

Grand Junction, Colorado

November 19, 1980

The City Council of the City of Grand Junction, Colorado, convened in regular session at 7:30 p.m. the 19th day of November, 1980, in City Council Chambers at City Hall. Those present were Council members Louis Brach, Frank Dunn, Dale Hollingsworth, Robert Holmes, Karl Johnson, Bill O'Dwyer and Jane Quimby, a quorum. Also present were City Manager Jim Wysocki and City Clerk Neva Lockhart.

Council President Quimby led in the Pledge of Allegiance.

INVOCATION

Reverend Tracey Miller, First Christian Church.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried, the Minutes of the regular meeting November 5, 1980, and the special meeting November 13, 1980, were approved as written.

RENTE V - CROSSROADS - RESOLUTION OF INDUCEMENT FOR INDUSTRIAL REVENUE BONDS

The following Resolution was read:

RESOLUTION

CITY OF GRAND JUNCTION, COLORADO (The "Issuer")

WHEREAS, RENTE V - CROSSROADS, a Colorado joint venture, (the "Company") wishes to acquire, equip and construct facilities consisting of a 79,000 square foot office building to be used primarily by energy related companies, and wishes to have the Issuer issue its revenue bonds in the approximate amount of \$4,400,000 to provide such facilities which will be located in the City of Grand Junction, Colorado; and

WHEREAS, a Memorandum of Agreement has been presented to the Issuer under the terms of which the Issuer agrees, subject to the provisions of such agreement, to begin the proceedings and negotiations necessary to issue its revenue bonds to provide such facilities;

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

1. That the President or Clerk of the Issuer is hereby authorized to execute a Memorandum of Agreement with the Company in substantially the form of such Agreement as was presented to this meeting or with such changes therein as shall be approved by the

officer executing the same.

2. That the officers and employees of the Issuer are hereby authorized to take such further action as is necessary to carry out the intent and purpose of the Memorandum of Agreement as executed and issue \$4,400,000 of its revenue bonds upon the terms and conditions stated in such Memorandum of Agreement.

PASSED and ADOPTED this 15th day of November, 1980.

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

Attest:

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

#### MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT is between CITY OF GRAND JUNCTION, Grand Junction, Colorado, party of the first part (hereinafter referred to as the "Issuer"), and RENTE V - CROSSROADS, a Colorado joint venture, party of the second part (hereinafter referred to as the "Company").

1. Preliminary Statement. Among the matters of mutual inducement which have resulted in the execution of this Agreement are the following:

(a) The Issuer is authorized by the County and Municipality Development Revenue Bond Act, Colorado Revised Statutes, 1973, Sections 29-3-101 through 29-3-123, inclusive, as supplemented and amended (hereinafter referred to as the "Act") to issue revenue bonds for the purpose of defraying the cost of financing "projects", as defined in the Act, and to loan the proceeds to others for such amounts and upon such terms and conditions as the Issuer may deem advisable.

(b) The Company wishes to obtain satisfactory assurance from the Issuer that the proceeds of the sale of the revenue bonds will be made available to finance the costs of acquiring, equipping and constructing a 79,000 square foot office building to be used primarily by energy related companies, including building, equipment and related facilities (hereinafter referred to as the "Project") located within the City of Grand Junction, Colorado.

(c) Subject to due compliance with all requirements of law and to the provisions of paragraph 4 hereof, the Issuer, by virtue of such authority as may now or hereafter be conferred by the Constitution and laws of the State of Colorado, and in particular the Act, will issue and sell its revenue bonds in the approximate

amount of \$4,400,000 (hereinafter referred to as the "Bonds") to pay costs of the Project.

(d) The Issuer considers that financing the acquisition, construction and equipping of the Project for the Company will promote and further the public purpose of the Act.

2. Undertakings on the Part of the Issuer. Subject to the conditions above stated, the Issuer agrees as follows:

(a) That it will begin the proceedings necessary on its part to authorize the issuance and sale of the Bonds for the purpose of locating the Project within the boundaries of the Issuer.

(b) That it will cooperate with the Company to endeavor to find a purchaser or purchasers for the Bonds, and if purchase arrangements satisfactory to the Company can be made, it will adopt, or cause to be adopted, such proceedings and authorize the execution of such documents as may be necessary or advisable for the authorization, issuance and sale of the Bonds for the acquisition, construction and equipping of the Project, as aforesaid, and the financing of the Project for the Company, all as shall then be authorized by law and mutually satisfactory to the Issuer and the Company.

(c) That, if the Issuer issues and sells the Bonds, it will loan the proceeds thereof to the Company to finance the construction of the Project pursuant to a loan or financing agreement under which the amounts payable by the Company shall be such sums as shall be sufficient to pay the principal of and interest and redemption premium, if any, on the Bonds as and when the same shall become due and payable.

