ALTRUSA AWARENESS DAY" IN THE CITY OF GRAND JUNCTION

PRESENTATION OF CERTIFICATES OF APPOINTMENT

TO COMMISSION ON ARTS AND CULTURE MEMBERS

CITIZEN COMMENTS

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

1. **Minutes of Previous Meetings** [Attach 1](#)
Action: Approve the Summary of the March 18, 2002 Workshop and the Minutes of the March 20, 2002 Regular Meeting
2. **Setting a Hearing on Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance Sewer Improvements** [Attach 2](#)

City Council and County Commissioners have determined that in the best interest of the Joint Sewer Fund and its customers, the sewer system requires line replacement for the combined sewer elimination project. The cost estimate of approximately \$9,500,000, includes design, engineering, legal, financing and administrative costs. The second project funded through this borrowing and totaling \$4,600,000 is the Septic System Elimination Project. Approval of this ordinance would allow the joint system to obtain funding for these improvements through a loan agreement with the Colorado Water Resources and Power Development Authority (CWRPDA).

Proposed Ordinance Authorizing a Loan From the Colorado Water Resources and Power Development Authority to Finance Improvements to the Joint Sewer 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 and Set a Hearing for April 17, 2002

Staff presentation: Ron Lappi, Administrative Services Director
Mark Relph, Public Works and Utilities Director

3. **Amending the 2002 Meeting Schedule** [Attach 3](#)

In January, the Council adopted a resolution setting the meeting schedule for 2002 as required by the City's Code of Ordinances, Sec. 2-26. This resolution amends that action by canceling the June 19th and July 3rd formal meetings and sets a meeting for June 26th. The accompanying workshops will also be rescheduled accordingly.

Resolution No. 22-02 - A Resolution of the City of Grand Junction Amending the City Council 2002 Meeting Schedule

**Action: Adopt Resolution No. 22-02.*

Staff presentation: Kelly Arnold, City Manager

4. **Ethical Standards for Members of City Boards and Commissions** [Attach 4](#)

The various City boards, committees, commissions and other groups are similar in that the members are typically appointed by the City Council. The power and legal responsibilities of several of such groups rise to the level that their decisions are in some cases legally equivalent to City Council decisions in many arenas. Other City entities and City Council

appointed groups will also benefit from having guidance and conflict of interest rules.

Resolution No. 23-02 – A Resolution Clarifying the Ethical Standards for Members of the City's Boards, Commissions and Other Groups

**Action: Adopt Resolution No. 23-02*

Staff presentation: Dan Wilson, City Attorney

5. **Reappointment of Care' McInnis-Raaum as Associate Municipal Court Judge** [Attach 5](#)

Judge Care' McInnis-Raaum was first appointed as an Associate Municipal Court Judge in 1995. She has been on the bench since that time. Because there is not a current resolution confirming her appointment, it is requested that that City Council adopt the resolution re-appointing Judge McInnis-Raaum and affirming her past service.

Resolution No. 24-02 – A Resolution Reappointing Care McInnis-Raaum as Associate Municipal Court Judge

**Action: Adopt Resolution No. 24-02*

Staff presentation: John Shaver, Assistant City Attorney

6. **Setting a Hearing for Zoning the Rinderle Annexation Located at the SE Corner of 28 Road and B ½ Road** [File #ANX-2002-027] [Attach 6](#)

The applicant proposes a zone of annexation of RSF-4 for the 11.575 acre Rinderle Annexation. A preliminary plan to subdivide the parcel into 39 single-family lots was approved by the Planning Commission at its March 26, 2002 hearing. The Planning Commission recommends approval of the zone of annexation.

Proposed Ordinance Zoning the Rinderle Annexation Residential Single Family-4 (RSF-4) 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

7. **Vacation of Easement – Independence Ranch Filing 9 Located at the Northeast Corner of 20 ½ Road and F ¾ Road** [File # VE-2002-008]

[Attach 7](#)

The applicant proposes to vacate a temporary stormwater retention easement in conjunction with a request to develop Independence Ranch Filing 9. The Planning Commission recommends approval.

Resolution No. 25-02 – A Resolution Vacating a Temporary Stormwater Retention Easement in Conjunction with Independence Ranch Subdivision Filing 9

Located at 20 ½ and F ¾ Roads

**Action: Adopt Resolution No. 25-02*

Staff presentation: Bill Nebeker, Senior Planner

8. **Setting a Hearing on the Vacation of Right-of-Way, Fountainhead Blvd. Located in the Fountain Greens Subdivision between 24 ¾ Road and 25 Road North of G Road** [File # FPP-2002-029] [Attach 8](#)

The applicant requests to vacate a portion of Fountainhead Blvd. right-of-way that was dedicated to provide curb returns to future public streets in Filing 3. These streets are now proposed to be private and the public right-of-way is no longer necessary. The Planning Commission recommends approval.

Proposed Ordinance Vacating a Portion of Fountainhead Blvd. in Conjunction with Fountain Greens Filing 3 Subdivision Located Between 24 ¾ and 25 Roads, North of G Road

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

Staff presentation: Bill Nebeker, Senior Planner

9. **Setting a Hearing on Vacating a Portion of 25 Road Right-of-Way, Located Adjacent to Fountain Greens Filing 3 Subdivision at the North Side of Fountainhead Blvd.** [File # FPP-2002-029] [Attach 9](#)

The applicant requests to vacate a 17-foot wide strip of 25 Road right-of-way adjacent to Fountain Greens Filing 3. The previous developer of this site (Fountainhead Subdivision) had tried to vacate this right-of-way by replat. Adoption of an ordinance is required to vacate the right-of-way correctly. The Planning Commission recommends approval.

Proposed Ordinance Vacating a Portion of 25 Road Adjacent to Fountain Greens
Filing 3 Subdivision Located between 24 ¾ and 25 Roads, North of G Road

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

Staff presentation: Bill Nebeker, Senior Planner

10. **Setting a Hearing on the Zambrano Annexation Located at 657 20 ½ Road** [File #ANX-2002-053] [Attach 10](#)

Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Zambrano Annexation located at the 657 20 ½ Road. The 11.282-acre Zambrano Annexation consists of one parcel of land.

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

Resolution No. 26–02 – A Resolution Referring 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 Zambrano Annexation Located at 657 20 ½ Road

**Action: Adopt Resolution No. 26-02*

b. Set a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Zambrano Annexation Approximately 11.282-acres Located at 657 20 ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 15, 2002

Staff presentation: Bill Nebeker, Senior Planner

11. **Setting a Hearing on the Larson Annexation Located at 2919 B ½ Road** [File #ANX-2002-054] [Attach 11](#)

Resolution for Referral of Petition to Annex/First reading of the annexation ordinance/Exercising land use jurisdiction immediately for the Larson Annexation located at the 2919 B ½ Road and including portions of the 29 Road, B Road and B ½ Road Rights-of-Way. The 13.562-acre annexation consists of three parcels of land.

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

Resolution No. 27-02 – A Resolution Referring 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 Larson Annexation – A Serial Annexation Comprising of Larson Annexation No.'s 1, 2, and 3

**Action: Adopt Resolution No. 27-02*

b. Set a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Larson Annexation No. 1 Approximately 0.015-acres Located in the B Road and 29 Road Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Larson Annexation No. 2 Approximately 1.921-acres, a Portion of the 29 Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Larson Annexation No. 3 Approximately 11.626-acres Located at 2919 B ½ Road and Including a Portion of the B ½ Road Right-of-Way

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for May 15, 2002

Staff presentation: Pat Cecil, Development Services Supervisor

12. **Setting a Hearing for Zoning the Traver Annexation No. 3 Located at Grand Valley Canal, Northeast of 30 and D Roads** [File # ANX-2001-011] [Attach 12](#)

This annexation area consists of 0.2407 acres (10,484.9 square feet) of land along the northeastern boundary of the Westland Subdivision. State law requires the City to zone newly annexed areas within 90 days of annexation.

An Ordinance Zoning the Traver Annexation No. 3 to Residential Single Family with the Maximum Density of 4 units per acre (RSF-4) located at the Grand Valley Canal, Northeast of 30 and D Roads

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

Staff presentation: Kristen Ashbeck, Senior Planner

13. **Setting a Hearing for Zoning the Dettmer Annexation Located at 2916 D ½ Road** [File # ANX-2002-013] [Attach 13](#)

This annexation area consists of annexing 0.861 acres (37,506.2 square feet) and is located at 2916 D ½ Road. The property owner has requested annexation into the City as the result of proposing to rezone the property so that the existing single family residence conforms to the zoning. Under the 1998 Persigo Agreement all such types of development require annexation and processing in the City.

State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning conforms to the Growth Plan's Future Land Use Map and recommendation for Residential Medium Low, with residential land uses between 2 and 4 units per acre for this area.

An Ordinance Zoning the Dettmer Annexation to Residential Single Family with a Maximum Density of 4 units per acre (RSF-4) 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

14. **Setting a Hearing on the ISRE Annexation Located at 2990 D ½ Road** [File #ANX-2002-049] [Attach 14](#)

Resolution for Referral of Petition to Annex/First Reading of the annexation ordinance/Exercising land use jurisdiction immediately for the ISRE Annexation, a parcel of land located at 2990 D-1/2 Road. This 14.149-acre annexation consists of a single parcel of land.

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

Resolution No. 28–02 – A Resolution Referring 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 ISRE Annexation Located at 2990 D ½ Road

**Action: Adopt Resolution No. 28-02*

b. Set a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado ISRE Annexation Approximately 14.149 Acres Located at 2990 D ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 15, 2002

Staff presentation: Kristen Ashbeck, Senior Planner

15. **Setting a Hearing for Zoning the Staton Annexation Located at 2673 ½ B ½ Road** [File # ANX-2002-028] [Attach 15](#)

The 17.329-acre Staton Annexation area located at 2673 ½ B ½ Road consists of one parcel of land. Owners of the property have signed a petition for annexation as part of proposed development for construction of a telecommunications tower. State law requires the City to zone newly annexed areas within 90 days of the annexation. The proposed City zoning of (RSF-2) conforms to the Growth Plan Future Land Use map and is a lesser density than the existing Mesa County zoning of RSF-4. The Petitioner and Staff find that the land configuration would not support higher density.

Proposed Ordinance Zoning the Staton Annexation to Residential Single Family with a Density not to Exceed Two Units per Acre (RSF-2) 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

16. **Purchase of Bucket Truck for the Traffic Division** [Attach 16](#)

This request is to replace one Aerial Bucket Truck per City of Grand Junction minimum specifications. The current unit will be surplus and will be sold by the City through a competitive bid disposal process. The City Equipment Manager and the City Purchasing Manager agree that the City will receive more value for the old unit than the trade-in price offered by the bidders.

Teague Equip. Phoenix, AZ	2003 Ford F-750 w/Versalift	\$101,225.00
Altec Equip. St. Joseph, MO	2003 International w/Altec	\$99,451.00

The International chassis and all warranty/service work will be provided through Hanson Equipment, Grand Junction, Colorado.

Action: Authorize the City Purchasing Manager to Procure one International Chassis with Altec TA37M Aerial Lift Bucket for the Amount of \$99,451.00 from Altec Equipment, St. Joseph, Missouri

Staff presentation: Ron Watkins, Purchasing Manager
Chuck Leyden, Fleet & Facilities Manager

17. **Purchase of 3 Service Trucks for Parks Department** [Attach 17](#)

This request is to replace 3 one-ton service trucks per City of Grand Junction minimum specifications. The current units will be surplus and will be sold by the City through a competitive bid disposal process. The City Equipment Manager and the City Purchasing Manager agree that the City will receive more value for the old units than the trade-in price offered by the bidders.

Hellman Motor Co., Delta, CO	Ford F-350 w/utility body
\$97,920.00	
Western Slope Auto Co. Grand Junct.	Ford F-350 w/utility body
\$67,722.00	
Fuoco Motor Co., Grand Junction	Non-responsive – Does not meet specifications

Action: Authorize the City Purchasing Manager to Procure Three 2002 Ford F-350 Trucks with T-6080 Rawson-Koenig Service Bodies for the Amount of \$67,722.00 from Western Slope Auto Co., Grand Junction, Colorado

Staff presentation: Ron Watkins, Purchasing Manager
Chuck Leyden, Fleet & Facilities Manager

18. **Sole Source Purchase of a Paging Terminal for Fire Department** [Attach 18](#)

The Fire Department is seeking approval for the single source purchase of a Zetron Paging Terminal. The paging terminal will be used for numeric, alphanumeric and voice paging.

The single source procurement is required for compatibility issues with the Printrak CAD system. All paging systems in the Communications Center are Zetron brand. Legacy Communications is the local Zetron Distributor and is our local service center.

Action: Authorize the City Purchasing Manager to Purchase the Zetron Paging Terminal from Legacy Communications for \$37,639

Staff presentation: Michael Kelley, Fire Unit Supervisor

19. **FEMA Grant for Purchase of Thermal Imaging Cameras** [Attach 19](#)

The Fire Department has four older helmet mounted thermal imaging cameras. The technology of the cameras is dated. The vendor of the existing helmets no longer produces the helmet model and repair of current units is difficult and expensive. Current units are requiring an increasing amount of maintenance and repair with unit(s) out-of-service for prolonged periods of time. This technology provides fire fighters with the upper hand in low visibility conditions, which allows personnel to locate fire victims and identify hot spots.

Action: Approve the Grant Submittal for the Purchase of New Thermal Imaging Cameras, City's Amount is \$14,400

Staff presentation: James Bright, Operations Officer

20. **Award of Maintenance Contract with Colorado (CDOT) for Traffic Signals, Striping Department of Transportation and Markings within the City Limits** [Attach 20](#)

The current maintenance contract with CDOT has been in effect since 1991. This contract updates the costs and adds signal locations and responsibilities to the existing contract.

Resolution No. 29-02 – A Resolution Authorizing an Agreement between the City of Grand Junction and the Colorado Department of Transportation for the City to Perform Maintenance Services on State Highways

**Action: Adopt Resolution No. 29-02*

Staff presentation: Tim Moore, Public Works Manager

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

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

21. **Public Hearing – Rezoning the Heinbaugh Property Located at 513 28 1/4 Road** [File # RZ-2002-024] [Attach 21](#)

Petitioner is requesting to rezone a 12,500 square foot lot from PD (Planned Development) to RMF-8 (Residential Multi-Family not to exceed 8 units/acre).

Ordinance No. 3409 – An Ordinance Rezoning the Heinbaugh Property Located at 513 28 ¼ Road to RMF-8 (Residential Multi-Family)

**Action: Adopt Ordinance No. 3409 on Second Reading*

Staff presentation: Senta Costello, Associate Planner

22. **Public Hearing – Emergency Ordinance Amending Ordinance No. 3403; Prescribing Other Details in Connection Therewith; and Declaring a Special Emergency** [Attach 23](#)

Previously adopted Ordinance 3403, approved by the City Council on March 6, 2002 needs to be amended to increase the principal amount of the Loan Agreement. The prior Ordinance provided that the maximum principal amount of the Loan would not exceed \$3,500,000. The City has been told that the City's share of the costs of issuance of the Colorado Water Resources and Power Development Authority's bonds, issued in part to finance the Loan, needs to be rolled into the Loan Agreement. The amended amount of the Loan Agreement would be \$3,566,521.69.

Proposed Emergency Ordinance Amending Ordinance No. 3403; Prescribing Other Details In Connection An Therewith; And Declaring A Special Emergency

**Action: Adopt Emergency Ordinance No. 3410*

Staff presentation: Ron Lappi, Administrative Services Director

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

24. **OTHER BUSINESS**

25. **EXECUTIVE SESSION – PROPERTY NEGOTIATIONS** [Attach 22](#)

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.

a. Click Property Conservation Easement

b. Oil and Gas Leases on City Property on the Grand Mesa

26. **ADJOURNMENT**

EXHIBIT B

(Attach affidavits of Publication)

State PROOF OF PUBLICATION

STATE OF COLORADO

County of Mesa)
) ss.

Velvet Johnson

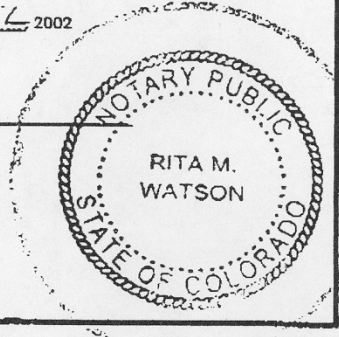
NOTICE IS HEREBY
GIVEN THAT:
The City Council of the City of
Grand Junction, Colorado, at its
regular convened meeting on
April 3, 2002, introduced and
finally passed as an emergency
measure the following entitled
ordinance: ORDINANCE NO.
3410. EMERGENCY ORDINANCE
AMENDING ORDINANCE NO. 3403;
PRESCRIBING OTHER DETAILS IN
CONNECTION AN THEREWITH;
AND DECLARING A SPECIAL
EMERGENCY
and ordered published in pamphlet form.
Copies of the ordinance are
available for public inspection in
the City Clerk's Office, 250
North 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/Christine English
Deputy City Clerk
Published: April 6, 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 06th day of April, 2002,
and the last, on the 06th day of April, 2002.

Velvet Johnson

Subscribed and sworn to before me, this 9th day of April, 2002

Rita M. Watson
My Commission Expires 11/08/2005



5. No litigation of any nature is now pending or, to the best of our knowledge, threatened (either in municipal, state or federal courts):

(a) Restraining or enjoining the execution or delivery of the Loan Agreement, or the issuance, execution or delivery of the Governmental Agency Bond (the "Bond") executed in connection with the Loan Agreement (collectively, the Loan Agreement and the Bond will be referred to herein as the "Loan Documents") or the levy and collection of rates, fees and charges to make the payments due under the Loan Documents; or the use of the proceeds of the loan (the "Loan") made pursuant to the Loan Documents for the purposes provided by the ordinance finally passed and adopted by the City Council of the City (the "City Council") on March 5, 2002, as subsequently amended on April 3, 2002 (the "Ordinance"); or affecting in any way the right or authority of the City to make the payments required under the Loan Documents, or otherwise to carry out the terms and provisions of the Ordinance and the Loan Documents and the covenants and agreements therein and of other proceedings authorizing the execution of or otherwise concerning the Loan Documents.

(b) In any manner questioning, contesting or otherwise affecting the authority or proceedings for the execution or delivery of the Loan Documents; or questioning, contesting or otherwise affecting, directly or indirectly, the validity thereof, or of any provisions made or authorized for their payment.

6. The City has previously designated the System (as defined in the Loan Agreement) as a water activity enterprise under Article X, Section 20 of the Colorado Constitution and Section 37-45.1-103, C.R.S. The total revenue for the System in 2001 was \$4,936,665 and less than 10% of this amount (\$493,666) was received in grants from state and local governments.

7. Except for loan agreement between the City and the Colorado Water Conservation Board dated as of August 25, 1989, the City has not previously pledged the Pledged Property (as defined in the Loan Agreement) for payment of any outstanding indebtedness or other obligation of the City.

8. Neither the corporate existence nor the boundaries of the City, nor the titles of its present officers or any of them to their respective offices is being contested, including, without limitation, the members and officers of the City Council; and the Ordinance remains in full force and

effect, and no proceedings or authority for the execution or delivery of the Loan Documents have or has been repealed, rescinded, revoked, modified, changed, or altered in any manner.

9. Regular meetings of the City Council are scheduled to be held at the City Hall, within the City, at the hour of 7:30 p.m. on the first and third Wednesdays of each month.

10. The Ordinance was duly adopted at a regular, public meeting of the City Council and is valid and enforceable.

11. No referendum petition satisfying the requirements of the City Charter concerning either the Ordinance or any other ordinances, resolutions or other proceedings of the City Council concerning the Loan Documents or the uses of the proceeds of the Loan has been filed, and to the best of our knowledge none is being circulated or is planned for circulation.

12. To the best of our knowledge, none of the President, any member of the City Council, any other officer or employee of the City, or any member of the family of any such officer or employee, has any pecuniary or other prohibited interest, direct or indirect, in the profits of any contract or job for work or services to be performed, nor have such persons solicited or received any pay, commission, money or anything of value or derived any benefit, profit or advantage, directly or indirectly, in connection with the Loan Documents or the uses of the proceeds of the Loan as provided in the Ordinance.

13. The City has authorized by all necessary action, the execution, delivery, receipt and due performance of the Loan Documents, the Ordinance and any and all other agreements and documents as may be required to be executed, delivered and received by the City to carry out, give effect to and consummate the transactions contemplated by the Ordinance and the Loan Documents.

14. The execution, delivery, receipt and due performance of the Loan Documents, the Ordinance, and any other agreements contemplated by the Ordinance and the Loan Documents, under the circumstances contemplated by the Ordinance and the compliance by the City with the provisions thereof, will not conflict with or constitute on the part of the City a breach of or a default under any existing law, court or administrative regulation, decree or order or any agreement, indenture, lease or other instrument to which the City is subject or by which the City is or may be bound.

15. On or before the date hereof, the undersigned President and City Clerk executed each of the Loan Documents and affixed the seal of the City thereto.

16. There is no reason within our knowledge why the City may not deliver the Loan Documents.

17. This certificate is for the benefit of the owners from time to time of the Loan Documents.

WITNESS our hands and the corporate seal of the City this April 9th, 2002.

Craig Evans - Matty

President

Stephanie Linn

City Clerk

Ronald M. Lippi

Finance Director

Omley J

City Attorney

