

Grand Junction, Colorado

November 18, 1981

The City Council of the City of Grand Junction, Colorado, convened in regular session the 18th day of November, 1981, at 7:30 p.m. in the Council Chambers at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Robert Holmes, Karl Johnson, Gary Lucero and President of the City Council Louis Brach, a quorum. Also present were City Manager Jim Wysocki and City Clerk Neva Lockhart.

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

INVOCATION

Reverend Edward Jones, Grace Bible Church.

MINUTES

Upon motion by Councilwoman Clark, seconded by Councilman Holmes and carried, the minutes of the regular meeting November 4, 1981, were approved as written.

DDA - PROPOSED STRATEGY PLAN AND PLAN OF DEVELOPMENT FOR DOWNTOWN TAX-INCREMENT DISTRICT

Skip Grkovic, Executive Director of the Downtown Development Authority, presented the proposed strategy plan and plan of development for the downtown tax-increment district. After review of the proposal and upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the matter was referred to the Planning Commission for its review and a recommendation back to the City Council.

PROCLAMATION DESIGNATING NOVEMBER 27 NELLIE ROBBINS DAY, SPECIAL BELL RINGER FOR THE SALVATION ARMY

The President of the Council read a proclamation declaring November 27, 1981, "Nellie Robbins Day" in Grand Junction in recognition of her 50 years of bell ringing for the Salvation Army Christmas Kettle Campaign.

PROCLAMATION NOVEMBER 27 AND 28, 1981, HOPE CHEST DAYS FOR LIONS CLUB

The President of the Council read a proclamation declaring November 27 and 28, 1981, "Hope Chest Days" in the City of Grand Junction for the Lions Club.

LIQUOR AND BEER

Upon motion by Councilman Dunn, seconded by Councilman Johnson and

carried with Councilman HOLMES voting NO, applications by the following businesses to renew their liquor and beer licenses were approved:

Fraternal Order of Eagles #595, 1675 Hwy 50 S - Club

Don Burgess Liquors, 202 Ute Avenue - Retail Liquor Store

Foresight Liquor, 740 Pitkin Avenue - Retail Liquor Store

Johnnie's Liquor Store, 1000 N. 5th - Retail Liquor Store

The Winery, 642 Main Street - Hotel-Restaurant

Cafe Caravan, 105 Main Street - Hotel-Restaurant

The Office, 159 Colorado Avenue - Hotel-Restaurant

The Far East, 1530 North Avenue - Hotel-Restaurant

V.F.W. Beye Lotz Post 1247, 1404 Ute - Tavern

HEARING - CRESTVIEW TOWNHOMES REVISED FINAL PLAN, NE CORNER OF CRESTVIEW AND 15TH STREET

A hearing was held after proper notice on the petition by Henry Faussone, Crestview, Ltd., for the Crestview Townhomes revised final plan on 0.1 acre in a Planned Residential Zone at 8 units per acre located on the northeast corner of Crestview and 15th Street. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the revised Final Plan for Crestview Townhomes was approved subject to the conditions of the Planning Commission.

HEARING - PROPOSED ORDINANCE - ALLEY VACATION IN ORCHARD MESA HEIGHTS SUBDIVISION

A hearing was held after proper notice on the petition by V.W. Perion to vacate the alley north of Lot 48, Block 4, and the south 50 feet of lots 1 through 5, Block 4, Orchard Mesa Heights Subdivision. There were no opponents, letters, or counterpetitions.

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

HEARING - CORTLAND SUBDIVISION FINAL PLAT AND PLAN, N OR CORTLAND AVENUE AND APPROXIMATELY 320 FEET W OF 28 ROAD

A hearing was held after proper notice on the petition by Vern O. Thompson for approval of the final plat and plan for Cortland Subdivision on 2.61 acres in a Planned Residential Zone at 4.2

units per acre located north of Cortland Avenue and approximately 320 feet west of 28 Road. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the final plat and plan for Cortland Subdivision was approved subject to the conditions of the Planning Commission.

HEARING - PROPOSED ORDINANCE - REZONE FROM RSF-8 TO PB AND ORCHARD CENTER, ORCHARD GROVE OUTLINE DEVELOPMENT PLAN, SW CORNER OF 13TH STREET AND ORCHARD AVENUE AND THE NW CORNER OF 13TH STREET AND MESA AVENUE

A hearing was held after proper notice on the petition by Robert Reece to rezone from RSF-8 to PB the southwest corner of 13th Street and Orchard Avenue and the northwest corner of 13th Street and Orchard Avenue and the northwest corner of 13th Street and Mesa Avenue and the outline development plan for Orchard Center, Orchard Grove. The request is to change from residential single-family uses at 8 units per acre to Planned Business uses on 2.53 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. Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the proposed ordinance was passed for publication.

HEARING - DEVELOPMENT IN H.O. ZONE - N CORNER OF HORIZON DRIVE INTERSECTION GOVERNMENT HIGHLINE CANAL

A hearing was held after proper notice on the petition by Gary Burum for an office building on 5.5 acres in an H.O. zone located on the north corner of Horizon Drive intersection with the Government Highline Canal, Lot 1 of CH4 Commercial Park. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the development in H.O. zone was approved subject to the conditions of the Planning Commission.

HEARING - CRESTVIEW TOWNHOMES III PRELIMINARY PLAN AND REVISED FINAL PLAN FOR CRESTVIEW I, NW CORNER OF 27 1/2 ROAD AND F 1/4 ROAD

A hearing was held after proper notice on the petition by Todd Deutsch, Towne Properties, Ltd., for Crestview Townhomes III preliminary plan and Crestview I final plan for 83 units on 11 1/2 acres in a planned residential zone at 8 units per acre located on the northwest corner of 27 1/2 Road and F 1/4 Road. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, Crestview Townhomes III preliminary plan and Crestview I final plan were approved subject to the conditions of the Planning Commission.

RESOLUTION OF FINDINGS AND DECISION RE: APPLICATION BY SAFEWAY STORES, INC., TO MOVE 3.2% BEER LICENSE FROM 2686 HWY 50 S TO 2696 HWY 50 S - APPROVED

The following Resolution was read:

RESOLUTION

OF DECISION ON APPLICATION TO MOVE 3.2% BEER LICENSE BY SAFEWAY STORES, INC. FROM 2686 U.S. HIGHWAY 50 SOUTH TO 2696 U.S. HIGHWAY 50 SOUTH, GRAND JUNCTION.

A public hearing having been held on November 4, 1981, on the application by Safeway Stores, Inc., to move a 3.2% beer license for sales in sealed containers for consumption off-premises from 2686 U.S. Highway 50 South to 2696 U.S. Highway 50 South, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was held on November 4, 1981, on the application after proper notice thereof under the Beer Code.
2. That the survey conducted by the City indicated that needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet in that 108 persons so stated while 16 felt the needs were being met by the other outlets.
3. That no one appeared at the hearing in opposition to the moving of the license and no petitions or letters of disapproval were received by the City Council.
4. That the characters of the applicants are good as determined by checking done by the Police Department and by letters attesting to their good characters, the applicants being the officers of the corporation making application for the move.
5. The evidence supports the position that the license should be moved.

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

That the application of Safeway Stores, Inc. to move a 3.2% beer license as above set forth be granted.

President of the Council

Attest:

City Clerk

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

HEARING - APPLICATION BY GRANBER, INC., FOR CONDITIONAL USE TO PERMIT HOTEL-RESTAURANT LIQUOR LICENSE AT 2531 N. 12TH STREET AND APPLICATION BY GRANBER, INC., FOR HOTEL-RESTAURANT LIQUOR LICENSE AT G. B. GLADSTONES, 2531 N. 12TH STREET

A hearing was held after proper notice and posting of property on the petition by Granber, Inc., for conditional use to permit a hotel-restaurant liquor license at 2531 North 12th Street, and the application by Granber, Inc., for a hotel-restaurant liquor license at 2531 North 12th Street. Officers of the corporation are:

President: Frank W. Bering, Jr.

Sec\Treas: Karen Granum

Stockholder: Gretchen S. Bering

The following report was read:

"On October 16, 1981, the City accepted the application filed by Granber, Inc., for a Hotel-Restaurant Liquor License which permits the sale of malt, vinous and spirituous liquor by the drink on the premises of the licensee, under the trade name of G. B. Gladstones, 2531 North 12th Street.

The display ad giving notice of hearing on this application was published in The Daily Sentinel November 6, 1981, and the sign giving notice of hearing was posted at 2531 North 12th Street on November 6, 1981.

A survey of the area from Bookcliff Avenue on the south, to 9th Street (if extended) on the west, to Hermosa Street on the north, to 15th Street on the east has been completed. Results:

1. Yes, I am in favor of the issuance of the license as I believe the needs of the neighborhood are not being met by existing outlets. 316

a. An owner of property in the neighborhood. 51

b. An employee or business lessee of property in the neighborhood. 71

c. An inhabitant of the neighborhood. 203

2. No, I am not in favor of the issuance of the license as I believe the needs of the neighborhood are being met by existing

outlets. 76

a. An owner of property in the neighborhood. 17

b. An employee or business lessee of property in the neighborhood.
14

c. An inhabitant of the neighborhood. 43

3. No Opinion 2

a. An owner of property in the neighborhood. 0

b. An employee or business lessee of property in the neighborhood.
2

c. An inhabitant of the neighborhood. 0

Similar-type outlets within the area: 0.

Similar-type outlets within one mile: 4."

The map showing similar type outlets was reviewed.

Denny Granum appeared in behalf of the applicant.

There were no opponents, letters, or counterpetitions.

A Resolution of findings and decision has been scheduled on the
December 2, 1981, City Council agenda.

HEARING - APPLICATION BY GRAND JUNCTION DOWNTOWN ASSOC. FOR A
MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT TWO
RIVERS PLAZA DECEMBER 12, 1981, 6:30 P.M. TO 2:00 A.M. - FIRST
NATIONAL BANK DINNER-DANCE - 7TH PERMIT - APPROVED

A hearing was held after proper posting of property on the
application by the Grand Junction Downtown Association for a malt,
vinous and spirituous liquor special events permit at Two Rivers
Plaza December 12, 1981, from 6:30 p.m. until 2:00 a.m. for the
First National Bank Dinner-Dance. Gloria Ferns was present in
support of the granting of the permit. There were no opponents,
letters, or counterpetitions. Upon motion by Councilwoman Clark,
seconded by Councilman Dunn and carried with Councilman HOLMES
voting NO, the application was approved.

HEARING - APPLICATION BY MESA COLLEGE MEXICAN-AMERICAN SCHOLARSHIP
FUNDS, INC., FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL
EVENTS PERMIT DECEMBER 31, 1981, 9:00 P.M. TO 2:00 A.M. AT TWO
RIVERS PLAZA - MEXICAN-AMERICAN SCHOLARSHIP BOARD DANCE 2ND PERMIT
- APPROVED

A hearing was held after proper posting of property on the
application by the Mesa College Mexican-American Scholarship Fund

for a malt, vinous and spirituous special events permit on December 31, 1981, at Two Rivers Plaza for the Mexican-American Scholarship Board Dance. A report from the Police Department was read noting some fights and disturbances at the event held previously by this group on August 22, 1981.

Jose Gallegos was present on behalf of the scholarship board and stated that his group would provide some of their own people to patrol the area and control the sale of the liquor.

Tim McGauley, 2444 Bookcliff Avenue, commented that if this event takes place and if an incident occurs, this will reflect upon the City as this is a public building.

There were no other opponents, letters, or counterpetitions. The President closed the hearing.

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application was approved.

HEARING - PROPOSED ORDINANCE - ZONING TEXT AMENDMENT ADDING SECTION 5-11, TEXT AND MAPS, WHICH ESTABLISHES AN AIRPORT OVERLAY ZONE GOVERNING USES WITHIN AND ESTABLISHING NEW COMPATIBLE LAND USES AROUND WALKER FIELD AIRPORT - ADOPTING OVERLAY MAP

A hearing was held after proper notice on the proposed zoning text amendment adding Section 5-11, Text and Maps, which establishes an Airport Overlay Zone governing uses within and establishing new compatible land uses around Walker Field Airport. The petitioner is the City-County Development Department. A review of the proposal was presented by Bob Goldin, Planning Department. Letters from John Ballagh and Bob Engelke were read. Mr. Ballagh stated that the few changes in the amendments being considered have not altered his feelings significantly. Mr. Engelke stated that the minor changes in the proposed regulations and procedural steps taken have not been adequate to alter his objections mentioned in his memo to Council and Planning Commission dated October 9, 1981, and he requested that his October 9th memo be made a part of the official record and restate his interests and concern.

Opponents: Roy Farber, 542 32 1/2 Road, Attorney from California, recommended that this matter be returned to the Planning Commission for reconsideration, specifically with respect to the Avigation Easement.

Nancy Dickey, 718 Niblic Drive, wanted it clarified that if she should sell her property the purchaser would not be required to have an avigation easement. She also thought that it was correct that people buying property anywhere in the area of influence of the Airport needs all the warning they can get before purchasing the property.

Ted Blank, Benchmark Investments, stated that his company is for

avigation easements as long as everyone knows what they are for. Thereafter followed a discussion by Paul Bowers, Airport Manager, explaining the various zones and how they were developed.

There were no other comments, letters, or counterpetitions. The President closed the hearing.

The following entitled proposed ordinance was read: AN ORDINANCE ESTABLISHING REGULATIONS WHICH MAY BE APPLIED TO LANDS AROUND AIRPORTS AND DEFINING CERTAIN TERMS IN CONNECTION THEREWITH. Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

The following entitled proposed ordinance was read: AN ORDINANCE ADOPTING AN OVERLAY MAP ESTABLISHING ZONES AROUND WALKER FIELD AIRPORT IN THE CITY OF GRAND JUNCTION AND APPLYING THE REGULATIONS FOR LANDS NEAR AIRPORTS ESTABLISHED BY SECTION 5-11 OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION. Upon motion by Councilwoman Clark, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

HEARING - WESTERN FEDERAL SAVINGS AMENDMENT TO FINAL PLAN NE CORNER 24 1/2 ROAD AND F ROAD

A hearing was held after proper notice on the petition by Western Federal Savings and Loan for amendment to an approved final plan changing the setback from 20 feet to 11 feet off of F Road in a Planned Business Zone on the northeast corner of 24 1/2 Road and F Road. Harry McWilliams, Senior Vice President of Western Federal Savings and Loan Association, appeared to advise that a portion of the Association's building being constructed at 24 1/2 Road and F Road has recently been found to be 9 feet too close to the south property line creating a setback of 11 feet instead of the required 20 feet. To move the building at this point would work an extreme hardship on the owner, the contractor, and the subcontractor as the building is now approximately 30% complete and approximately \$420,000 has been spent to date in construction costs. Therefore, the request to amend the final plan to permit a variance in the setback requirement. Should the City Council agree to permit the building to remain in its present location, Mr. McWilliams offered on behalf of Western Federal to make every reasonable effort to agree to equitable solutions to the problem.

Upon motion by Councilman Johnson, seconded by Councilman Holmes and unanimously carried, the City Council granted the request by Western Federal Savings to amend the final plan for the development of its site at 24 1/2 Road and F Road changing the setback on F Road from 20 feet to 11 feet contingent upon the agreement of Western Federal Savings that it will in good faith work with the City to determine what changes the City will have to make in the design and construction of F Road on either side of 24 1/2 Road because of the mislocation of its building leading to the application for the variance and that Western Federal will pay the additional costs for rights-of-way or any other costs generated by

the variance.

The City Manager pointed out that the City Staff started working on this matter to see just exactly what has to happen, and the preliminary indication is that it can be resolved in a timely and equitable manner. He could understand Mr. McWilliams's reluctance to sign a blank check. Mr. McWilliams stated Western Federal Savings is interested in participating in arriving at the solution, and if it agrees with the solution and if there are expenses and if they seem reasonable and Western Federal Savings is agreeable to those expenses then it would pay them.

The President declared a five-minute recess.

ORDINANCE NO. 2014 - REPEALING SECTION 41, CHAPTER 19, CODE OF ORDINANCES - SELLING OF MERCHANDISE

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: REPEALING SECTION 41 OF CHAPTER 19 OF THE CODE OF ORDINANCES, CONCERNING SALES OF MERCHANDISE ON PRIVATE PROPERTY.

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

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried by roll call vote, the Ordinance was passed, adopted, numbered 2014, and ordered published.

ORDINANCE NO. 2015 - AMENDING CHAPTER 30, SECTION 24, CODE OF ORDINANCES - CHANGING THE FORM OF TAXICAB DRIVERS' BADGES

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 CHANGING THE FORM OF TAXICAB DRIVERS' BADGES.

Upon motion by Councilwoman Clark, 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 Councilman Johnson and carried by roll call vote, the Ordinance was passed, adopted, numbered 2015, and ordered published.

ORDINANCE NO. 2016 - ZONING RUSTY SUN ANNEXATION PR-8.4

Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: 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 Johnson, seconded by Councilwoman Clark and carried, the proposed ordinance was called up for final passage and read.

There were no comments. Upon motion by Councilman Holmes, seconded by Councilman Lucero and carried by roll call vote, the Ordinance was passed, adopted, numbered 2016, and ordered published.

EMERGENCY ORDINANCE NO. 2017 - AMENDING THE SALES AND USE TAX ORDINANCE

The following entitled emergency ordinance was read: AN ORDINANCE AMENDING THE CITY SALES AND USE TAX ORDINANCE AND DECLARING AN EMERGENCY. Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried by roll call vote, the Ordinance was passed and adopted as an Emergency Ordinance, numbered 2017, and ordered published.

PROPOSED ORDINANCE FOR INCLUSION OF PROPERTIES TO DOWNTOWN DEVELOPMENT AUTHORITY

The following entitled proposed ordinance was read: AN ORDINANCE EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY. Upon motion by Councilman Holmes, seconded by Councilman Lucero and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE CORRECTING ORDINANCE NO. 1835 TO SHOW NEW ZONING AS PR-16 RATHER THAN JUST PR - WELLINGTON CONDOS, E TO 12TH STREET BETWEEN WELLINGTON AND GRAND VALLEY CANAL

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 Lucero, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE AUTHORIZING ISSUANCE OF INDUSTRIAL REVENUE BONDS TO MODERN MERCHANDISING, INC., LABELLE STORE, MESA MALL - \$3,500,000

The title only to the following proposed ordinance was read: AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$3,500,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS UNDER THE COUNTY AND MUNICIPALITY DEVELOPMENT REVENUE BOND ACT IN ORDER TO FINANCE A PROJECT ON BEHALF OF MODERN MERCHANDISING, INC., APPROVING CERTAIN DOCUMENTS RELATING THERETO, ESTABLISHING A MAXIMUM NET EFFECTIVE INTEREST RATE OF THE BONDS AND AWARDDING THE SALE THEREOF. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried with Council members HOLMES and CLARK voting NO and Councilman LUCERO ABSTAINING, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - APPROPRIATIONS FOR 1982 AND FIXING THE SALARY OF THE CITY MANAGER

The following entitled proposed ordinance was read: AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1982, AND ENDING DECEMBER 31, 1982, AND FIXING THE SALARY OF THE CITY MANAGER OF SAID CITY. Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - SUPPLEMENTAL APPROPRIATIONS TO VARIOUS FUNDS WITHIN THE CITY OF GRAND JUNCTION

The following entitled proposed ordinance was read: AN ORDINANCE PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS TO VARIOUS FUNDS WITHIN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE RAISING THE WATER RATES

The following entitled proposed ordinance was read: AN ORDINANCE CHANGING THE CHARGES FOR WATER IN 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. Mr. Tim McGauley, 2444 Bookcliff, was present and discussed the proposed increase in rates.

PROPOSED ORDINANCE RAISING SEWERAGE RATES

The following entitled proposed ordinance was read: AN ORDINANCE RAISING SEWERAGE RATES IN THE CITY OF GRAND JUNCTION. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE RAISING REFUSE (GARBAGE AND TRASH) COLLECTION RATES

The following entitled proposed ordinance was read: AN ORDINANCE CONCERNING GARBAGE AND TRASH AND INCREASING THE RATE FOR COLLECTION OF SAME. Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the proposed ordinance was passed for publication.

INDUCEMENT RESOLUTION FOR \$2,750,000 INDUSTRIAL REVENUE BONDS, HERRICK & CAMPBELL, WESTERN 6 MOTEL ON HORIZON DRIVE

The following Resolution entitled A RESOLUTION AGREEING TO ISSUE INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE A PROJECT FOR HERRICK & CAMPBELL, A CALIFORNIA GENERAL PARTNERSHIP was read:

A RESOLUTION AGREEING TO ISSUE INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE A PROJECT FOR HERRICK & CAMPBELL, A CALIFORNIA GENERAL PARTNERSHIP.

WHEREAS, the City of Grand Junction, in the County of Mesa, State of Colorado (the "City"), is authorized by the County and Municipality Development Revenue Bond Act, C.R.S. 1973, constituting Title 29, Article 3, Part 1, C.R.S. 1973, as amended (the "Act"), for the benefit of the inhabitants of the State and for the promotion of their health, safety, welfare, convenience, and prosperity, to finance one or more projects, including any land, building or other improvements and all necessary and appurtenant real or personal properties suitable for manufacturing, industrial, commercial, agricultural, or business enterprises, upon such conditions as the City Council of the City of Grand Junction (the "Council") may deem advisable; and

WHEREAS, the City is further authorized by the Act to issue its revenue bonds or other obligations for the purpose of defraying the cost of financing any such project; and

WHEREAS, representatives of Herrick & Campbell (the "User"), have met with officials of the City and have advised the City of the User's interest in developing land within the City or within eight miles of its nearest corporate limit as a site for a business enterprise, including the construction and equipping of buildings therein (the "Project"), subject to the willingness of the City to finance the Project by the issuance of industrial development revenue bonds or other obligations pursuant to the Act; and

WHEREAS, the User has represented to the City that the Project has been designed to qualify as a "project" within the meaning of the Act; and

WHEREAS, the Project involves purchase of property and construction of a 134 unit motel providing rooms at budget rate located at the northeast corner of the intersection of Horizon Drive and G Road; and

WHEREAS, the City has considered the User's proposal and has concluded that the economic benefit to the City will be substantial due to an increase in employment and the promotion of industry and development of trade and other economic activity within the City; and

WHEREAS, the proposed issuance of the industrial development revenue bonds and the execution of related financing documents are not prohibited by any ordinance or rules of the City;

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

Section 1. In order to induce the User to complete the Project within the City or within eight miles of its nearest corporate

limit, the City shall take all steps necessary or advisable to effect the issuance of industrial development revenue bonds or other obligations (the "Bonds") in a maximum aggregate principal amount of \$2,750,000. The bonds and the financing documents relating to said Bonds shall be subject to the terms and conditions of the Memorandum of Agreement between the City and the User attached hereto as Exhibit "A" and incorporated herein by specific reference. No costs are to be borne by the City in connection with the issuance of the Bonds.

Section 2. The terms and conditions of the Bonds and of the financing documents relating to said Bonds or other obligations will be mutually agreed upon by the City and the User, and prior to their execution, such documents will be subject to authorization by Resolution of the City Council pursuant to law and any ordinances or rules of the City.

Section 3. The User has agreed to provide for reimbursement of all expenses incurred or to be incurred by the City related to the User's Project pursuant to the Memorandum of Agreement attached hereto as Exhibit "A".

Section 4. Neither the Bonds, including interest and any premiums thereon, nor anything contained in this resolution shall constitute a debt or indebtedness of the City within the meaning of the Constitution or statutes of the State of Colorado, or home rule charter nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers. The Bonds shall be payable solely from and secured by a pledge of the revenues derived from and payable pursuant to the financing documents referred to in Section 2 hereof.

Section 5. All commitments by the City made herein are subject to the condition that on or before twenty-four (24) months from the date hereof, the City and the User shall have agreed to mutually acceptable terms for the Bonds or other obligations provided for hereunder, in an amount not to exceed \$2,750,000 and for the sale and delivery thereof;

Section 6. The form of Memorandum of Agreement presented to the City Council is approved and the Mayor of the City Council and the City Clerk are authorized to execute the Memorandum of Agreement, with such changes as the City Attorney may approve, on behalf of the City. The Mayor, the City Clerk, City Attorney, and other officers and agents of the City are hereby authorized to initiate and assist in the preparation of such documents as may be appropriate to the Bonds.

INTRODUCED, PASSED and ADOPTED this 18th day of November, 1981.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried with Council members HOLMES and DUNN voting NO, the Resolution was passed and adopted as read.

AGREEMENT OF AMENDMENT FOR THE FIRST NATIONAL BANK OF GRAND JUNCTION TO CONTINUE ACTING AS SINKING FUND AGENT RE: MESA COUNTY SEWER REVENUE BONDS SERIES A AND B NOVEMBER 1, 1980, AND AUTHORIZING PRESIDENT OF COUNCIL TO SIGN SAID AGREEMENT

Upon motion by Councilman Johnson, seconded by Councilwoman Clark and carried, the Agreement of Amendment for the First National Bank of Grand Junction to continue acting as sinking fund agent regarding the Mesa County Sewer Revenue Bonds Series A and B, November 1, 1980, was approved and the President of the Council was authorized to sign said Agreement.

RESOLUTION SETTING FEES FOR CEMETERY USES

The following Resolution was read:

RESOLUTION

SETTING FEES FOR CEMETERY USES.

WHEREAS, it is now necessary to increase the charges in connection with the cemeteries to reflect increased costs;

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

1. That fees and charges for cemetery uses shall be as follows:

Opening and closing of graves:

Regular . . .	\$190.00
Child (3 feet by 5 feet) . . .	\$85.00
Infant . . .	\$65.00
Perpetual Care . . .	\$110.00
Monument Setting . . .	\$6.50\sq. ft.
Grave Space . . .	\$230.00
Landscaping for Monuments . . .	\$78.00

Cremation Urns . . . \$85.00

Disinterments . . . \$425.00

Reinterments . . . \$190.00

Addition to above charges when work is performed on weekends and holidays . . . \$120.00

2. This Resolution shall become effective January 1, 1982.

PASSED and ADOPTED this 18th day of November, 1981.

President of the Council

Attest:

City Clerk

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

RESOLUTION SETTING WATER TAP FEES IN THE CITY

The following Resolution was read:

RESOLUTION

SETTING WATER TAP FEES IN THE CITY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That upon the adoption of this Resolution water tap fees in the City of Grand Junction shall be as follows:

Meter SizeTap FeePIFTotal			
5/8 x 3/4\$ 700.00\$ 300.00 \$ 1,000.00			
1875.00375.001,2			

50.00			
1 1/22,050.00 900.00 02,950.00			
22,900.00 01,250.00 04,150.00			
412,850.00 05,550.00 0018,400.00			
619,850.00 08,550.00 0028,400.00			

PASSED and ADOPTED this 18th day of November, 1981.

President of the Council

Attest:

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.

RESOLUTION ACCEPTING CONVEYANCE OF PROPERTY TO THE CITY OF GRAND JUNCTION BY DILLON REAL ESTATE COMPANY, INC.

The following Resolution was read:

RESOLUTION

ACCEPTING CONVEYANCE OF PROPERTY TO THE CITY

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

That the City of Grand Junction accept title from Dillon Real Estate Co., Inc. to the property described in the added, a copy of which is attached hereto, for the use by the City of Grand Junction exclusively for public purposes.

PASSED and ADOPTED this 18th day of November, 1981.

President of the Council

Attest:

City Clerk

DEED

DILLON REAL ESTATE CO., INC., a Kansas corporation, whose address is P. O. Box 1266, Hutchinson, County of Reno, State of Kansas, hereby deeds to the City of Grand Junction the following described real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Beginning at a point North 89 deg. 16 min. West 446.17 feet from the East quarter corner of Section 10, Township 1 South, Range 1 West of the Ute Meridian; thence North 89 deg. 16 min. West 206.93 feet to the NE corner of the Westlake Park Annex II; thence North 00 deg. 31 min. East 200 feet; thence North 29 deg. 00 min. East 149.5 feet to the southerly right-of-way OF LOREY DRIVE; THENCE ALONG THE SAID RIGHT-OF-WAY South 77 deg. 44 min. East 116.7 feet; thence south 83 deg. 20 min. East 21.50 feet; thence leaving said right-of-way South 00 deg. 31 min. West 306.13 feet to the point of beginning, containing 1.425 acres, more or less, except the South 30 feet for street right-of-way;

with all its appurtenances, and warrants the title against all persons claiming under it; subject to 1981 real property taxes due and payable in 1982 and all subsequent taxes and assessments, easements, reservations, restrictions and rights-of-way of record.

Signed this _____ day of _____, 1981.

DILLON REAL ESTATE CO., INC., a Kansas corporation

By:

Attest:

Secretary

STATE OF KANSAS)		
)SS		
COUNTY OF RENO)		

The foregoing instrument was acknowledged before me this _____ day of _____, 1981, by _____ as _____ of Dillon Real Estate Co., INC.

Witness my hand and official seal.

Notary Public

Address: _____

My Commission expires:

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

RESOLUTION ACCEPTING CONVEYANCE OF PROPERTY TO THE CITY OF GRAND JUNCTION BY J & T PARTNERS, A GENERAL PARTNERSHIP COMPOSED OF JOSEPH C. PRINSTER AND LEO T. PRINSTER

The following Resolution was read:

RESOLUTION

ACCEPTING CONVEYANCE OF PROPERTY TO THE CITY.

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

That the City of Grand Junction accept title from J and T Partners, a general partnership composed of Joseph C. Prinster and Leo T. Prinster, to the property described in the deed, a copy of which is attached hereto, for the use by the City of Grand Junction exclusively for public purposes.

PASSED and ADOPTED this 18th day of November, 1981.

President of the Council

Attest:

City Clerk

DEED

J AND T PARTNERS, a general partnership composed of Joseph C. Prinster and Leo T. Prinster, whose address is P. O. Box 3527, City of Grand Junction, County of Mesa, State of Colorado, hereby deeds to the City of Grand Junction the following real property in the City of Grand Junction, County of Mesa, State of Colorado, to wit:

Beginning at a point from whence the East Quarter corner of Section 10, Township 1 South, Range 1 West of the U.M. bears South 0 deg. 31 min. West 50.0 feet and South 89 deg. 16 min. East 660.0 feet, thence North 0 deg. 31 min. East 150.0 feet, thence North 29 deg. 00 min. East 149.5 feet to the Southerly right-of-way of Lorey Drive, thence North 77 deg. 44 min. West along said Southerly right-of-way 85.92 feet to the Southerly right-of-way of the Mesa County Ditch, thence along said Southerly right-of-way South 73 deg. 45 min. West 220.2 feet, thence South 68 deg. 46 min. 36 sec. West 235.05 feet, thence South 77 deg. 01 min. West 139.9 feet, thence South 37 deg. 17 min. West 137.0 feet to the West line of the SE1/4 NE1/4 of said Section 10, thence South 0 deg. 29 min. West 53.41 feet to the Southwest corner of the SE1/4 NE1/4 of Section 10, thence South 89 deg. 16 min. East 131.77 feet, thence North 69 deg. 00 min. East 139.5 feet, thence South 89 deg. 16 min. East 398.0 feet to the point of beginning, containing 3.196 acres, more or less;

with all its appurtenances, and warrants the title against all persons claiming under it; subject to 1981 real property taxes due and payable in 1982 and all subsequent taxes and assessments, easements, reservations, restrictions and rights-of-way of record.

Signed this _____ day of _____, 1981.

J & T PARTNERS, a general partnership

Joseph C. Prinster, Partner

Leo T. Prinster, Partner

STATE OF COLORADO)		
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) SS		
COUNTY OF MESA)		

The foregoing instrument was acknowledged before me this _____ day of _____, 1981, by Joseph C. Prinster and Leo T. Prinster, Partner of J and T Partners.

Witness my hand and official seal.

Notary Public

Address: _____

My Commission expires:

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

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk