

Grand Junction, Colorado

August 19, 1981

The City Council of the City of Grand Junction, Colorado, convened in regular session the 19th day of August, 1981, at 7:30 p.m. in the Council Chambers at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Dale Hollingsworth, Robert Holmes, Karl Johnson, Gary Lucero and President of the Council Louis Brach, a quorum. Also present were City Manager Jim Wysocki, Assistant City Attorney Bourtai Hargrove, and Deputy City Clerk Teddy Martinez.

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

INVOCATION

Mr. Robert Holmes.

I.D. ST-80, PHASE B, ASSESSMENTS - TABLED TO SEPTEMBER 2, 1981

Upon motion by Councilman Holmes, seconded by Councilman Dunn and carried, the Resolution of Findings and Decision and proposed ordinance concerning ID ST-80, Phase B, Assessments was tabled to September 2, 1981, due to legality questions that must be answered prior to Council's decision.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, the minutes of the regular meeting August 5, 1981, were approved as submitted.

REQUEST NAMES FOR APPOINTMENT TO CONTRACTORS LICENSING BOARD AND INDUSTRIAL REVENUE BOND COMMITTEE

Mayor Brach requested names of interested persons to fill two vacancies on the Contractors Licensing Board, and one vacancy on the Industrial Revenue Bond Committee.

PETITION OPPOSING EXTENSION OF HORIZON DRIVE FROM 7TH STREET TO 1ST STREET

Mr. Robert Duncan, 1550 N. 1st Street, filed a petition with the Deputy City Clerk opposing the extension of Horizon Drive from 7th Street to 1st Street. The petition contained 150 signatures of residents of the area. The petition read as follows: "The code of ethics of the National Society of Professional Engineers requires an engineer to be honest in all estimates and reports. In the performance of his duties, he must have proper regard for the safety of the public. If he observes conditions that may endanger the public safety he must notify the proper authority. He must pledge not to prepare any plans or designs not consistent with

accepted engineering standards. Therefore, we, the following people, by our signatures, ask each of you to observe one weekday morning at the bottleneck that now exists at First and Grand where three or more major arteries come together; then, consider what it will be if traffic from Horizon Drive is also channeled into First Street. Also, our property rights are protected by both Federal and State constitutional and statutory provisions and precedents of common law. We chose these areas to be a permanent location in a select and quiet neighborhood to establish our homes and we would like to keep it that way. We, the undersigned, ask you for the good of our Community to please reconsider your plans for the extension of Horizon Drive."

Mayor Brach thanked Mr. Duncan, stating that this is not a hearing. There will be future hearings on this subject prior to actual plans and specifications.

#### INTRODUCTION OF POLICE CADETS

Mrs. Josephine Thomas, Grand Junction Police Department, explained how the Police Cadet program works on community projects for the City. She introduced the following cadets: Capt. Kathy Sills, Sgt. Shelly Mehrhoff, Barbara Timpfe, Elizabeth Radenbach, Chris Bennet, Tom Black and Dan Duke.

City Manager Wysocki explained that both the Police Department and the Fire Department have cadet programs. He stated that the painting of the fire hydrants throughout the community was done by members of the cadet programs. Mayor Brach thanked the cadets for attending the meeting and for the fine work they are accomplishing in Grand Junction.

#### BEER AND LIQUOR LICENSE RENEWALS

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

Colescott's, 551 South Avenue (3.2% Beer)

Teller Arms Liquor Shoppe, 2353 Belford (Liquor)

Albertson's Food Center, 1838 N. 12th (3.2% Beer)

Skaggs Drug Center, 1834 N. 12th (3.2% Beer)

HEARING - PROPOSED ORDINANCE - REZONE FROM R-1-C TO PR-29.35 AND ARTISCO OUTLINE DEVELOPMENT PLAN FOR PROPERTY LOCATED E OF 28 1/2 ROAD, APPROXIMATELY 500 FEET N OF NORTH AVENUE

A hearing was held after proper notice on the petition by Levi Lucero to rezone from R-1-C to PR-29.35 and Artisco Outline Development Plan for property located east of 28 1/2 Road,

approximately 500 feet north of North Avenue. This is a request to change from Single-Family Residential Use at 7 units per acre to Planned Residential Uses with design density of 29.35 units per acre on 3.61 acres. Councilman Lucero abstained from discussion on this item. 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 Holmes, seconded by Councilwoman Clark and carried with Councilman LUCERO ABSTAINING, the proposed ordinance was passed for publication.

HEARING - FINAL PLAT AND PLAN OF CASCADE CONDOS AND HEALTH CLUB (FORMERLY FIRST ADDITION TO THE FALLS), LOCATED SW OF PATTERSON ROAD AND GRAND CASCADE ROAD

A hearing was held after proper notice on the petition by Robert Rewinkle for Final Plat and Plan of Cascade Condos and Health Club located southwest of Patterson Road and Grand Cascade Road. This is a request for 18 units on 2.203 acres in a Planned Residential Zone with a design density of 9.5 units per acre. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Hollingsworth, seconded by Councilwoman Clark and carried, the Final Plat and Plan of Cascade Condos and Health Club were approved subject to the conditions of the Planning Commission.

HEARING - PROPOSED ORDINANCE - ZONING PERSIGO ANNEXATION PR-17 AND OUTLINE DEVELOPMENT PLAN FOR PERSIGO VILLAGE, LOCATED AT 25 AND G ROADS

A hearing was held after proper notice on the petition by William and David Rice to zone Persigo Annexation PR-17 and Outline Development Plan for Persigo Village located at 25 and G Roads. This is a request to change from Agricultural-Forestry Uses to Planned Residential Uses with a design density of 17 units per acre on 48 acres. 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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - REZONE FROM RSF-8 TO PR-20 AND OUTLINE DEVELOPMENT PLAN FOR PROPERTY LOCATED W OF 28 1/2 ROAD, APPROXIMATELY 250 FEET S OF ELM AVENUE

A hearing was held after proper notice on the petition by William

Wells to rezone from RSF-8 to PR-20 and Outline Development Plan for property located west of 28 1/2 Road, approximately 250 feet south of Elm Avenue. This is a request to change from Single-Family Residential Uses at 8 units per acre to Planned Residential Uses at 20 units per acre on 1.41 acres. 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 Holmes, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

HEARING - REPLAT OF LOT 7, BLOCK 4, WEST LAKE SUBDIVISION, SW CORNER OF WEST MESA AND BLUEGILL STREETS

A hearing was held after proper notice on the petition by Edward S. Cary for a replat of Lot 7, Block 4, in West Lake Subdivision, the southwest corner of West Mesa and Bluegill Streets. There were no opponents, letters or counterpetitions. Upon motion by Councilman Hollingsworth, seconded by Councilwoman Clark and carried, the replat was approved subject to the conditions of the Planning Commission.

HEARING - PROPOSED ORDINANCE - CRESTVIEW II, REZONE FROM RSF-5 TO PR-1.9 AND PRELIMINARY PLAN FOR PROPERTY LOCATED W OF 27 1/2 ROAD AND S OF F 1/2 SECTION LINE ROAD

A hearing was held after proper notice on the petition by Milfred and Olive McCallister to rezone from RSF-5 to PR-1.9 and Preliminary Plan for property located west of 27 1/2 Road and south of F 1/2 Section Line Road (Crestview II). This is a request to change from Single-Family Residential Uses at 4 units per acre to Planned Residential at 1.9 units per acre on 2.15 acres. 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 Holmes, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

HEARING - MINOR SUBDIVISION - HASSEL COURT, LOCATED ON SE CORNER OF MOUNTAIN VIEW STREET AND UNAWEEP AVENUE

A hearing was held after proper notice on the petition by Merritt Sixbey for a Minor Subdivision on Hassel Court, located on the southeast corner of Mountain View Street and Unawep Avenue. There were no opponents, letters or counterpetitions. Upon motion by Councilman Hollingsworth, seconded by Councilwoman Clark and carried, the request was approved subject to the conditions of the Planning Commission.

HEARING - CONDITIONAL USE - EXPANSION OF PREMISES OF LIQUOR LICENSE, BOARD OF TRADE RESTAURANT, 336 MAIN STREET

A hearing was held after proper notice on the petition by Grand River Restaurant Management Corporation, Duane Reading, for a conditional use permit for expansion of premises of liquor license at Board of Trade Restaurant, 336 Main Street. There were no opponents, letters or counterpetitions. Upon motion by Councilman Hollingsworth, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the request was approved subject to the conditions of the Planning Commission.

PROPOSED ORDINANCES - SUPER 8 MOTEL - DEVELOPMENT IN H.O. AND RIGHT OF WAY EASEMENT VACATION, AND A REZONE FROM R-1-B (RSF-5) TO H.O., NW CORNER OF NIBLIC DRIVE/NINE IRON DRIVE AND E OF HORIZON DRIVE - RESOLUTION OF FINDINGS AND DECISION - APPROVED

The following Resolution was read:

RESOLUTION

OF FINDINGS AND DECISION ON THE APPLICATION OF VILLAGE COMMERCIAL PROPERTIES.

Recitals

On the 5th day of August, 1981, the City Council heard an application for rezoning of certain lands on Horizon Drive in the City, the vacation of a certain right of way in connection therewith and a plan for use within the land to be rezoned with other lands in a Highway Oriented Zone. The Council has considered the evidence presented at the hearing and FINDS:

1. The hearing was properly conducted after due notice.
2. The Grand Junction Planning Commission recommended approval of the application.
3. Neighborhood opposition was concerned with impact which might occur within Partee Heights Subdivision; and the plan for the area seemed to have satisfied those in opposition that their concerns might be met through the plan of development as that progressed.
4. The evidence indicated that the plan should be approved along with the other parts of the application.

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

That the application of Village Commercial Properties for rezone, for vacation of right of way and for development in a Highway Oriented zone are approved and should be accomplished, as necessary, by ordinance.

PASSED and ADOPTED this 19th day of August, 1981.

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President of the Council

Attest:

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Deputy City Clerk

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

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 Councilman Dunn and carried, the proposed ordinance was passed for publication.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING A ROAD RIGHT OF WAY AND DRAINAGE EASEMENT WITHIN THE CITY. Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

HEARING - REZONE FROM RMF-32 TO P (PARKING) PROPERTY LOCATED S OF BELFORD AVENUE, APPROXIMATELY 160 FEET W OF 7TH STREET - RESOLUTION OF FINDINGS AND DECISION SCHEDULED SEPTEMBER 2

A hearing was held after proper notice on the petition by Dallas and Jack Payne to rezone from RMF-32 to P (Parking) property located south of Belford Avenue, approximately 160 feet west of 7th Street. This is a request to change from Single-Family Residential Uses at approximately 7 units per acre to Parking Uses on .11 acres. This item was denied by the Planning Commission.

Bob Goldin of the Planning Department reviewed the area stating there was neighborhood objection from Mrs. Douglas who lives immediately east of the subject property. Mrs. Douglas has circulated a petition throughout the neighborhood.

Mr. Bob Emerich, 2262 Broadway, spoke in favor of the rezone. Mr. Holmes suggested an alternative of scaling down of the building to where the land site would accommodate the parking without the need for additional parking. Mr. Emerich stated that he would consider this alternative.

Mr. Mark Hermunstad, 610 Fort Uncampahgre, attorney representing Mrs. Edna Douglas, appeared before Council stating that residents

of the area are basically concerned about the encroachment of commercial development into their residential neighborhood, and increased traffic. Mr. Hermunstad explained that the main concern of Mrs. Douglas is the encroachment, and not the wooden fence along her property. He clarified that Mrs. Douglas is opposed to the parking lot, and only in the event that a parking lot is put in, would she like a chain link fence rather than a wooden fence.

There were no other opponents, letters or counterpetitions.

A Resolution of Findings and Decision is scheduled on the September 2 agenda.

ORDINANCE NO. 1988 - GRAFF PROPERTY ANNEXATION, SW CORNER OF 29 AND F ROADS

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: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

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

There were no comments. Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed, adopted, numbered 1988, and ordered published.

ORDINANCE NO. 1989 - DOWNTOWN SHOPPING PARK VENDORS

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE REGULATING THE SALE OF FOODSTUFFS AND OTHER MERCHANDISE AND SERVICES FROM THE PUBLIC RIGHT-OF-WAY.

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

There were no comments. Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried by roll call vote, the Ordinance was passed, adopted, numbered 1989, and ordered published.

ORDINANCE NO. 1990 - AUTHORIZING ISSUANCE OF INDUSTRIAL REVENUE BONDS TO ENVIRONMENTAL COMMUNITY DEVELOPERS, INC. (INDEPENDENCE PLAZA PROJECT)

Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried with Councilman HOLMES voting NO, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE AUTHORIZING THE ISSUANCE OF

A CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL DEVELOPMENT REVENUE BOND (INDEPENDENCE PLAZA LTD. PROJECT), SERIES 1981, IN THE PRINCIPAL AMOUNT OF \$2,000,000; AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS RELATING THERETO.

Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried with Councilman HOLMES voting NO, the proposed ordinance was called up for final passage and read, as amended.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried by roll call vote with Councilman HOLMES voting NO, the Ordinance was passed, adopted as amended, numbered 1990, and ordered published.

PROPOSED ORDINANCE - AUTHORIZING THE ESTABLISHMENT OF A PLAN OR SYSTEM PURSUANT TO SECTION 24-51-704(5) COLORADO REVISED STATUTES 1973, AS AMENDED

The following entitled proposed ordinance was read: AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A PLAN OR SYSTEM PURSUANT TO SECTION 24-51-704(5), COLORADO REVISED STATUTES 1973, AS AMENDED. Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - A PLAN OR SYSTEM PURSUANT TO SUBSECTION 24-51-704(5) COLORADO REVISED STATUTES 1973, AS AMENDED (1975 SUPP)

The following entitled proposed ordinance was read: A PLAN OR SYSTEM PURSUANT TO SUBSECTION 24-51-704(5) COLORADO REVISED STATUTES 1973, AS AMENDED (1975 SUPP). Upon motion by Councilwoman Clark, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - VACATING PORTIONS OF ROAD RIGHT-OF-WAY, DEWEY ROAD AND DEWEY COURT IN DEWEY SUBDIVISION, FILING #1

The following entitled proposed ordinance was read: VACATING PORTIONS OF ROAD RIGHT-OF-WAY IN THE CITY. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

RESOLUTION CONCERNING BIKEWAYS IN GRAND JUNCTION - APPROVED

The following Resolution was read:

RESOLUTION

WHEREAS, the City of Grand Junction has made the encouragement of bicycle transportation one of its overall goals for improving the mobility of its residents; and

WHEREAS, the City is committed to developing a safe and efficient bikeway system for the use of its residents; and



WHEREAS, a contract was made between the City and Mountain Bicyclists' Association, Inc., to develop a bicycle program that would address the aforementioned goals; and

WHEREAS, Mountain Bicyclists' Association, Inc. has successfully completed the Grand Junction Bicycle Program;

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

That the Grand Junction Community Bicycle Program prepared by the Mountain Bicyclists' Association, Inc. dated September, 1980, is adopted as the official plan for use as a guide in the future development of bicycle facilities throughout Grand Junction, and further that the City Council supports and encourages the use of the bicycle as a viable alternative to the automobile.

PASSED and ADOPTED this 19th day of August, 1981.

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

Attest:

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

Upon motion by Councilwoman Clark, seconded by Councilman Hollingsworth and carried by roll call vote, the Resolution was passed and adopted as read.

INDUCEMENT RESOLUTION CONCERNING INDUSTRIAL REVENUE BONDS FOR FIRST SECURITY SAVINGS AND LOAN ASSOCIATION - APPROVED

The following Resolution was read:

A RESOLUTION PROVIDING FOR THE PROPOSED ISSUANCE BY THE CITY OF GRAND JUNCTION, COLORADO, OF ITS INDUSTRIAL DEVELOPMENT REVENUE BONDS - FIRST SECURITY SAVINGS AND LOAN ASSOCIATION, PROJECT, FOR THE PURPOSE OF INDUCING THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF AN OFFICE BUILDING FACILITY WITHIN THE CITY OF GRAND JUNCTION, STATE OF COLORADO, AND AUTHORIZING THE PREPARATION OF NECESSARY DOCUMENTS RELATING THERETO.

Section 1

Recitals

WHEREAS, the legislature of the State of Colorado, in the County and Municipal Development 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 including profit or nonprofit corporations, federal governmental offices, hospitals and agricultural, manufacturing, industrial, commercial, or business enterprises to locate, expand, or remain in this State, 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; and

WHEREAS, in furtherance of the foregoing purposes, the legislature has authorized municipalities to issue revenue bonds under the Act for the purpose of defraying the costs of financing, acquiring, improving and equipping any "project", including any land, building, or other improvement in 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, wholesaling, distributing, selling or transporting any products, industry, commerce, manufacturing or business; and

WHEREAS, First Security Savings and Loan Association, a Colorado Business Association, presently seeking qualification to engage in and transact business as a Savings and Loan Association under the laws of the State of Colorado (the "Association"), proposes to acquire, construct, equip, operate, and maintain a business office facility which will consist of acquiring, constructing, improving and equipping a "project" within the meaning of and as defined in the Act; and

WHEREAS, the Company desires to locate its office facility within the City of Grand Junction, Colorado (the "Municipality") in order to provide lending and financial services to the Grand Junction area;

WHEREAS, the Association has requested and does hereby request the Municipality to issue and sell its revenue bonds pursuant to the provisions of the Act (the "Bonds") for the purpose of financing the Project and inducing the Association to acquire, relocate, and expand its office facility within the boundaries of the City of Grand Junction, Colorado, rather than in alternative locations in Western Colorado; and

WHEREAS, the City of Grand Junction has determined and found and does hereby find that the Project, as herein defined, qualifies for financing pursuant to the Act and the public purposes therein stated; and

WHEREAS, based on the facts presented in the Association's application for industrial development bond financing and facts presented orally and in writing to the Advisory Committee and Municipal Development Revenue Bond Committee established by the County and City of Grand Junction (the "Advisory Committee"), the City of Grand Junction, acting by and through its City Council,

considers the acquisition, construction, and equipping of the Project is in the public interest of the City of Grand Junction, will promote the public health, welfare, safety, convenience and prosperity within and for the City of Grand Junction and its citizens, will provide the City of Grand Junction with increased employment opportunities, payrolls and tax base and will facilitate and promote the sound economic growth of and assist in securing a balanced and stable economy in the Municipality and State of Colorado;

WHEREAS, by subsequent resolution to be adopted before the issuance of the Bonds, the City of Grand Junction will consider and approve the final details of the Bonds and, subject to the conditions of this Resolution, will authorize all acts and the execution of the necessary documents in connection with the issuance thereof;

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

## Section 2

### Approvals and Authorizations

2.01 The City Council of the City of Grand Junction, Colorado, finds and declares that, based on the facts and information presented in the Association's application for industrial development revenue bonds and based upon the presentation made to the Advisory Committee and to this Council the approval of the issuance of Bonds for the Project and the Association is in the public interest of the Municipality, and therefore, the City Council further finds and declares that this Resolution shall constitute its binding commitment to issue the Bonds, subject to the terms hereof, and that the adoption of this Resolution is and constitutes and taking of affirmative action by the Municipality toward the issuance of the Bonds.

2.02 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 (attached hereto as Exhibit "A" and by this reference incorporated herein), will issue the Bonds pursuant to the provisions of the Act in a principal amount necessary to pay the cost of financing the Project, together with costs incident to the authorization, issuance and sale of the Bonds, which aggregate principal amount of the Bonds will not exceed the amount of \$800,000.00.

2.03 The Bonds shall be issuable in one or more series, shall bear such interest rate or rates, be in such denomination or denominations, bear such date or dates, mature at such time or times, be in such form, carry such bearer or registration privileges, be executed in such manner, be payable at such place and be subject to such terms of redemption, consistent with the

Act, as shall finally be approved and provided in a subsequent resolution of the City Council of Grand Junction, Colorado, adopted prior to the issuance of the Bonds. Any trust indentures, leases, financing, or security agreements (hereinafter referred to as the "Financing Agreements") and other documents relating to the Project and the Bonds will be approved and authorized in final form prior to the issuance of the Bonds. Further, prior to the issuance of the Bonds, the Municipality will be provided with an opinion from nationally recognized bond counsel that the Bonds are lawfully issued and that the interest on the Bonds is exempt from federal income taxation under existing law and rulings and regulations of the Internal Revenue Service and that the interest on the Bonds is exempt from state income taxation under the provisions of the Act.

2.04 The Project will consist of the acquisition of land, office facilities and equipment in order to permit the Association to adequately provide lending and financial services to the Grand Junction area.

2.05 The Municipality will enter into such Financing Agreements, as may be mutually agreeable, with the Association for the acquisition, construction, equipping, and payment for the Project as described in the Memorandum agreement (Exhibit "A").

2.06 The Memorandum of Agreement between the Municipality and the Association (Exhibit "A") is approved and the president of the City Council and the City Clerk are hereby authorized and directed to execute such Memorandum of Agreement on behalf of the Municipality.

2.07 The entire proceeds from the sale of the Bonds will be applied toward financing the Project and none of the Bonds will be general obligations of the Municipality nor shall the Bonds, this Resolution or the Memorandum Agreement (Exhibit "A"), including the interest on the Bonds, constitute the debt or indebtedness of the Municipality within the meaning of any limitation of the Constitution or statutes of the State of Colorado, nor give rise to a pecuniary liability of the Municipality, or be a charge against its general credit, its taxing powers or its general fund, but such Bonds shall be secured and payable from and by a pledge of the revenues from the Project pursuant to the Financing Agreements.

ADOPTED this 19th day of August, 1981.

CITY COUNCIL  
CITY OF GRAND JUNCTION

By: Louis R. Brach

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President of the Council

ATTEST:

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Deputy City Clerk

EXHIBIT "A"

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into by and between the City of Grand Junction, Colorado (herein the "Municipality" or the "Issuer"), and the organizer of First Security Savings and Loan Association, a Colorado Business Association, presently seeking authority to engage in the business of a Savings & Loan Association and to incorporate under the laws of the State of Colorado (herein the "Association").

Section 1

Inducements

1.01 Among the matters of mutual inducement which have resulted in the execution of this Agreement are the following:

(a) The City of Grand Junction, Colorado, is a Municipality in the State of Colorado, and a body corporate and political subdivision, authorized and empowered by the County and Municipality Development Revenue Bond Act, Article 3, Title 29, Colorado Revised Statutes 1973, as amended (the "Act") to issue revenue bonds for the purpose of defraying the costs of acquiring, constructing, improving and equipping a Project, as defined in the Act, and to enter into agreements with respect to the financing of such facilities, upon such terms and conditions as the governing body of the Issuer deems advisable.

(b) The Association proposes to acquire, construct, improve and equip land, and office facilities which will constitute a Project within the meaning of the Act.

(c) The Issuer has indicated its willingness to proceed with the issuance of its revenue bonds (the "Bonds") as provided by the Act to finance the Project, and has advised the Association that subject to due compliance with all requirements of the Act and other applicable 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 Issuer, pursuant to the Act, will issue the Bonds 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 Bonds, which Bonds will not exceed the aggregate principal amount of \$800,000.00.

(d) The Issuer considers that the acquisition, construction, and equipment of the Project and the execution of agreements relating to the Project, such as trust indentures, leases, loans, financing

agreements, security agreements, and other necessary documents (herein collectively referred to as the "Financing Agreements"), with the Association is in the public interest of the Municipality and will promote the public health, welfare, safety, convenience and prosperity within and for the Municipality and its citizens and will provide the residents of the Municipality with increased employment opportunities, payrolls and tax base, will facilitate and promote the sound economic growth of the Municipality and the State of Colorado and will help promote and maintain a stable, balanced and diversified economy within and for the Municipality and the State and will further the use of the State's natural resources.

## Section 2

### Undertakings by the Issuer

2.01 Subject to Section 1 hereinabove, the Issuer agrees as follows:

(a) It will issue or cause to be authorized the issuance of the Bonds pursuant to the terms of the Act in the principal amount sufficient to pay the costs of acquiring, constructing, and equipping the Project, together with costs incident to the authorization, sale and issuance of the Bonds, which Bonds will not exceed the aggregate principal amount of \$800,000.00.

(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 Bonds, the acquisition, construction, and equipping of the Project, and the execution of any Financing Agreements with the Association and the execution of other document relating to the Project and Bonds as shall be authorized by the Act or other law and as shall be mutually satisfactory to the Issuer and the Association.

(c) The aggregate sums to be paid by the Association under the Financing Agreements shall be required to 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.

(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 undertakings herein.

(e) The Bonds shall expressly provide that they shall be payable solely out of the revenues derived from the Association and from the operation of the Project pursuant to the provisions of the Financing Agreements, and further shall provide that they shall never constitute the debt or indebtedness of the Issuer within the meaning of any provision or limitation of the Constitution or statutes of the State of Colorado and that they shall not give rise to a pecuniary liability of the Issuer nor shall they be a

charge against its general credit, its taxing power or its general fund.

(f) In authorizing the issuance of the Bonds pursuant to this Agreement, the Issuer will make and hereby makes no warranty, either express or implied, that the proceeds of the Bond will be sufficient to pay all costs of the Project.

### Section 3

#### Undertakings by the Association

3.01 Subject to Section 1 hereinabove, the Association agrees as follows:

(a) The Association will enter into a contract or contracts for the acquisition, construction, and equipping of the Project

(b) Prior to the delivery of the Bonds the Association will enter into the Financing Agreements with the Issuer under the terms of which the Association will obligate itself to complete the acquisition, construction, and equipping of the Project and, to the extent not payable out of proceeds of the Bonds, the Association will pay to the Issuer sums sufficient in the aggregate to pay or reimburse the Issuer for:

(1) expenses incurred by it in connection with the authorization, issuance and sale of the Bonds, including, without limitation, the fees and expenses of counsel to the Issuer and expenses incurred in paying the principal of and interest and premium, if any, on the Bonds as and when the same shall become due and payable; (2) all fees charged by the Municipality for review of the application of the Association and for the issuance of the Bonds; (3) all utility charges, taxes, assessments, casualty and liability insurance premiums, and any other expenses or charges relating to the ownership, financing, use, operation, maintenance, occupancy and upkeep of the Project. Said Financing Agreements shall contain such other provisions as may be required by the Act or law and such other provisions as shall be mutually acceptable to the Issuer and the Association.

(c) The Association will take such further action as may be required to implement its undertakings herein.

### Section 4

#### General Agreements

4.01 All commitments of the Issuer under Section 2 hereof and all commitments of the Association under Section 3 hereof are subject to the condition that on or before one (1) year from the date of this Agreement (or such other delayed date as may be mutually satisfactory to the Issuer and the Association), the Issuer and the Association shall have agreed to mutual acceptable terms for

the Bonds and issuance, sale and delivery thereof, and shall have arrived at mutually acceptable terms and conditions for any financing agreements and other documents required under Sections 2 and 3.

4.02 If the events set forth in paragraph 4.01 do not occur within the time set forth herein or any mutual extension thereof and the Bonds are not issued or sold within that time, the Association agrees that it will reimburse the Issuer for all reasonable and necessary direct out-of-pocket expenses which the Issuer may incur arising from the execution of this Agreement and the performance of the Issuer's obligations hereunder, and this Agreement shall thereupon terminate.

## Section 5

### Indemnification

5.01 The Association agrees that it will at all times indemnify and hold harmless the Issuer against all losses, costs, damages, expenses and liabilities of whatsoever nature (including, but not limited to, attorneys' fees, litigation and court costs, amounts paid in settlement and amounts paid to discharge judgments) directly or indirectly resulting from, arising out of or relating to the authorization for, issuance, offering, sale or delivery of the Bonds or the design, construction, installment, operation, use, occupancy, maintenance or ownership of the Project or any part thereof. In case any action shall be brought against the Issuer, in respect of which indemnity may be sought against the Association, the Issuer shall promptly notify the Association in writing and the Association shall have the right to assume the investigation and defense thereof including the employment of counsel and the payment of all expenses. The Issuer shall have the right to employ separate counsel in any such action and participate in the investigation and defense thereof, but the fees and expenses of such counsel shall not be paid by the Issuer unless the employment of such counsel has been authorized and agreed to by settlement of any such action without its consent but, if any such action is settled with the consent of the Association or if there be final judgment for the plaintiff of any such action, the Association agrees to indemnify and hold harmless the Issuer from and against any loss by reason of such settlement or judgment. The Provisions of this Section shall survive the expiration or termination of this Agreement.

IN WITNESS WHEREOF, the parties have entered into this Agreement by their duly authorized officers on this \_\_\_\_\_ day of \_\_\_\_\_, 1981.

CITY OF GRAND JUNCTION  
STATE OF COLORADO

\_\_\_\_\_



President of the Council

ATTEST:

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

FIRST SECURITY SAVINGS AND LOAN ASSOCIATION

\_\_\_\_\_  
Ken Rabideau, Organizer

\_\_\_\_\_  
Dennis J. Edson, Organizer

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

Councilman Johnson stated that when this item comes up for adoption by ordinance that Council will consider the recommendation of the IRB Committee that there must be a commitment of a certain percentage to the occupancy of this facility.

CSI REQUEST FOR UP TO \$18,000 IN ADDITIONAL FUNDS FOR BALANCE OF CY 1981

Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the City was authorized to pay half of CSI's expenses up to September 4, 1981, with further action deferred until such time as Council can study further the request for additional funds.

DEEDING PROPERTY AT SE CORNER OF 12TH AND ELM TO INTERMOUNTAIN BIBLE COLLEGE AND AUTHORIZING THE CITY MANAGER TO SIGN, AND IBC FOLLOW-UP DEED ON SAID PROPERTY FOR ROAD RIGHT-OF-WAY AND UTILITY PURPOSES

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the City Manager was authorized to sign the deed for property at the southeast corner of 12th and Elm to Intermountain Bible College and follow-up deed on said property from Intermountain Bible College for road right-of-way for utility purposes, after review by the City Attorney.

CITY/COUNTY WORKSHOP

City Manager Wysocki reminded Council of the City/County Workshop on Friday, August 21, to be held in the City Manager's Office to

discuss mutual concerns and get acquainted with the Planning Commission members.

#### COUNCILMAN LUCERO'S VISITORS

Councilman Gary Lucero introduced his wife Diane, his sister Karen, and his uncle Dan Lucero from Florida.

#### HOUSING AUTHORITY

Councilman Lucero stated that the Housing Authority is to be on the same salary schedule as City employees with like job descriptions.

#### CENTENNIAL COMMITTEE

Councilman Holmes stated there will be a Centennial celebration at Two Rivers Plaza on October 10, 1981. Councilwoman Clark commended Councilman Holmes for the growth of his beard, and assumed that the rest of the male councilmembers will be growing a beard for the upcoming celebration in 1982.

#### DDA

Councilman Johnson reported on a DDA meeting held on the 7th of August. Six of the financial institutions in downtown Grand Junction have agreed to establish a "pool" for lending to downtown businesses for the purpose of renovation of their business establishments with loans up to a maximum of \$50,000 for a period of seven years with an initial interest rate of 12 1/2 percent which is to be adjusted periodically if the market changes radically. There is approximately one half million dollars available to the downtown community for this purpose. Mr. Johnson felt that this is an indication of the commitment that the lending institutions are willing to make for the continued viability of downtown Grand Junction, and they are to be commended. These funds are for renovation, and not for new buildings or expansion.

Mr. Johnson commented on the letter from Mrs. L. B. Morrison concerning her difficult experience in downtown Grand Junction because of restrictions on turning movements, etc. The DDA will be submitting a request to the staff that they review the traffic circulation in the downtown area to see what can be done to alleviate some of these problems.

#### RECREATION BOARD

Councilwoman Clark reported that the Recreation Board will be forthcoming with a letter of recommendation regarding the new City pool. Mayor Brach stated that the letter has been received, and read it to Council. Miss Clark reported that the Recreation Department has had a very busy summer with various activities.

Councilwoman Clark also reported that the Board has recommended to

the Parks Director proposed fee schedules for 1982.

#### MESA COUNTY IMPACT COMMITTEE

Councilman Hollingsworth reported that a meeting was held earlier in the week in which the sewer was given a high rating amongst many other worthy projects. Mr. Wysocki said that the next step is to go to the State Advisory Energy Impact Assistance Committee in October. Requests have been made of the State for monies from the Severance Tax Fund for the shortfall on the Waste Water Treatment Plant when the size of the federal grant was reduced from \$14 million to approximately \$10.5 million. It is imperative that Grand Junction receive assistance on the amount of approximately \$3.4 million from the Energy Impact Assistance Team.

#### AIRPORT

Councilman Hollingsworth reported that the plans for the Airport Terminal construction are out; bids should be turned in later this month. Next meeting of the Airport Authority is the 27th of August in which items will be addressed dealing with the construction as well as the annexation issue.

#### COLORADO WEST WASHINGTON BUSINESS CONFERENCE

Councilman Hollingsworth suggested that the Mayor participate in the Colorado West Washington Business Conference which is September 28 to October 22, 1981. Mayor Brach has discussed his attending the conference with the City Manager, but has not been able to discuss it at length.

#### LETTER OF THANKS FROM KANSAS CITY, MISSOURI

Council mailed a letter of condolence to Kansas City, Missouri, regarding the tragedy that took place in that city. Council has received a letter of thanks from Mayor Richard Berkley of Kansas City.

#### CITY SERVICES CENTER

Mayor Brach reported that he has been down to view the City Services Center at City Shops. Construction is coming right along. He also commented on the street overlay work that is being accomplished throughout the City.

#### ADJOURNMENT

The President adjourned the meeting.

Teddy Martinez

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Teddy Martinez  
Deputy City Clerk