(d) That it will take or cause to be taken such other acts and adopt such further proceedings as may be required to implement the aforesaid undertakings or as it may deem appropriate in pursuance thereof.

3. Undertakings on the Part of the Company. Subject to the conditions above stated, the Company agrees as follows:

(a) That it will use all reasonable efforts to find one or more purchasers for the Bonds.

(b) That it will to the extent deemed by it to be necessary or desirable, enter into a contract or contracts for the construction, acquisition and equipping of the Project.

(c) That contemporaneously with the delivery of the Bonds by the Issuer it will enter into a financing or loan agreement with the Issuer under the terms of which the Company will obligate itself to pay to the Issuer sums sufficient in the aggregate to pay the principal of and interest and redemption premium, if any, on the Bonds as and when the same shall become due and payable, such

instrument to contain provisions required by law and such other provisions as shall be mutually acceptable to the Issuer and the Company.

(d) That it will take such further action and adopt such further proceedings as may be required to implement its aforesaid undertakings or as it may deem appropriate in pursuance thereof.

#### 4. General Provisions.

(a) All commitments of the Issuer under paragraph 2 hereof and of the Company under paragraph 3 hereof are subject to the conditions that on or before two years from the date hereof plus reasonable extensions of the term hereof (or such other date as shall be mutually satisfactory to the Issuer and the Company) the Issuer and the Company shall have agreed to mutually acceptable terms for the Bonds and of the sale and delivery thereof, and mutually acceptable terms and conditions of the contracts and instruments referred to in paragraph 3 and the proceedings referred to in paragraphs 2 and 3 hereof.

(b) If the events set forth in (a) of this paragraph do not take place within the time set forth or any extension thereof, and the Bonds in the approximate amount of \$4,400,000 are not sold within such time, the Company agrees that it will reimburse the Issuer for all reasonable and necessary direct out-of-pocket expenses which the Issuer may incur at its request arising from the execution and performance of this Agreement, and this Agreement shall thereupon terminate.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement by their officers thereunto duly authorized as of November 12, 1980.

CITY OF GRAND JUNCTION, COLORADO

By: /s/ Jane S. Quimby

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President of the Council

Attest:

By: /s/ Neva B. Lockhart

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

RENTE V - CROSSROADS a Colorado Joint Venture

By: P-H MANAGEMENT, INC., a Colorado Corporation

By: /s/ M. Ray Painter

\_\_\_\_\_  
M. Ray Painter, President

Attest:

By: /s/ Robert E. Hirons

Robert E. Hirons, Secretary

Upon motion by Councilman Brach, seconded by Councilman Hollingsworth, the Resolution was passed and adopted as read. Sam Haupt, developer, located the property in the northwest corner of Crossroads Subdivision.

#### WESTERN COLORADO MINORITY ASSOCIATION OF CONTRACTORS

A group of Western Colorado Minority Association of Contractors represented by Joe Vigil, 645 Karen Court, and Jim Pacheco, 1980 S. Broadway, were present to inform the Council of the formation of the Western Colorado Minority Association of Contractors and to solicit support of their association on any future contracts requiring participation of minority contractors.

#### LIQUOR AND BEER

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried with Councilman Holmes voting NO on Items B and C, 1 through 5, the following applications were approved.

##### A. Changes of Ownership

1. Redlands Liquor, 2516 Broadway Jack W. and Marilyn B. Westley, new owners.
2. Get `N Go Grocery, 2355 Belford Avenue Robert Joseph Johnson, new owner.
3. Horizon Liquors, 715 Horizon Drive William Paul Gillin, new owner.
4. Andy's Liquors, 401 North Avenue James Alfred and Carmen Houle, new owners.

B. Renewal of Retail Liquor Store License and Change in Stockholders by Barbour's Foresight Liquors, 740 Pitkin Avenue (dropping Reggie Barbour from license).

##### C. License Renewals

1. Jeremiah's Food & Booze, 209 Colorado
2. Don Burgess Liquors, 202 Ute
3. The Brass Rail, 476 28 Road
4. St. Regis, 355 Colorado

5. Old Heidelberg Inn, 233 North Avenue

HEARING - LUSTER MINOR SUBDIVISION, 175 FEET S OF C ROAD, E OF HOLLY LANE

A hearing was held after proper notice on the petition by Joyce Hobbs for Luster Minor Subdivision, 175 feet south of C Road and east of Holly Lane to permit three (3) lots on .5 acres in Single-Family Residential Zone. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, Luster Minor Subdivision was approved subject to the conditions of the Planning Commission.

HEARING - 7TH STREET POLICY STATEMENTS - FROM NORTHERN CITY LIMITS (NORTHACRE ROAD) TO THE COLORADO RIVER

A hearing on the 7th Street Policy Statements was held after due notice. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the 7th Street policy statements were approved.

HEARING - HORIZON DRIVE POLICY STATEMENTS - FROM 25 1/2 ROAD TO AIRPORT BOUNDARY

A hearing on the Horizon Drive Policy Statement was held after due notice. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the Horizon Drive Policy Statements were approved.

HEARING - PROPOSED ORDINANCE - EASEMENT VACATION, 910 ORCHARD AVENUE

A hearing on the petition by Randy Burns for easement vacation 910 Orchard Avenue was held after due notice. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING AN EASEMENT IN THE CITY. Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

BEER - RESOLUTION OF FINDINGS & DECISION RE: APPLICATION BY FEATHER PETROLEUM CO., DBA STOP `N SAVE NO. 2, 2050 NORTH AVENUE, FOR 3.2% BEER LICENSE TO PERMIT SALES FOR OFF-PREMISE CONSUMPTION - APPROVED

The following Resolution was read:

RESOLUTION

OF DECISION ON APPLICATION FOR A FERMENTED MALT BEVERAGE LICENSE BY FEATHER PETROLEUM COMPANY AT STOP `N SAVE NO. 2, 2050 NORTH AVENUE, GRAND JUNCTION, COLORADO.

A public hearing having been held on November 5, 1980, on the application by Feather Petroleum Company for a fermented malt beverage license for sales in sealed containers for consumption off the premises for Stop `N Save No. 2 at 2050 North Avenue, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was held on November 5, 1980, on the application after proper notice thereof under the Beer Code.
2. That the survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet in that 217 persons so stated while 103 felt the needs were being met by the other outlets.
3. That no one appeared at the hearing in opposition to the granting of the license and no petitions or letters of disapproval were received by the City Council.
4. That the character of the applicant, as determined through a check of the characters of the officers of the corporation by the Police Department and through letters attesting to their good characters, is good.
5. That evidence supports the position that the needs of the neighborhood are not being met by other outlets of the same type and the position that the desires of the inhabitants of the neighborhood are that the license issue.

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

That a fermented malt beverage license issue to Feather Petroleum Company for Stop `N Save No. 2, 2050 North Avenue, Grand Junction.

PASSED and ADOPTED this 19th day of November, 1980.

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

Attest:

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

Upon motion by Councilman Brach, seconded by Councilman Hollingsworth and carried with Council members HOLMES and O'DWYER voting NO, the Resolution was passed and adopted as read.

LIQUOR - APPLICATION FOR RENEWAL OF HOTEL-RESTAURANT LIQUOR LICENSE BY PAUL MITCHELL DBA MITCH'S, 2879 NORTH AVENUE

The following report from the Police Department was read:

14 November 1980

A check has been made of the file on Mitch's with the following information revealed:

10-3-80: An after hours violation, oral warning;

10-10-80: An after hours violation, two arrests made.

(1) Florea, Donna Dee

(2) Timothy, Pamela Elaine

A court appearance was made in connection with this case on 10-31-80. A trial by jury has been scheduled for both individuals on 12-2-80. When a disposition has been reached, the City Attorney will be notified so a hearing may be scheduled.

Charles Cole, Attorney for Paul Mitchell, was present and said that it was inaccurate to say that a jury trial is scheduled for December 2. What is scheduled December 2 is trial settings, the date upon which there will be a determination of whether or not the matter is going to be tried. He said the District Attorney at this time, since Mr. Cole represents the people involved, has not indicated that she has the Police Department report on this incident. According to Mr. Cole both defendants have advised him that they believe they are innocent. If it comes to a jury trial, Mr. Cole believes it may be after the first of the year before it can be scheduled. In conclusion, Mr. Cole stated that with respect to that incident regardless of the merits, Mr. Mitchell was not present when it occurred, was not one of those cited, and while Mr. Cole recognized that Mr. Mitchell has some responsibility for his employees, by the same token neither of those employees are employees any more. He offered this statement to the extent that there may be some merit to the Police action which Mr. Cole was not admitting for this purpose, neither of those employees are engaged there any more.

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried with Council members HOLMES and O'DWYER voting NO, the application to renew the hotel-restaurant liquor license for Mitch's, 2879 North Avenue, was approved with the stipulation that when these matters have been resolved they be referred to the Liquor/Beer Violations Hearing Officer for review with a report from the Hearing Officer to be filed with the City Council for final action.

HEARING - PROPOSED ORDINANCE - I.D. ST-79 ASSESSMENTS

A hearing on the I.D. ST-79 assessments was held after due notice. The following entitled proposed ordinance was read: AN ORDINANCE



APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR IMPROVEMENT DISTRICT NO. ST-79, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS.

The City Manager requested that, on behalf of the Staff and in view of the fact that the projects included in I.D. ST-79 have been completed, the City Council give favorable consideration to the passage of the ordinance.

John Nelson, 2904 Violet Place, representing the Powell Apartments and office building Belford Avenue east of 28 1/2 Road, appeared before Council and stated he is not particularly against the ordinance and that in fact they had signed a power of attorney for that at the time development was approved. At the time of approval of the development plan, Mr. Nelson said the Council agreed and the developers agreed to put a strip of pavement halfway down the portion of ground they were improving. Mr. Nelson understood that to be their part of the assessment for the paving only. Upon receiving the Certificate of Occupancy, Mr. Nelson and his group took that to mean they were allowed occupancy in the apartments as well as the office building. Mr. Nelson referred to the Minutes regarding the approval that by his group putting in the paving, the City Council could come along later -- which at that time he did not think the people at the other end of Belford ever thought they would pave it. Mr. Nelson indicated he has had considerable discussion with City Engineer Rish who is in total disagreement with him. Therefore, Mr. Nelson's appearance at this meeting as they are getting assessed for full improvements, and as far as he is concerned they have put their paving in and they should be assessed only for the cement and sidewalks as was approved when the development plan was submitted.

Ron Rish, City Engineer, requested that a memorandum and all attachments addressed to Jim Patterson, Director of Public Works, dated June 18, 1979, from Mr. Rish, be admitted as a part of the hearing (Full Copy in I.D. ST-79 File). Mr. Rish stated that he presented all of this to Mr. Patterson and Mr. Ashby in June, 1979, and requested a decision as to how this assessment was to be made, and he was directed to proceed on the basis of a full assessment being made. Mr. Rish stated that the paving could not be used and, therefore, credit could not be given.

According to Mr. Nelson, the City Engineer was sitting on their heels when the pavement was being put in as MR. NELSON RECALLED THAT THEY WERE REQUIRED TO TEAR OUT WHAT WAS A DRAINAGE. Mr. Nelson submitted that the paving was placed according to the approved plan, and particularly due to the fact they received their certificate of occupancy and as he understood it that was

approval of the development. Otherwise, then, they would have turned their building down. Mr. Nelson said the paving was completed in 1978 and in reference to the memo by Mr. Rish in 1979 Mr. Nelson felt the situation should have been resolved then. Now, Mr. Nelson cannot go back on his contractor who put the paving in. Mr. Nelson stated that the City Engineer had a set of their plans, and he had them redo part of the drainage, and at that point Mr. Nelson assumed that the City Engineer had accepted it as they were permitted to use it for the last year and a half.

Mr. Warner advised that the C.O. is issued by the Building Department for the building, the parking, and the improvements on the private property, and the C.O. is not cleared with the Engineer.

Mr. Nelson indicated that all his discussion to this point has been with Mr. Rish and that was why he was present at this hearing.

There were no other opponents, letters, or counterpetitions.

Mr. Nelson agreed to a meeting with the City Manager and Staff prior to the final passage of the ordinance in an effort to resolve the problem.

Upon motion by Councilman Johnson, seconded by Councilman Brach and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - REZONE FROM R-2 TO PB AND OUTLINE DEVELOPMENT PLAN FOR A MEDICAL ARTS FACILITY - 710 BUNTING

A hearing was held after due notice on the petition by Frederick Wessels to rezone the property at 710 Bunting from R-2 to PB and outline development plan for a Medical Arts Facility on .35 acres.

There were no opponents, letters, or counterpetitions. Upon motion by Councilman Brach, seconded by Councilman Dunn and carried, the outline development plan was approved.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Johnson, seconded by Councilman Brach and carried, the proposed ordinance was passed for publication.

HEARING - CONDITIONAL USE NW CORNER OF 1ST STREET AND KENNEDY TO PERMIT OFFICE BUILDING IN MULTI-FAMILY RESIDENTIAL ZONE - RESOLUTION OF DECISION DECEMBER 3

A hearing was held after due notice on the petition by Clayton Tipping for conditional use to permit an office building on the northwest corner of 1st Street and Kennedy.

Clayton Tipping was present and stated there is no conformity of uses in this area. Approval by the neighbors of this development has been obtained. The covenants have been worked out. He submitted a petition from the neighborhood supporting his application.

Speaking in favor of the proposal: Curtiss Ryan, 1315 Balsam; Sue Sigwart, 129 Independent; a gentleman from 110 Elm. Approximately 20 other residents were present to support the project.

Edith Ligrani requested to withdraw her petition to have her property rezoned to R-3.

Opponents: Alex Candelaria, 1616 Balsam Court.

The hearing was closed. A Resolution of Findings and Decision scheduled December 3, 1980.

The President declared a five-minute recess. Upon reconvening, seven members of Council were present.

HEARING - REZONE FROM R-1-A TO PR-26 AND OUTLINE DEVELOPMENT PLAN FOR NORTHWOOD APARTMENTS - NW OF F 1/2 LINE AND 12TH STREET - HEARING CONTINUED TO DECEMBER 17, 1980, FOR RESOLUTION OF ACCESS

A hearing was held after due notice on the petition by Destination Properties to rezone from R-1-A to PR-26 and outline development plan for property northwest of F 1/2 line and 12th Street. The request is to change from single-family residential use to planned residential use with a maximum design density of 91 units on 3.5 acres.

Proponents: Tom Logue, Paragon Engineering, representing Destination Properties, and Skip Behrhorst.

Opponents: William Boll

Mr. Boll requested that this proposal be tabled for 90 days in order to review all the problems involved with the two projects. His primary objection was the access and egress. Mr. Boll filed a letter outlining his objections.

October 30, 1980

The Honorable Jane Quimby  
484 North Sherwood Drive  
Grand Junction, CO 81501

Re: #69-80, before Mesa County Planning Commission on 10-28-80  
Northwood Apartments, Preliminary Plan

Madam Mayor:

Please be advised that we are herein respectfully submitting our

objections to the above-captioned petition for rezoning and preliminary plan, which were both approved by the Planning Commission on October 28th. As owner of the property located at the intersection of 12th Street and Horizon Drive to the north and contiguous to the petitioner's property, we have had our property rezoned and approved on June 4, 1980, for the Horizon Towers project. Thank you. Horizon Towers is a very prestigious and luxurious high rise condominium concept; the first of its kind on the western slope. The firm with whom I am co-venturing is rated in the top 400 largest commercial contractors in the county. The architectural firm whom we have selected and contracted with is Daniel, Mann, Johnson and Mendenhall, a nationally renowned firm.

As a result of this association, it is our intent to proceed promptly and expeditiously toward the first phase of the Horizon Towers project. Horizon Towers will have a tremendous impact upon the identification and recognition not only to the individual site but to the community as a whole. Irrespective as to the very sizeable financial investment on our part as developers, the most salient feature to the success or failure of a project of this magnitude is the assurance of maximum security to the condominium owners. With chagrin, I do not believe that I was able to project this primary concern to the Planning Commission in objecting to the petitioner's apartment project, which at a later date might be converted to a condominium project.

It is absolutely imperative to the success of the Horizon Towers project to have a compatible project which is contiguous. Our objections are as follows:

1. There must be a buffer zone between the two projects, architecturally designed and compatible to both projects to insure privacy, safety, aesthetic appearance and value.

2. The open parking area, as presented, backing up to this necessary buffer zone will result in not only unsightly appearance as a large paved parking lot with a conglomerate of vehicles, broken down vehicles, recreational vehicles, trash bins, etcetera, but will have a sizeable objectionable noise factor. As per the design of this unsightly parking lot, it is also a driveway with ingress-egress onto 12th Street and in a very close proximity (approximately 70 feet) to our single access onto 12th Street and will create a very serious traffic hazard.

- A. If, as the petitioner's plans call for, 162 parking spaces including "compact parking", the lot contiguous to us would be comprised of approximately 80 vehicles, both tenant and guests.

- B. And we are in total opposition to off-site parking along present 12th Street and future development of 12th Street.

3. Relative to landscaping, our project necessitates complete architecturally designed landscaping. . . . as per the presentation, the Northwood will consist of "trees and grass as

landscaping."

4. It is our sincere opinion that the general layout of their apartment project is not a cluster development but a project primarily directed toward concentration of too many buildings.

Our objections are related as above. We, therefore, are in total opposition to both density and the preliminary plan. In that to date we have not been contacted by the developers on the Northwood project, we respectfully call to your attention that a condition of the approval of said project would be a compatibility of efforts between the developers . . . There has been no evidence of same. Please refer to the copy of the minutes of the Planning Commission meeting as enclosed herein.

In that the petitioner requested and was denied an extension for start of construction within a one year given period of time as presently allowed, this suggests that they are primarily motivated toward a self-centered economic convenience.

Thank you for your consideration and courtesies.

Sincerely yours,

PROFESSIONAL INVESTMENT PROPERTIES

;sigl;  
William E. Boll

WEB/ka

enclosures

cc: Mr. Frank Dunn, Mr. Karl Johnson, Mr. Louis Brach, Mr. Robert Holmes, Mr. William O'Dwyer, Mr. Dale Hollingsworth

Upon motion by Councilman Johnson, seconded by Councilman Brach and carried, the hearing was continued to December 17, 1980, during which time these people will have an opportunity to get together to resolve all the problems that exist and that prior to that meeting they notify Council as to whether or not they have reached that resolution.

HEARING - RESOLUTION - REVOCABLE PERMIT - REQUEST FOR PARKING SPACES IN CITY RIGHT OF WAY AT VICTORIA SQUARE, SW CORNER OF 12TH STREET AND GUNNISON AVENUE

A hearing was held after due notice on the request by Great Western Land and Cattle Company for a revocable permit for parking spaces in City right of way at Victoria Square located at the southwest corner of 12th Street and Gunnison Avenue. The proposal is for ten angle parking spaces to be utilized on the right of way that was deeded to the City along with the project. The proposal requires that the developer put in a six-foot cedar fence between

the parking lot and the adjacent property. The rock was placed between the sidewalk and the curb and grass is to be placed around the building. The developer is to work with the Parks Department on street trees and provide watering system for the trees. The original request by the City for the additional right of way was because of the classification of 12th Street. That is why the use of the right of way for parking purposes must be on a revocable permit basis.

Sandy Gordon, General Partner in Great Western Land and Cattle Company, appeared on behalf of the request.

There were no opponents, letters, or counterpetitions.

The following Resolution was read:

RESOLUTION

WHEREAS, the Great Western Land and Cattle Company has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow parking in the public right of way in that area described as the East 10 feet of Lot 17, Block 45, CITY OF GRAND JUNCTION: and

WHEREAS, such action would not be detrimental to the interest of the inhabitants of the City;

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

That the City Manager, on behalf of the City and as the act of the City, be and he is hereby authorized to grant such Revocable Permit to the above-named petitioner for the purpose above described upon the execution by the petitioner of an agreement to save and hold the City harmless from any claims arising out of the encroachment and use granted, and execution by the petitioner of an agreement that upon the revocation of such Permit, the petitioner will remove said encroachment at its own expense, restoring the right of way to its original condition.

PASSED and ADOPTED this 19th day of November, 1980.

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

Attest:

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

REVOCABLE PERMIT

WHEREAS, the Great Western Land and Cattle Company has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable permit to allow encroachment on the right of way for parking in that area described as the East 10 feet of Lot 17, Block 45, CITY OF GRAND JUNCTION; and

WHEREAS, the City Council is of the opinion that such action would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

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

There is hereby granted to the Great Western Land and Cattle Company a Revocable Permit to allow encroachment on the right of way for parking in that area described as the East 10 feet of Lot 17, Block 45, CITY OF GRAND JUNCTION; provided, however, that said Permit may be revoked by the City Council at its pleasure at any time; provided, further that the above-named petitioner shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from the permitted use; and further provided that said petitioner shall agree that upon the revocation of such permit, it will, at its own expense, remove said encroachment and restore the right of way to its original condition.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1981.

\_\_\_\_\_  
James E. Wysocki, City Manager

Attest:

\_\_\_\_\_  
Neva B. Lockhart, City Clerk

#### AGREEMENT

The Great Western Land and Cattle Company, for itself, its successors and assigns, does hereby agree that it will abide by the conditions contained in the foregoing Permit and that it will indemnify the City of Grand Junction and hold it harmless from all claims as recited in said Permit, and further, on revocation of the Permit, it agrees to remove said encroachment and restore the right of way to its original condition, all at its own expense.

DATED at Grand Junction, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 1981.

GREAT WESTERN LAND & CATTLE COMPANY

By:

\_\_\_\_\_

STATE OF COLORADO)		
) SS		
COUNTY OF MESA)		

The foregoing agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1981, by \_\_\_\_\_ as \_\_\_\_\_ of Great Western Land and Cattle Company.

My Commission expires: \_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

Upon motion by Councilman Brach, seconded by Councilman Dunn and carried by roll call vote, the Resolution was passed and adopted as read.

EMERGENCY ORDINANCE NO. 1922 - ADOPTING COUNTY RESOLUTION ON SEWER REFUNDING REVENUE BONDS, SERIES 1980B

The title only to the following entitled ordinance was read: AN ORDINANCE RATIFYING CONFIRMING AND APPROVING RESOLUTION NO. MCM 80-172, SERIES 1980, BY THE BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY, COLORADO: AUTHORIZING THE SALE AND ISSUANCE OF THE COUNTY'S SEWER REFUNDING REVENUE BONDS, SERIES 1980B, IN THE PRINCIPAL AMOUNT OF \$805,000, FOR THE PURPOSE OF REFUNDING SEWER REFUNDING REVENUE BONDS, SERIES 1978A, DATED MAY 1, 1978, OF THE CITY OF GRAND JUNCTION, OUTSTANDING IN THE PRINCIPAL AMOUNT OF \$1,080,000; PROVIDING FOR AN ESCROW TO PAY SAID BONDS AND THE INTEREST THEREON; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE ISSUANCE OF THE COUNTY'S SEWER IMPROVEMENT REVENUE BONDS, SERIES 1980A, IN THE AMOUNT OF \$7,420,000 FOR THE PURPOSE OF PROVIDING PART OF THE FUNDS FOR CONSTRUCTING AND EQUIPPING SEWERAGE TREATMENT AND COLLECTION FACILITIES FOR THE JOINT USE OF COUNTY AND CITY; PROVIDING FOR THE APPLICATION OF REVENUES OF THE JOINT SEWER SYSTEM OF THE CITY AND COUNTY TO PAY THE SERIES 1980A AND B BONDS AND THE INTEREST THEREON; AND INCORPORATING THE PROVISIONS OF COUNTY RESOLUTION NO. MCM 80-172 INTO THIS ORDINANCE



BY REFERENCE. There were no comments. Upon motion by Councilman Dunn, seconded by Councilman Brach and carried unanimously by roll call vote, the ordinance was passed and adopted as an emergency ordinance, numbered 1922, and ordered published.

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE QUIT CLAIM DEED ON MEREDITH PROPERTY - N 5 FEET OF LOT 1, BLOCK 3, MEEK'S SUBDIVISION

The following Resolution was read:

RESOLUTION

AUTHORIZING CONVEYANCE OF CITY LAND BY THE CITY MANAGER.

WHEREAS, a description of the land hereinafter described was erroneously included within a deed, possibly giving the impression that the City of Grand Junction had an interest in the land; and

WHEREAS, to clear any possible cloud in the title, a deed should be recorded indicating that such interest of the City does not exist;

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

That James E. Wysocki, The City Manager of the City of Grand Junction, be authorized and directed to convey by Quit Claim Deed to Henry M. Meredith, Sr. and Alice E. Meredith any interest the City has in land situate in the County of Mesa, State of Colorado, described as:

The North 5.0 feet of Lot 1, Block 3 of MEEKS SUBDIVISION, Section 18, Township 1 South, Range 1 East of the Ute Meridian.

PASSED and ADOPTED this 19th day of November, 1980.

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

Attest:

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

Upon motion by Councilman Johnson, seconded by Councilman Brach and carried by roll call vote, the Resolution was passed and adopted as read.

ORDINANCE NO. 1923 - ADOPTING BY REFERENCE THE 1979 EDITION OF THE UNIFORM FIRE CODE

Upon motion by Councilman O'Dwyer, seconded by Councilman Brach

and carried, the Proof of Publication of the following entitled proposed ordinance was accepted for filing: AN ORDINANCE PRESCRIBING REGULATIONS CONSISTENT WITH NATIONALLY RECOGNIZED GOOD PRACTICE FOR THE SAFEGUARDING TO A REASONABLE DEGREE OF LIFE AND PROPERTY FROM THE HAZARDS OF FIRE AND EXPLOSION ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE USE OR OCCUPANCY OF BUILDINGS OR PREMISES IN THE CITY OF GRAND JUNCTION, COLORADO; ADOPTING BY REFERENCE THERETO THE UNIFORM FIRE CODE OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS AND WESTERN FIRE CHIEFS ASSOCIATION, 1979 EDITION, TOGETHER WITH THE APPENDICES THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried, the proposed ordinance was called up for final passage and the title only was read.

There were no comments. Upon motion by Councilman Brach, seconded by Councilman Johnson and carried by roll call vote, the Ordinance was passed, adopted, numbered 1923, and ordered published.

#### ORDINANCE NO. 1924 - NORTH 12TH STREET ENCLAVE ANNEXATION

Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried, the proposed ordinance was called up for final passage and the title only was read.

There were no comments. Upon motion by Councilman Brach, seconded by Councilman Holmes and carried by roll call vote with Councilman O'DWYER voting NO, the Ordinance was passed, adopted, numbered 1924, and ordered published.

#### ORDINANCE NO. 1925 - LEASE PURCHASE OF TRASH EQUIPMENT

Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE AUTHORIZING THE APPROVAL, ADOPTION AND EXECUTION OF A LEASE WITH AN OPTION TO PURCHASE BETWEEN THE CITY OF GRAND JUNCTION, COLORADO, AND THE UNITED BANK OF DENVER, NATIONAL ASSOCIATION, FOR THE PURPOSE OF LEASING PROPERTY FOR MUNICIPAL PURPOSES; AND PRESCRIBING THE FORM OF SAID LEASE.

Upon motion by Councilman O'Dwyer, seconded by Councilman Brach and carried, the proposed ordinance was called up for final passage and the title only was read.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried by roll call vote, the Ordinance was passed, adopted, numbered 1925, and ordered published.

#### RESOLUTION AMENDING CITY COUNTY JOINT SEWER AGREEMENT

The following Resolution was read:

#### RESOLUTION

A JOINT RESOLUTION OF THE COUNTY OF MESA, COLORADO, AND THE CITY OF GRAND JUNCTION, COLORADO, MAKING CERTAIN TECHNICAL AMENDMENTS TO THE JOINT SEWERAGE SERVICE AGREEMENT, DATED MAY 1, 1980, BY AND BETWEEN THE CITY AND THE COUNTY.

WHEREAS, the County of Mesa (the "County") and the City of Grand Junction (the "City"), did on May 1, 1980, enter into a Joint Sewerage Service Agreement (the "Agreement"); and

WHEREAS, subsequent thereto, the County did adopt and approve Resolution No. MCM 80-172, Series of 1980, of the County (the "Bond Resolution"), providing for the issuance by the County of its Sewer Improvement Revenue Bonds, Series 1980A, in the total principal amount of \$7,420,000, and its Sewer Refunding Revenue Bonds, Series 1980B in the total principal amount of \$805,000; and

WHEREAS, the County made certain covenants in the Bond Resolution relating to the collection of reasonable and adequate rates, fees, tolls and charges from users of the joint sewerage system of the City and County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY, COLORADO, AND THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, THAT:

1. Amendment of Agreement. For and in consideration of the premises and for other good and valuable consideration, the City and County hereby agrees that third and fourth sentences of paragraph I of the Agreement be amended as follows (added language in capitalization):

I

#### OPERATION OF THE JOINT SYSTEM

1. \* \* \* Such charges or fees shall be sufficient to meet the needs of the total costs for the operation, maintenance, principal and interest on Bonds OF THE COUNTY ISSUED FOR PURPOSES OF THE JOINT SYSTEM, AND ALL OTHER REQUIREMENTS OF THE RESOLUTIONS AUTHORIZING THE BONDS, and will be uniform for those similarly situated within the System. The Board shall approve and the Council shall affirm such charges and fees, PROVIDED THAT NOTHING HEREIN SHALL IMPAIR THE ULTIMATE OBLIGATION OF THE COUNTY TO FIX,

IN A TIMELY MANNER, JOINT SYSTEMS CHARGES AND FEES SUFFICIENT TO MEET THE REQUIREMENTS OF THE COUNTY'S COVENANTS WITH THE HOLDERS OF ITS BONDS. \* \* \*

2. Ratification, Approval and Confirmation. All action not inconsistent with the provisions of this Resolution heretofore taken by the Board of County Commissioners or its officers and employees, or by the City Council or its officers or employees, directed toward adopting the amendatory language, is hereby ratified, approved and confirmed.

3. Repealer. All prior acts, orders, resolutions, ordinances, agreements or parts thereof, of the Board of County Commissioners or the City Council in conflict herewith are hereby repealed, except that this repealer shall not be construed to revive any such act, order, resolution or part thereof, heretofore repealed.

4. Effective upon Passage. This Resolution shall take effect immediately upon its adoption.

ADOPTED and APPROVED this 18th day of November, 1980.

COUNTY OF MESA

;sigl;  
/s/ Rick Enstrom, Chairman of the Board of County Commissioners

Attest:

;sigl;  
/s/ Earl Sawyer, County Clerk

ADOPTED and APPROVED this 19th day of November, 1980.

CITY OF GRAND JUNCTION

;sigl;  
/s/ Jane S. Quimby, Mayor

Attest:

;sigl;  
/s/ Neva B. Lockhart, City Clerk

Upon motion by Councilman Johnson, seconded by Councilman Brach and carried by roll call vote, the Resolution was passed and adopted as read.

ANNOUNCEMENTS

The City Manager announced the jump rope contest Saturday at 1:45 p.m.

The City Manager announced that he has a representative coming in

to visit with him next week regarding Police and Fire pensions. A meeting will be necessary regarding that to explain position on rank escalation and offer alternatives so Council can make a determination so that Administration can sit down with the employees to figure out for them individually what they would like to do. Council will be notified as soon as the date is determined. Monday noon the 24th of November was suggested.

It was announced that Highway meeting would be held November 24 at 9:45 a.m. at Howard Johnson's.

Ken Idleman is recovering from a knee operation, and Johnny Mancuso has gone from poor to fair after his heart attack.

#### PARKS AND RECREATION

Councilman Dunn reported that the Recreation Board met at noon today and reviewed the winter programs.

#### PARKING METERS

Councilman Holmes suggested that Council should clarify its policy, if there is one, regarding the people feeding the meters. The City Manager said that this came about as a result of some conversation in a series of alternatives that were offered by the downtown consultant regarding parking, and it has been picked up by the public for whatever reason as being fact.

#### PERFORMING ARTS CITIZENS COMMITTEE

President Quimby announced openings for citizens interested in serving on the Performing Arts Center and requested applications.

#### PLANNING COMMISSION OPENINGS

President Quimby announced five vacancies on the Planning Commission within the next four months and requested application for those positions.

#### ADJOURNMENT

Upon motion by Councilman O'Dwyer, seconded and carried, the meeting was adjourned.

Neva B. Lockhart

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Neva B. Lockhart, CMC  
City Clerk