

Grand Junction, Colorado

July 15, 1981

The City Council of the City of Grand Junction, Colorado, convened in regular session the 15th day of July, 1981, at 7:30 p.m. in the City Council Chambers at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Robert Holmes, Gary Lucero, Karl Johnson, and President of the Council Louis Brach, a quorum. Councilman Dale Hollingsworth was absent. Also present were City Attorney Gerald Ashby, City Clerk Neva Lockhart, and Assistant City Manager Ron Ruskey filling in for the vacationing City Manager Jim Wysocki.

The President of the Council Louis Brach called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Pastor Clarence Cope, First Assembly of God Church.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, the minutes of the regular meeting July 1, 1981, were approved as submitted.

AUDITOR SELECTION COMMITTEE

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried with Council members Clark and Lucero abstaining, the appointments of Council members Clark and Lucero to the Auditor Selection Committee were ratified.

RESOLUTION OF INDUCEMENT FOR ENVIRONMENTAL COMMUNITY DEVELOPERS COMPANY (INDEPENDENCE PLAZA PROJECT) - \$2,000,000 - APPROVED

The following Resolution was read:

RESOLUTION

A RESOLUTION PROVIDING FOR THE ISSUANCE OF A CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL DEVELOPMENT REVENUE BOND (INDEPENDENCE PLAZA PROJECT), SERIES 1981, FOR THE PURPOSE OF PROVIDING INDUSTRIAL, COMMERCIAL AND BUSINESS FACILITIES AND AUTHORIZING THE PREPARATION OF DOCUMENTS AND INSTRUMENTS RELATING THERETO.

WHEREAS, the City of Grand Junction, Colorado (the Municipality), acting by and through its City Council (the Council), is authorized by the provisions of part 1 of article 3 of title 29, Colorado Revised Statutes 1973, as amended (the Act), to finance, acquire, own, lease, improve and dispose of properties to the end that industrial, commercial and business enterprises will locate,

expand or remain in the Municipality, and the Municipality is further authorized thereby to issue revenue bonds for the purpose of defraying the costs of financing, acquiring, improving and equipping such facilities; and

WHEREAS, Independence Plaza, a Colorado limited partnership (the Company), proposes to acquire, construct and improve land and buildings to be constructed thereon for lease to industrial, commercial and business enterprises for use as office and warehouse facilities (the Project), located within the Municipality; and

WHEREAS, the Company has represented to the Municipality that the Project will be designed to qualify as a "project" within the meaning of the Act; and

WHEREAS, the Company has requested the Municipality to issue and sell its revenue bond (the Bond) pursuant to the provisions of the Act for the purpose of financing the Project; and

WHEREAS, the Municipality considers that the financing of the Project will induce the Company to locate the Project in the Municipality, thereby attracting industrial, commercial and business enterprises to the Municipality and securing and maintaining a balanced and stable economy in the Municipality, and that it will promote the public health, welfare and safety of the Municipality and its citizens and that the Project will provide increased employment opportunities within the Municipality; and

WHEREAS, prior to the issuance of the Bond the Municipality will consider and approve by ordinance the final details of the Bond and will authorize and approve, subject to the conditions of this Resolution, all acts and the execution of all documents and instruments necessary or desirable in connection with the issuance thereof.

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

Section 1. The Council hereby finds, intends and declares that this Resolution shall constitute its official binding commitment to issue the Bond, subject to the terms hereof and thereof, and that the adoption of this Resolution is and constitutes the taking of affirmative official action by the Municipality, acting by and through the Council, toward the issuance of the Bond.

Section 2. In order to insure the completion of the Project and the public benefit which is expected from the operation thereof, the Municipality, subject to the terms and conditions of the Memorandum of Agreement between the Municipality and the Company attached hereto as Exhibit A (the Memorandum of Agreement) and by this reference made a part hereof, will issue the Bond pursuant to the provisions of the Act in a principal amount necessary with the costs incident to the authorization, issuance and sale of the

Bond, which Bond will not exceed in principal amount the sum of \$2,000,000.

Section 3. The Bond shall bear such interest rate or rates, be in such denomination, bear such date, mature at such date, be in such form, carry such registration privileges, be executed in such manner, be payable at such place and be subject to such terms of redemption or prepayment consistent with the Act as shall be authorized and approved by subsequent ordinance of the Council adopted prior to the issuance of the Bond.

Section 4. Any mortgage, trust indenture, deed of trust, lease, sublease, installment purchase agreement, loan agreement, security agreement, rental agreement, option to purchase, or other agreement or security device, or any combination thereof, entered into in connection with the financing of the Project (the Financing Agreements) and any other documents relating to the Project and the Bond shall also be authorized and approved prior to the issuance of the Bond.

Section 5. The proceeds of the Bond will be used to finance the Project. The major components of the Project are described in a schedule attached hereto to Exhibit B and by this reference made a part hereof.

Section 6. The Municipality will enter into mutually agreeable Financing Agreements with the Company with respect to the Project as more fully described in the Memorandum of Agreement.

Section 7. The form of the Memorandum of Agreement is hereby approved, and the President of the Council and the City Clerk are hereby authorized and directed to execute the Memorandum of Agreement on behalf of the Municipality.

Section 8. The entire cost of financing the Project will be paid from the proceeds of the sale of the Bond or from other Company funds. The Bond will not be a general obligation of the Municipality. Neither shall the Bond, including interest thereon, constitute a debt or indebtedness of the Municipality within the meaning of any limitation of the Constitution or statutes of the State of Colorado or the home rule charter of the Municipality nor give rise to a pecuniary liability of the Municipality or a charge against its general credit or taxing powers. The Bond shall be payable solely from and secured by a pledge of the revenues to be derived from and payable pursuant to the Financing Agreements.

Section 9. Nothing contained in this Resolution or the Memorandum of Agreement shall constitute a debt or indebtedness of the Municipality within the meaning of the Constitution or statutes of the State of Colorado or the home rule charter of the Municipality nor give rise to a pecuniary liability of the Municipality or a charge against its general credit or taxing powers.

ADOPTED and APPROVED this 15th day of July, 1981.

CITY OF GRAND JUNCTION

By

President of the Council

Attest:

City Clerk

EXHIBIT "A"

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is between the City of Grand Junction, Colorado (the Municipality), and Independence Plaza, a Colorado limited partnership (the Company).

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

(a) The Municipality is authorized and empowered by part 1 of article 3 of title 29, Colorado Revised Statutes 1973, as amended (the Act), to finance, acquire, own, lease, improve and dispose of properties to the end that industrial, commercial and business enterprises will locate, expand or remain in the Municipality, to issue revenue bonds for the purpose of defraying the costs of financing, acquiring, improving and equipping such facilities, and to enter into agreements with respect to the financing of such facilities upon such terms and conditions as the City Council of the Municipality (the Council) deems advisable.

(b) In order to provide such facilities, the Company proposes to acquire, construct and improve land and buildings to be constructed thereon for lease to industrial, commercial and business enterprises for use as office and warehouse facilities (the Project), located within the Municipality.

(c) The Municipality has indicated its willingness to proceed with the issuance of a revenue bond (the Bond) as provided by the Act to finance the Project and has advised the Company that, subject to due compliance with all requirements of law and the obtaining of all necessary consents and approvals and to the happening of all acts, conditions, and things required precedent to such financing, the Municipality will issue the Bond pursuant to the Act in a principal amount sufficient to pay the costs of financing the Project, together with the costs and expenses of issuance and sale of the Bond, which Bond will not exceed in principal amount the sum of \$2,000,000.

(d) The Municipality considers that the financing of the Project and the entering into of agreements relating to the project, such as a mortgage, trust indenture, deed of trust, lease, sublease, installment purchase agreement, loan agreement, security agreement, rental agreement, option to purchase or other necessary documents (the Financing Agreements) with the Company with respect to the Project will induce the Company to locate the Project in the Municipality, thereby attracting industrial, commercial and business enterprises to the Municipality and securing and maintaining a balanced and stable economy in the Municipality, and that it will promote the public health, welfare and safety of the Municipality and its citizens and that the Project will provide increased employment opportunities within the Municipality.

2. Undertakings by the Municipality. Subject to the foregoing Paragraph 1, the Municipality agrees as follows:

(a) It will issue the Bond pursuant to the terms of the Act in a principal amount sufficient to pay the cost of financing the Project, together with costs incident to the authorization, sale and issuance of the Bond, which Bond will not exceed in principal amount the sum of \$2,000,000.

(b) It will adopt or cause to be adopted such proceedings and authorize the execution and delivery of such documents as reasonably may be necessary or advisable for the authorization, issuance and sale of the Bond, the financing of the Project, and the execution of the Financing Agreements with the Company and other documents relating to the Project and the Bond as shall be authorized by the Act or other law and mutually satisfactory to the Municipality and the Company.

(c) The aggregate sums to be paid by the Company under the Financing Agreements shall be required to be sufficient to pay the principal of, interest on, and any premiums due in connection with the redemption or prepayment of the Bond as and when the same shall become due.

(d) It will take or cause to be taken such other acts and adopt such further proceedings as reasonably may be required to implement the aforesaid undertakings.

(e) The Bond shall provide that it shall be payable solely from the revenues to be derived from and payable pursuant to the Financing Agreements, that it shall never constitute the debt or indebtedness of the Municipality within the meaning of any provision or limitation of the Constitution or statutes of the State of Colorado or the home rule charter of the Municipality and that it shall not give rise to a pecuniary liability of the Municipality nor a charge against its general credit or taxing powers.

(f) In authorizing the issuance of the Bond pursuant to this Memorandum of Agreement, the Municipality will make no warranty,

either expressed or implied, that the proceeds of the Bond will be sufficient to pay all costs of the Project.

3. Undertakings on the Part of the Company. Subject to the foregoing Paragraph 1, the Company agrees as follows:

(a) The Company will develop and operate the Project.

(b) Prior to the delivery of the Bond the Company will enter into the Financing Agreements with the Municipality under the terms of which the Company will obligate itself to pay to the Municipality, whether from the proceeds of the Bond or otherwise, sums sufficient in the aggregate to pay or reimburse the Municipality for expenses incurred by it in connection with the authorization, issuance and sale of the Bond and the payment of the principal of, interest on, and premiums due in connection with the redemption or prepayment of the Bond as and when the same shall become due and payable; all utility charges, taxes, assessments, and casualty and liability insurance premiums; and any other expenses or charges relating to the ownership, use, operation, maintenance, occupancy and upkeep of the Project. The Financing Agreements shall contain such other provisions as may be required by law and such other provisions as shall be mutually acceptable to the Municipality and the Company.

(c) It will take such further action and adopt such further proceeds as may be required to implement the aforesaid undertakings.

4. General Provisions.

(a) All commitments of the Municipality under Paragraph 2 hereof and of the Company under Paragraph 3 hereof are subject to the condition that on or before one year from the date of this agreement (or such other date as shall be mutually satisfactory to the Municipality and the Company) the Municipality and the Company shall have agreed to mutually acceptable terms for the Bond and of the issuance, sale and delivery thereof, and mutually acceptable terms and conditions of any Financing Agreements and other documents referred to in paragraph 3 and the proceedings referred to in Paragraphs 2 and 3 hereof.

(b) Prior to the issuance of the Bond, there shall be a reasonable showing to the Municipality that the Company is capable of carrying out its financial obligations under the Financing Agreements.

(c) 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 Bond is not issued and sold within such time, the Company agrees that it will reimburse the Municipality for all reasonable and necessary direct out-of-pocket expenses, which the Municipality may incur arising from the execution of this Memorandum of Agreement and the performance of the Municipality's obligations

hereunder, and this Memorandum of Agreement shall thereupon terminate.

IN WITNESS WHEREOF, the parties have entered into this Memorandum of Agreement by this duly authorized officers or representatives this 15th day of July, 1981.

CITY OF GRAND JUNCTION

By

President of the Council

ATTEST:

City Clerk

INDEPENDENCE PLAZA a Colorado Limited Partnership

By

General Partner

EXHIBIT "B"

The major components of the Project are presently contemplated to be as follows:

Approximately 4.2 acres of land.

Two (2) two-story buildings with approximately 68,500 gross square feet.

The Project will be located at 251/2 Road and Independence Avenue, Grand Junction, Colorado.

The cost of financing the Project is presently estimated to be \$2,400,000.

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried by roll call vote with Councilman HOLMES voting NO, the Resolution was passed and adopted as read.

RESOLUTION OF INDUCEMENT ADOPTED CONCERNING INDUSTRIAL REVENUE BONDS FOR TWO HUNDRED GRAND PROPERTIES BUILDING PROJECT - \$3,000,000 APPROVED

The following Resolution was read:

RESOLUTION

RESOLUTION RELATING TO THE ISSUANCE OF INDUSTRIAL DEVELOPMENT

REVENUE BONDS; GIVING PRELIMINARY APPROVAL TO A PROJECT UNDER THE COUNTY AND MUNICIPALITY DEVELOPMENT REVENUE BOND ACT AND THE ISSUANCE OF REVENUE BONDS TO DEFRAY THE COSTS THEREOF AND AUTHORIZING THE PREPARATION OF NECESSARY DOCUMENTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, as follows:

Section 1. Recitals.

1.01. The legislature of the State of Colorado in the County and Municipality Development Revenue Bond Act, Title 29, Article 3, Colorado Revised Statutes 1973, as amended ("the Act"), has found and declared it to be a public purpose for municipalities to promote industry and develop trade or other economic activity by inducing profit or non-profit corporations, federal governmental offices, hospitals, and agricultural, manufacturing, industrial, commercial, or business enterprises to locate, expand, or remain in this State, to mitigate the serious threat of extensive unemployment in parts of this State, to secure and maintain a balanced and stable economy in all parts of this State, and to further the use of its agricultural products or natural resources.

1.02. In furtherance of the foregoing purposes, the legislature has authorized municipalities to issue revenue bonds under the Act for the purpose of defraying the cost of financing, acquiring, improving, and equipping any "project" including any land, building, or other improvement and all real or personal properties, whether or not in existence, suitable or used for or in connection with commercial enterprises, including, without limitation, enterprises engaged in storing, warehousing, distributing, selling or transporting any products of agriculture, industry, commerce, manufacturing or business; the legislature has authorized municipalities to enter into a "financing agreement" with the user of the project for the purpose of providing revenues to pay the bonds so authorized, and to secure the payment of such bonds as provided in the Act.

1.03. Pursuant to the authority of the Act, it has been proposed that the City issue its revenue bonds in an amount sufficient to defray the cost of financing, acquiring, improving, and equipping certain real and personal properties at 200 Grand Avenue in the City of Grand Junction to be used by TWO HUNDRED GRAND PROPERTIES (the "Developer"), as an office building facility (the "Project"), and that the City enter into a financing agreement with the Developer, pursuant to which the Developer will agree to pay the City amounts sufficient to pay when due the principal of, premium, if any, and interest on the revenue bonds and to cause the Project to be constructed. The Project was originally estimated to cost \$3,400,000, but its cost is now estimated at \$3,800,000.

1.04. The existence of the Project would promote the sound economic growth of the State of Colorado and the City of Grand Junction, would provide increased opportunities for employment for

residents of the City and surrounding area and would further the public purposes set forth in Section 1.01 hereof. The Project is located within the City limits of the City, and is within the Downtown area of Grand Junction.

1.05. The City has been advised that conventional, commercial financing to pay the capital cost of the Project is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but with the aid of municipal financing, and its resulting low borrowing costs, the Project is economically more feasible.

1.06. This Council previously approved an inducement resolution for this Project in the issue amount of \$2,500,000, based on the approval of its Industrial Development Bond Committee, and the Council's own review of the Project. All the circumstances that justified the previous resolution still exist in the Council's judgment.

1.07. The City has been advised that revenue bonds of the City could be issued and sold upon favorable rates and terms to finance the Project.

1.08. The Project constitutes a "project" as defined in Section 29-3-103(10) of the Act.

Section 2. Approvals and Authorizations.

2.01. On the basis of the information given the City to date, it appears that it is in the best interest of the City for the City to issue its industrial development revenue bonds under the provisions of the Act to finance all or part of the costs of the Project.

2.02. The Project is hereby given preliminary approval by the City and the issuance of revenue bonds for such purpose, in an amount sufficient to pay project costs but not to exceed \$3,000,000, is hereby approved, subject to further approval by this Council of the necessary legal documents.

2.03. Prior to or simultaneously with the issuance of the bonds, the City will enter into a financing agreement with the Developer with respect to the Project. The financing agreement shall provide for payment by the Developer to the City of such revenues as will be sufficient to pay the principal of, premium, if any, and interest on the revenue bonds, and to build up and maintain any reserves reasonably deemed advisable by this Council in connection therewith.

2.04. The President of the Council, City Clerk, City Attorney and other officers, employees and agents of the City are hereby authorized to initiate and assist in the preparation of such documents as may be appropriate to the Project.

Section 3. Special Obligations.

In all events, it is understood, however, that the principal of and interest on the revenue bonds issued to finance the Project shall be payable solely out of the revenues derived from the financing of the Project. The bonds and interest coupons, if any, appurtenant thereto shall never constitute the debt or indebtedness of the City within the meaning of any provision or limitation of the State Constitution, statutes, or home rule charter, and shall not constitute nor give rise to a pecuniary liability of the City or charge against its general credit or taxing powers. Such limitation shall be plainly stated on the face of each bond.

PASSED and ADOPTED this 15 day of July, 1981.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried by roll call vote with Councilman HOLMES voting NO, the Resolution was passed and adopted as read.

LIQUOR & BEER LICENSE RENEWALS

Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the applications by the following businesses to renew liquor and beer licenses were approved:

Fisher's Liquor Barn, Inc., 2448 F Road (Liquor Store)
The Golden Dragon, 1037 North Avenue (3.2% Beer)

HEARING - PROPOSED ORDINANCE REZONE FROM R-1-C TO C-2, NE CORNER OF 281/2 ROAD AND GUNNISON AVENUE

A hearing was held after proper notice on the petition by Karl H. and Elizabeth Metzner to rezone from R-1-C, single-family residential use at approximately 7 units per acre, to C-2, heavy commercial use, on .627 acres located on the northeast corner of 281/2 Road and Gunnison. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCE OF THE CITY OF GRAND JUNCTION, BY CHANGING THE ZONING OF

CERTAIN LANDS WITHIN THE CITY OF GRAND JUNCTION, COLORADO. Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried with Councilman LUCERO ABSTAINING, the proposed ordinance was passed for publication.

HEARING - FARREL ROPER INVESTMENTS FINAL PLAN AND PLAT FOR THE NW CORNER OF 15TH AND CEDAR STREETS - APPROVED

A hearing was held after proper notice on the petition by Farrel Roper for the Farrel Roper Investments final plan and plat for the northwest corner of 15th and Cedar Streets which contains .90 acres designed for 20 units in a PR-22 units per acre zone. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the Farrel Roper Investments final plan and plat for the northwest corner of 15th and Cedar Streets was approved.

HEARING - HARRY M'S EXPANSION OF LIQUOR LICENSE IN H.O. ZONE, 715 HORIZON DRIVE

A hearing was held after proper notice on the petition by Harry Mahleres, dba Harry M's, 715 Horizon Drive, to expand liquor licensed premises in H.O. Zone. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the petition to expand the liquor licensed premises at Harry M's, 715 Horizon Drive, was approved.

HEARING - PROPOSED ORDINANCE - REZONE FROM R-3 TO P (PARKING) THE SW CORNER OF 4TH AND OURAY - FIRST ASSEMBLY OF GOD CHURCH

A hearing was held after proper notice on the petition by First Assembly of God Church to rezone from R-3 to P (Parking) the southwest corner of 4th Street and Ouray Avenue. There were no opponents, letters, or counterpetitions.

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 OF GRAND JUNCTION. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

HEARING - FINAL PLAT HORIZON TOWERS, SW CORNER OF HORIZON DRIVE AND 12TH STREET (GONZA ANNEXATION) - APPROVED

A hearing was held after proper notice on the petition by William Boll and his final plat of Horizon Towers, a ten-story 178 unit structure, on the southwest corner of Horizon Drive and 12th Street (Gonzo Annexation). The property contains 34.9 units per acre. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Holmes and

carried, the final plat for Horizon Towers was approved.

BIDS - AWARD OF CONTRACT ORCHARD MESA SEWAGE PUMP STATION - FRANCIS CONSTRUCTION - \$48,138

Bids were received and opened on July 9, 1981, for the Orchard Mesa Sewage Pump Station. Bidders were:

Peter Kiewit Son's Company \$71,000
Cone Construction, Inc. \$63,000
Eldorado Construction \$51,120
Francis Constructors, Inc. \$48,138
Engineer's Estimate \$45,400

Francis Constructors, Inc., proposes to use the following subcontractors:

Excavation: Reeves Construction
Mechanical & Plumbing: Redlands Plumbing

Staff recommended award of the contract to Francis Constructors, Inc., for its low bid.

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried, the contract for the Orchard Mesa Sewage Pump Station was awarded Francis Constructors, Inc., for its low bid of \$48,138.

HEARING - APPLICATION BY MESA COLLEGE MEXICAN-AMERICAN SCHOLARSHIP BOARD FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT TWO RIVERS PLAZA, 159 MAIN STREET, SATURDAY, AUGUST 22, 1981, FROM 7:00 P.M. TO 1:30 A.M. - FIRST PERMIT - APPROVED

A hearing was held after proper posting of property on the application by the Mesa College Mexican-American Scholarship Board for malt, vinous and spirituous liquor special events permit at Two Rivers Plaza, 159 Main Street, on Saturday, August 22, 1981, from 7:00 p.m. to 1:30 a.m. on the 23rd. This is a benefit dance and the first permit. There were no opponents, letters, or counterpetitions. A representative from this organization was not present for the hearing. Councilman Holmes stated that he thinks it is a derelict of their responsibility when they do not even feel the responsibility to be present when they are making an application of this type. According to Councilman Holmes, the presumption seems to be that they do not need to present their case, but they will get it regardless. In response to Councilman Holmes' remarks, the City Clerk stated that when an application is filed, the applicant is advised to be present for the hearing. A follow-up reminder is sent the applicant by the mailing of the PreAgenda. In this instance a copy of the PreAgenda was not mailed to the applicant. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the application by the

Mesa College Mexican-American Scholarship Board for malt, vinous and spirituous liquor special events permit for August 22, 1981, was approved.

HEARING - APPLICATION BY LATIN-ANGLO ALLIANCE FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT TWO RIVERS PLAZA, 159 MAIN STREET, SATURDAY, AUGUST 8, 1981, 8:00 P.M. TO 2:00 A.M. - SECOND PERMIT - APPROVED

A hearing was held after proper posting of property on the application by the Latin-Anglo Alliance for a malt, vinous and spirituous liquor special events permit at Two Rivers Plaza, 159 Main Street, on Saturday, August 8, 1981, from 8:00 p.m. to 2:00 a.m. the 9th. This is the second permit applied for by this group.

Jose Cruz, 535 Teco Street, President of the Latin-Anglo Alliance, was present and responded to questions by the City Council. Mr. Cruz indicated that he had seen the letter signed by three Latin-Anglo Alliance Board members opposing the granting of the permit; Mr. Cruz advised that as a result of the letter a special Emergency Executive Board meeting of the Latin-Anglo Alliance was called Tuesday night at which time by a vote of four to three the Board elected to proceed with the application; Mr. Cruz felt that the three members have a right to express their disgruntlement but that the majority vote of the Board should rule. Mr. Cruz advised that a contract has been made with the Latin-Anglo Alliance by an organization to promote a dance in their behalf and in their name. Mr. Cruz submitted that is the same as contracting to do plumbing, to do construction, or to do anything for the organization. Councilman Holmes stated that this permit could not be granted if there is to be monetary gain on the part of the people involved. The City Attorney advised that so long as the proceeds of the granting of the license go to the eleemosynary part of whatever is going on here, then the license can issue. The fact that they have contracted with someone to put on a performance in order to generate these funds isn't relevant to whether or not the license should issue to Latin-Anglo Alliance. Councilman Johnson stated that, in other words, the proceeds from the liquor sales must be kept separate from the proceeds of the activity. If they make a profit on the event that they are sponsoring exclusive of the liquor sales, Council has no concern about that. Mr. Ashby stated that the Latin-Anglo Alliance could hire anybody. He said that the fact that Jose is involved in this with Patsy Arguello as promoters of an event may be objectionable to some members of the Board of Latin-Anglo Alliance, but they must work that out among themselves. Mr. Cruz then discussed the background of this application. He stated that had they known that this issue would create the friction that it has, they would not have proceeded with the plans for the dance. They did proceed, however, with the thought that both groups would benefit from the event.

Eli Fresquez, Treasurer of the Board of the Latin-Anglo Alliance, spoke in opposition to the granting of this permit as did Larry Salaz, Assistant Treasurer.

Lilia Rodriguez, Secretary for Latin-Anglo Alliance, 526 North 16th Street, appeared for the granting of the permit. She stated that the majority of the Board members of the Latin-Anglo Alliance were in favor of acquiring the permit. Mrs. Rodriguez pointed out that the Board makes decisions for the membership unless it is a big matter and then it is taken to the membership.

Councilwoman Clark pointed out that because the permit is granted does not necessarily bind the Latin-Anglo Alliance going ahead with the event.

The hearing was closed. Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried with Council members HOLMES and DUNN voting NO, the application by Latin-Anglo Alliance for malt, vinous and spirituous liquor special events permit for August 8, 1981, was approved.

Councilman Johnson strongly recommended that the Latin-Anglo Alliance settle its internal differences before it comes before this Council again for a permit.

Comments were had from Joe Vigil, 645 Karen Court, a member of the Latin-Anglo Alliance.

HEARING - CONDITIONAL USE FOR BEER AND WINE LICENSE ON THE NE CORNER OF 29 ROAD AND NORTH AVENUE (FLYNN ANNEXATION) - RESOLUTION OF FINDINGS & DECISION AUGUST 5, 1981

A hearing was held after proper notice on the petition by Thomas La Croix for conditional use to permit beer and wine license on approximately 1.3 acres in a light commercial zone on the northeast corner of 29 Road and North Avenue. The Planning Commission recommended approval subject to the Planning Staff comments being resolved. Bob Goldin reported that the petition for the granting of the conditional use and the petition in opposition to the granting of the conditional use are on file in the Planning Department.

The City Attorney, responding to a question by Councilman Holmes, advised that a few years ago in order to get a broader basis upon which to look at liquor and beer licenses, the Council provided that any liquor or beer license by the drink was subject to a conditional use proceeding so Council could look at the liquor or beer license beyond the concept of the needs of the neighborhood and desires of the inhabitants if it wished and could look at it from a zoning standpoint realizing that liquor by the drink may impact certain areas differently from other areas. It gave Council another direction to go and another thing to look at. He pointed out that the City does not run an independent neighborhood survey on the conditional use application as it does on the liquor license application. It is handled the same as any zoning question. Petitions and neighborhood objection to it are permitted because of things that are considered standard in zoning hearings

rather than liquor hearings. Mr. Ashby stated that approving the conditional use is not determinative of the other issue. He said he still feels that the survey could be run, and if the survey from the neighborhood came in opposed to the issuance of the license, the Council could react to that survey as it has to others. It could deny it. The passage of the conditional use permitting it on the basis of zoning doesn't assure the license.

Chuck Wiman, 3304 Music Lane, was present to speak for the granting of the conditional use.

Speaking in opposition was Winona Beckner, 332 33-3/4 Road, representing Mr. and Mrs. George Fults, 511 North 29 Road. Mrs. Beckner reviewed the area where she carried the petition opposing the application.

Councilman Holmes reported that he received a telephone call from Mrs. Doris McGill, who resides adjacent to the Round the Corner Restaurant, and she is in opposition to the conditional use.

Mrs. George Fults, 511 North 29 Road, stated that the traffic on North Avenue has tripled since 1975.

The hearing was closed. A Resolution of findings and decision is scheduled on the August 5, 1981, City Council agency.

HEARING - OFFICE BUILDING FINAL PLAN IN PLANNED BUSINESS ZONE, SW CORNER OF 1ST STREET AND MESA AVENUE - RESOLUTION OF FINDINGS AND DECISION SCHEDULED AUGUST 5, 1981

A hearing was held after proper notice on the petition by Victor Daniel for office building final plan in planned business development for the southwest corner of First Street and Mesa Avenue. The Planning Commission recommended denial of the petition because it is in conflict with the present First Street policy statement, and it expressed concern with the intensity of the design of the building.

Victor Daniel, Walt Thoms, and Robert Engleke spoke for the proposal. Mr. Daniel noted that they have addressed all the review sheet comments.

Alex Candelaria, 1616 Balsam Court, spoke against the proposal.

The hearing was closed. A Resolution of findings and decision is scheduled for August 5, 1981.

ORDINANCE NO. 1982 - AMENDING CHAPTER 25, SEWERS, SECTION 73, H. AND N.

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE AMENDING TWO OF THE COMPUTATIONS FOR DETERMINING THE PLANT INVESTMENT FEE

FOR SEWER TREATMENT.

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

There were no comments. Upon motion by Councilman Lucero, seconded by Councilman Holmes and carried by roll call vote, the Ordinance was passed, adopted, numbered 1982, and ordered published.

ORDINANCE NO. 1983 - FIRE SUPPRESSION REQUIREMENTS FOR BUILDINGS

Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE AMENDING THE UNIFORM FIRE CODE AS TO SAFETY DEVICES.

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

There were no comments. Upon motion by Councilwoman Clark, seconded by Councilman Johnson and carried by roll call vote with Councilman LUCERO voting NO, the Ordinance was passed, adopted, numbered 1983, and ordered published.

ORDINANCE NO. 1984 - AMENDING SOME OF THE UNIFORM BUILDING CODE PROVISIONS CONCERNING FIRE SAFETY DEVICES

Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AMENDING SOME OF THE UNIFORM BUILDING CODE PROVISIONS CONCERNING FIRE SAFETY DEVICES.

Upon motion by Councilman Dunn, seconded by Councilman Holmes 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 Johnson, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed, adopted, numbered 1984, and ordered published.

PROPOSED ORDINANCE REPEALING AND REENACTING CHAPTER 20, CODE OF ORDINANCES, ARTICLES IV AND V, FORESTRY AND GARDENING

The following entitled proposed ordinance was read: AN ORDINANCE REPEALING AND REENACTING ARTICLES IV AND V OF CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION CONCERNING THE FORESTRY AND GARDENING REGULATIONS OF THE CITY. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the proposed ordinance was passed for publication.

ACKNOWLEDGING RECEIPT OF 1980 AUDIT

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, receipt of the 1980 audit was acknowledged along with the supporting documents.

CENTENNIAL COMMITTEE

Councilman Holmes reported that the Centennial Committee met and voted to approve the appointment of the John Rogers Company for the Centennial celebration.

President Brach said that Mrs. Clyde Biggs requests a meeting regarding the Centennial Committee and some of the funds. President Brach recommended that Councilman Holmes indicate a convenient time, and he will arrange for the City Manager to attend the meeting.

DDA

Councilman Johnson recommended that all Council members arrange some time to meet with the Planners who are looking over the downtown area.

AIRPORT

Upon polling, the Council members indicated their support for the annexing of the airport to the City of Grand Junction.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk