

Grand Junction, Colorado

August 18, 1982

The City Council of the City of Grand Junction, Colorado, convened in regular session the 18th day of August, 1982, at 7:30 p.m. in the City Council Chambers at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Robert Holmes, Karl Johnson, and Gary Lucero. President of the Council Louis Brach and Councilwoman Arlene Harvey were absent. Also present were City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

President of the Council Pro Tempore Frank Dunn called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Reverend Conard Pyle, First Congregational Church.

MINUTES

Upon motion by Councilwoman Clark, seconded by Councilman Holmes and carried, the minutes of the August 4, 1982, meeting were approved.

PETITIONS AND LETTERS OPPOSING SHERWOOD PARK AS LOCATION FOR RECREATION CENTER

President of the Council Pro Tem Frank Dunn acknowledged receipt of petitions signed by approximately 737 people and letters from Ruth P. Smith and Raymond A. Hawk, Sr., opposing Sherwood Park as the location for the proposed new recreation center. Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the petitions and letters are to be turned over to the Citizens Task Force Site Selection Committee for its consideration.

LIQUOR AND BEER - APPLICATIONS TO RENEW LICENSES - APPROVED

Upon motion by Councilman Johnson, seconded by Councilman Lucero with Council HOLMES voting NO, the following applications by business concerns to renew their liquor and beer licenses were approved:

Bar X Motel and Restaurant, 1600 North Avenue (Hotel-Restaurant)
Freeway Bowl, 1900 Main Street (Tavern)

Albertson's Food Center No. 826, 1836 N. 12th Street (3.2% Beer)

7-Eleven Store No. 1821, 2847 North Avenue (3.2% Beer)

HEARING - PROPOSED ORDINANCE - REZONE FROM RSF-8 TO PB AND CEDAR SQUARE PROFESSIONAL BUILDING OUTLINE DEVELOPMENT PLAN FOR 605 26-1/2 ROAD

A hearing was held after proper notice on the petition by Dr. Ray Painter, P.D.C. Investments, to change from residential single-family uses at 8 units per acre to planned business uses on approximately .778 acre. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried, the Cedar Square Professional Building Outline Development Plan was approved subject to the conditions of the Planning Commission.

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 - THE FALLS NORTH FILING #3 FINAL PLAN, E SIDE OF 28-1/4 ROAD AND APPROX 330 FT S OF PATTERSON ROAD - APPROVED

A hearing was held after proper notice on the petition by Robert Rewinkle, Valley Housing and Development, for a final plan for 51 units on approximately 4.8 acres in a planned residential zone at 8 units per acre, the Falls North Filing #3 Final Plan located on the east side of 28-1/4 Road and approximately 330 feet south of Patterson Road. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried, the Falls North Filing #3 Final Plan was approved subject to the conditions of the Planning Commission.

HEARING - I.D. ST-82, PHASE C, HORIZON DRIVE FROM G ROAD TO I-70 - RESOLUTION NO. 60-82 CREATING DISTRICT - BIDS - AWARD OF CONTRACT TO CORN CONSTRUCTION CO. - \$444,933.65

A hearing was held after proper notice on the proposed creation of street improvement district I.D. ST-82, Phase C, Horizon Drive from G Road to I-70. There were no opponents, letters, or counterpetitions. The following Resolution was read:

RESOLUTION NO. 60-82

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-82, PHASE C, WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE CONSTRUCTION OF CURBS AND GUTTERS, SIDEWALKS AND PAVING ON STREETS THEREIN AND PROVIDING FOR THE PAYMENT THEREOF.

WHEREAS, on the 7th day of July, 1982, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Improvement District No. ST-82, Phase C, and Authorizing Notice of Intention to Create said District; and

WHEREAS, Notice of Intention to Create said District was duly

published; and

WHEREAS, no complaints or objections were voiced and no letters of protest were received;

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

1. That said Improvement District No. St-82, Phase C, be and the same is hereby created and established; and that construction of curbs and gutters, sidewalks and paving of streets therein be and the same are hereby authorized and directed, in accordance with the Resolution Adopting Details, Plans and Specifications prepared and filed therefor.

2. That the construction of curbs and gutters, sidewalks and paving of streets shall be made by contract let to the lowest reliable and responsible bidder after public advertisement, except that if it be determined by the City Council that the bids are too high, and that the proposed improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary material, supplies and equipment.

3. That the improvements in said District were duly ordered, after notice duly given, and that all conditions precedent and all requirements of the law of the State of Colorado, the Charter of said City, and Ordinance No. 178, as amended, being Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, have been strictly complied with.

4. That the description of the curbs and gutters, sidewalks and paving of streets to be constructed, the boundaries of said Improvement District No. ST-82, Phase C, the number of installments and assessments, the time in which the cost shall be payable, the rate of interest on unpaid installments, and the manner of apportioning and assessing such cost shall be as prescribed in the Resolution adopted for said District on the 7th day of July, 1982, and in accordance with the published Notice of Intention to Create said District, except that the assessment amounts are to be considered prior to the issuance of the bonds of the District.

5. That after the construction of said improvements in said District has been let, the Council shall, by resolution, provide for the issuance of public improvement bonds for said Improvement District No. ST-82, Phase C, for the purpose of paying the cost and expenses of construction of said District.

PASSED and ADOPTED this 18th day of August, 1982.

President of the Council Pro Tem

Attest:

City Clerk

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

Three (3) sealed bids were received and opened August 17, 1982, for the construction of Horizon Drive from G Road to I-70 and shoulder paving from 7th Street to G Road. Bidders were:

Peter Kiewit Sons' Company \$472,403.00

Elam Construction, Inc. \$471,864.20

Corn Construction Company \$444,933.65

Engineer's Estimate \$577,971.50

Staff recommended award of contract to Corn Construction Company. Upon motion by Councilman Holmes, seconded by Councilwoman Clark and carried, the bids were accepted, the contract for the construction of I.D. ST-82, Phase C, was awarded to Corn Construction Company for its low bid of \$444,933.65, and the City Manager was authorized to sign said contract.

BIDS - AWARD OF CONTRACT - ORCHARD MESA COMMUNITY CENTER POOL - MECHANICAL, ELECTRICAL & PLUMBING - ELECTRICAL AWARDED TO ECKERT ELECTRIC, \$66,209 - MECHANICAL & PLUMBING AWARDED TO LUNSFORD BROTHERS MECHANICAL, INC., \$168,041

Bids were received and opened August 6, 1982, for the Orchard Mesa Community Center Swimming Pool for the mechanical, electrical and plumbing contracts.

There were 15 bidders: 8 electrical and 7 mechanical and plumbing contractors. Apparent low bidder for the electrical was Eckert Electric of Delta with a total bid of \$66,209. The estimate for the electrical work was \$47,400. The apparent low bidder for the mechanical and plumbing was Lunsford Brothers Mechanical, Inc. of Grand Junction with a bid of \$168,041 -- \$118,820 for mechanical and \$49,221 for plumbing. The estimates were \$132,000 mechanical and \$62,000 plumbing. Staff recommended award of contracts to the apparent low bidders.

A letter from Stone Sheetmetal Mechanical, Inc., was acknowledged. The City Attorney summarized the letter in which Stone indicated that the engineer in charge of the bid opening refused to accept Stone's bid because it was without the bid bond or certified check

for 5% of the bid. Mr. Stone listed what his bid would have been; a total bid of \$173,000 which was approximately \$5,000 more than the Lunsford bid. The City Attorney thought, however, that what Stone was suggesting to Council by way of his letters was that on the mechanical his bid was \$114,000 as opposed to Lunsford's \$118,000, so Lunsford made up the difference in the plumbing portion of his bid. The City Attorney advised that Council has the ability to waive informalities in the bidding process, although it was though Council has not done a lot of waiving of defects as Mr. Ashby thought it was a bad practice to get into. He suggested that Council not waive irregularities and that it award the contract to Lunsford.

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the bids were accepted and the contract for the electrical portion of the work was awarded to Eckert Electrical for its bid of \$66,209, and that the mechanical-plumbing contract be awarded to Lunsford Brothers Mechanical, Inc. for its low bid of \$168,041, and the City Manager was authorized to sign said contracts.

HEARING - APPLICATION BY SOUTHLAND CORPORATION FOR 3.2% BEER LICENSE AT 7-ELEVEN STORE, 459 NORTH AVENUE

A hearing was held after proper notice on the application by Southland Corporation for a 3.2% beer license for its 7-Eleven Store, 459 North Avenue, in February, 1981. On May 4, 1981, Council denied the application as it was believed that the neighborhood believed the need was being met by existing outlets as evidenced by the two in close proximity.

Southland Corporation submitted an application on July 16, 1982, for a 3.2% beer license at 459 North Avenue which permits sales in sealed containers for consumption off the premises of the licensee. The period of time between the denial of the previous application and the filing of this one was in compliance with Section 12-46-106(11) of the Colorado Beer Code and was, therefore, accepted.

Officers are:

President: Jere W. Thompson, 4217 Armstrong Parkway, Dallas, TX
Vice Pres: John H. Rodgers, 6511 Belmead Drive, Dallas, TX
Treasurer: Frank Gangi, 2413 Fairway, Richardson, TX
Secretary: R. G. Smith, 1203 Cheyenne Place, Richardson, TX
District Manager: Ken Braden, 805 Samoan Dr., Grand Junction, CO

The display ad giving notice of hearing was published in The Daily Sentinel August 6, 1982, and the sign giving notice of hearing was posted August 6, 1982.

A survey of the area from 2nd Street on the west, Kennedy Avenue/East Sherwood Drive on the north, 8th Street on the east, to Hill Avenue on the south 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. 201

a. An owner of property in the neighborhood. 45

b. An employee or business lessee of property in the neighborhood. 117

c. An inhabitant of the neighborhood. 47

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.

a. An owner of property in the neighborhood. 75

b. An employee or business lessee of property in the neighborhood. 94

c. An inhabitant of the neighborhood. 49

3. No opinion, neutral, refused, etc. 28

A letter was filed by Mr. Gauley, 444 Hill Avenue, opposing the granting of the license.

The applicant has filed petitions said to contain 621 signatures of patrons of the store petitioning the City Council to grant said license.

The report from the Police Department advises that nothing unusual or derogatory regarding the officers was found during the background investigation.

Similar-type outlets within survey area: 2.

Similar-type outlets within one mile: 13."

The map showing similar-type outlets was reviewed.

Ken Braden, 805 Samoan Drive, District Manager for the 7-Eleven Stores, appeared on behalf of Southland Corporation. Mr. Dan Downs, 460 Teller Avenue, also appeared on behalf of the applicant.

There were no opponents, letters, or counterpetitions. A Resolution of findings and decision is scheduled on the September 1, 1982, City Council agenda.

ORDINANCES ON FINAL PASSAGE

Proofs of Publication for the following Ordinances on final

passage have been received and filed. Copies of the Ordinances proposed for final passage were submitted in writing to the City Council.

ORDINANCE NO. 2073 - CONCERNING THE CONSUMPTION OF FERMENTED MALT BEVERAGES IN PUBLIC PLACES

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the following entitled proposed ordinance was called up for final passage and read by title only: AN ORDINANCE CONCERNING THE ASSUMPTION OF BEER AND LIQUOR IN PUBLIC PLACES.

Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried by roll call vote with Councilman HOLMES voting NO, the Ordinance was passed, adopted, numbered 2073 and ordered published.

ORDINANCE NO. 2074 - ZONING TEXT AMENDMENT RE: BUS STOP BENCHES WITH APPROVED ADVERTISING WITHIN 15 FEET OF A POSTED PUBLIC BUS STOP SIGN - FAILED TO PASS

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the following entitled proposed ordinance was called up for final passage and read: AMENDING THE SIGN REGULATIONS TO PERMIT ADVERTISING ON BUS STOP BENCHES.

It was moved by Councilman Lucero, seconded by Councilman Johnson, that the Ordinance be passed, adopted, numbered 2074, and ordered published. Roll was called upon the motion with the following result:

AYES: CLARK, JOHNSON, LUCERO

NOES: HOLMES, DUNN.

A majority of Council did not vote for the motion, therefore, the President Pro Tem declared the motion lost.

Councilwoman Clark requested the proposed ordinance be placed on the next City Council agenda.

PETITION - RESOLUTION NO. 61-82 - PROPOSED ORDINANCE - PIONEER VILLAGE SOUTH ANNEXATION

A petition signed by one hundred percent of the property owners for annexation of Pioneer Village South was accepted. The following Resolution was read:

RESOLUTION NO. 61-82

WHEREAS, on the 18th day of August, 1982, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for

annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

Lots 1 through 10, Pioneer Village South

AND

Beginning 671.56 ft. N 00 deg. 11 min. 26 sec. E and 786.97 ft. N 69 deg. 13 min. E of the SW Cor Sec 15 T1S R1W Ute Meridian; thence N 69 deg. 13 min. E 215 ft., thence S 65 deg. 47 min. E 70.7 ft., thence S 20 deg. 47 min. E 194.6 ft., thence S 66 deg. 10 min. 30 sec. W 231.19 ft., thence N 49 deg. W 81.36 ft., thence N 19 deg. 35 min. 45 sec. W 185.21 ft. to beginning

AND

Highway 340 right-of-way adjacent to above;

and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City, and that no election is required under the Municipal Annexation Act of 1965 as the owner of one hundred percent of the property has petitioned for annexation.

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

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 18th day of August, 1982.

President of the Council Pro Tem

Attest:

City Clerk

Upon motion by Councilwoman Clark, 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 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Upon

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

ACCEPT GRANT ON BEHALF OF "REPORT EVERY DRUNK DRIVER IMMEDIATELY (REDDI) PROGRAM" - \$2,500

Upon motion by Councilman Holmes, seconded by Councilman Johnson and carried, the Council accepted the grant on behalf of the "Report Every Drunk Driver Immediately (REDDI) Program", and authorized the City Manager to sign.

RESOLUTION NO. 62-82 - APPOINTING DAVID A. PALMER AS MUNICIPAL JUDGE

The following Resolution was read:

RESOLUTION NO. 62-82

APPOINTING DAVID A. PALMER AS MUNICIPAL JUDGE

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

That effective August 28, 1982, David A. Palmer be appointed Judge of the Municipal Court of the City of Grand Junction to serve until further resolution of the City Council.

PASSED and ADOPTED this 18th day of August, 1982.

President of the Council Pro Tem

Attest:

City Clerk

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

RATE INCREASE APPROVED FOR MONUMENT EMS (EMERGENCY MEDICAL SERVICE)

The following proposal for rate increase by Monument EMS was considered:

August 3, 1982

TO: City Council, City of Grand Junction

FROM: Monument EMS

RE: Increase in Rates for Ambulance Service

After a review of our operating costs for the past fiscal year (extending from July, 1981, through June, 1982), it is apparent to us that our expenditures have increased substantially, and it is imperative that we be allowed to increase the current rates for the different components of ambulance service. It should be noted that the last increase in ambulance charges was on August 1, 1980 - two years ago. It is impossible for Monument EMS to reduce expenditures and still satisfy our contract with the City of Grand Junction and the standards of the Colorado Emergency Medical System. At present, approximately 61% of our expenditures are for wages, another 21% for emergency medical equipment, maintenance and supplies, and 6% for building rental, utilities and phone.

The current and proposed rates for ambulance service are as follows:

<u>Item</u> <u>Current</u> <u>Rate</u>	<u>Proposed</u> <u>Rate</u>	
Ambulance (base rate) 80.00	90.00	
Per Mile Charge 3.00	4.00	
Oxygen 15.00	20.00	
Emergency Care 15.00	20.00	
I.V. Therapy 20.00	25.00	
Cardiac Monitor 30.00 (no change)	30.00	

Upon motion by Councilwoman Clark, seconded by Councilman Johnson and carried, the rate increase for Monument EMS was approved.

RESOLUTION NO. 63-82 - AGREEMENT FOR PURCHASE AND SALE OF LANDS FOR THE STATE OFFICE BUILDING

The following Resolution was read:

RESOLUTION NO. 63-82

CONCERNING THE SALE AND PURCHASE OF REAL PROPERTY BETWEEN THE CITY OF GRAND JUNCTION AND THE STATE OF COLORADO.

WHEREAS, the City of Grand Junction, Colorado, is the owner of lands situate in the City, Mesa County, Colorado, described as:

Lots 1, 2, 3 and the West Half of Lot 4 and Lots 23 through 30, all in Block 127, City of Grand Junction,

and

WHEREAS, the State of Colorado is the owner of lands situate in the County of Mesa, Colorado, described as:

Beginning at a point on the W line of Sec 6 from which the NW Cor of Sec 6, T1S, R1E, UM, bears N a distance of 205.7 ft.; (1) thence along the arc of a curve to the left having a radius of 1487.1 feet a distance of 683.9 feet (the chord of this arc bears S 75 deg. 45 deg. E a distance of 677.9 ft.) to the E property line; (2) thence N along the E property line a distance of 371.3 ft. to the N line of Sec 6, T1S, R1E; (3) thence N 89 deg. 53 min. 30 sec. W along the N line of Sec 6 a distance of 657.0 ft. to the NW Cor of Sec 6, T1S, R1E; (4) thence S along the W line of Sec 6 a distance of 205.7 ft., more or less, to the point of beginning; and

WHEREAS, it is proposed that the lands be exchanged by special warranty deed;

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

That City Manager James E. Wysocki be authorized and directed, as Commissioner to Convey for the City and as the act of the City, to convey, at appropriate time, the lands of the City described above to the State of Colorado in return for the conveyance by the State to the City the lands owned by it above-described.

FURTHER, the City Manager is authorized to execute that Agreement for the Purchase and Sale of Real Property setting forth the mechanics of accomplishing the transfer of lands.

PASSED and ADOPTED this 18th day of August, 1982.

President of the Council Pro Tem

Attest:

City Clerk

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

RESOLUTION NO. 64-82 - TRANSFERRING TO MESA COUNTY, COLORADO, THE ALLOCATION OF THE CITY TO FINANCE MORTGAGE LOANS TO PROVIDE MORE ADEQUATE RESIDENTIAL HOUSING FOR LOW AND MIDDLE-INCOME FAMILIES; AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF AN ALLOCATION TRANSFER AGREEMENT

The following Resolution was read:

RESOLUTION NO. 64-82

RESOLUTION TRANSFERRING TO MESA COUNTY, COLORADO, THE ALLOCATION OF THE CITY OF GRAND JUNCTION, COLORADO, UNDER SECTION 29-4-803 AND SECTION 29-4-805 OF COLORADO REVISED STATUTES 1973, AS AMENDED, TO FINANCE MORTGAGE LOANS TO PROVIDE MORE ADEQUATE RESIDENTIAL HOUSING FACILITIES FOR LOW- AND MIDDLE-INCOME FAMILIES AND PERSONS WITHIN THE COUNTY, INCLUDING THE CITY WHICH IS LOCATED WITHIN THE COUNTY, AND ELSEWHERE WITHIN THE STATE OF COLORADO; AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF AN ALLOCATION TRANSFER AGREEMENT.

WHEREAS, the City of Grand Junction, Colorado (the "City") and Mesa County, Colorado (the "County") are each authorized by the County and Municipality Development Revenue Bond Act, constituting Article 3 of Title 29, Colorado Revised Statutes 1973, as amended (the "project Act"), to finance, refinance, acquire, own, lease, improve and dispose of properties to the end that more adequate residential housing facilities for low- and middle-income families and persons may be provided, which promote the public health, welfare, safety, convenience and prosperity; and

WHEREAS, the Mortgage Subsidy Bond Tax Act of 1980, codified as Section 103A of the Internal Revenue Code of 1954, as amended (the "Federal Act"), restricts the amount of tax exempt obligations which may be issued by the Colorado Housing Finance Authority and local governmental units in the State of Colorado (the "State") to finance single-family mortgages to an amount not exceeding the State ceiling; and

WHEREAS, the Federal Act authorizes the states to provide a formula for allocating the respective state ceilings among the governmental units in such states in a manner different from the federal allocation formula, and the State of Colorado has provided for such an alternate formula for allocation by the enactment into law of Senate Bill No. 112, codified as Part 8 of Article 4 of Title 29 of Colorado Revised Statutes 1973, as amended (the "Allocation Act"); and

WHEREAS, the Allocation Act authorizes governmental units in the State to transfer all or a part of their allocations provided for in the Allocation Act to any other entity otherwise authorized to issue bonds to finance single-family mortgages and to accept transfers of such allocations; and

WHEREAS, the City and the County deem it necessary and advisable that a program be made available for the origination and servicing of mortgage loans for residential housing facilities for low- and middle-income families and persons (the "Mortgage Loans") in families and persons of low- and middle-income may finance the purchase of residential housing facilities at less than the prevailing market interest rate, thereby providing more adequate residential housing facilities for low- and middle-income families and persons within both the City and County and elsewhere within the State; and

WHEREAS, the City desires to transfer to the County its allocation under Section 29-4-803 of the Allocation Act to finance Mortgage Loans to provide more adequate residential housing facilities for low- and middle-income families and persons within the County, including the City which is located within the County, and elsewhere within the State; and

WHEREAS, the City desires to delegate to the County the authority to act on its behalf in the issuance of qualified mortgage bonds pursuant to the allocation granted under Section 29-4-805 of the Allocation Act to finance Mortgage Loans to provide more adequate residential housing facilities for low- and middle-income families and persons within the County, including the City which is located within the County, and elsewhere within the State; and

WHEREAS, the County desires to accept such transfers and to finance Mortgage Loans to provide more adequate residential housing facilities for low- and middle-income families and persons within the County, including the City which is located within the County, and elsewhere within the State; and

WHEREAS, economies of time and expense will result from one governmental unit financing Mortgage Loans to provide more adequate residential housing facilities for low- and middle-income families and persons within both the City and the County and elsewhere within the State; and

WHEREAS, it is necessary to evidence such transfers and the acceptance of such transfers by the Allocation Transfer Agreement attached hereto as Exhibit A (the "Allocation Transfer Agreement") which will be executed and delivered by the City and the County.

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

Section 1. In order to insure the financing of Mortgage Loans to provide more adequate residential housing facilities for low- and

middle-income families and persons within the City at the earliest possible date, which will promote the public health, welfare, safety, convenience and prosperity of the inhabitants of the City, it is deemed necessary and advisable that the Allocation Transfer Agreement be approved, executed and delivered by and on behalf of the City.

Section 2. The form, terms and provisions of the Allocation Transfer Agreement hereby are approved and the Mayor of the City and the City Clerk hereby are authorized and directed to execute and deliver the Allocation Transfer Agreement.

Section 3. The Mayor and the City Clerk hereby are authorized and directed to take such other steps or actions as may be required to carry out the terms and intent of this resolution and of the Allocation Transfer Agreement.

Section 4. Nothing contained in this resolution or in the Allocation Transfer Agreement shall obligate the City, except to the extent described in the Allocation Transfer Agreement, nor constitute the debt or indebtedness of the City within the meaning of the Constitution or statutes of the State or the home rule charter of any political subdivision thereof, nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers.

Section 5. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provision of this resolution.

Section 6. All action (not inconsistent with the provisions of this resolution) heretofore taken by the City Council and the officers of the City directed toward the authorization of the Allocation Transfer Agreement hereby is ratified, approved and confirmed.

Section 7. This resolution shall be in full force and effect upon its passage and approval.

PASSED and ADOPTED this 18th day of August, 1982.

President of the Council Pro Tem

Attest:

City Clerk

ALLOCATION TRANSFER AGREEMENT

This Allocation Transfer Agreement is between the City of Grand Junction, Colorado (the "City") and Mesa County, Colorado (the "County").

WITNESSETH:

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

(a) The City and the County are each authorized by the County and Municipality Development Revenue Bond Act, constituting Article 3 of Title 29, Colorado Revised Statutes 1973, as amended (the "project Act"), to finance, refinance, acquire, own, lease, improve or dispose of properties to the end that more adequate residential housing facilities for low- and middle-income families and persons may be provided, which promote the public health, welfare, safety, convenience and prosperity.

(b) The Mortgage Subsidy Bond Tax Act of 1980, codified as Section 103A of the Internal Revenue Code of 1954, as amended (the "Federal Act"), restricts the amount of tax exempt obligations which may be issued by the Colorado Housing Finance Authority and local governmental units in the State of Colorado (the "State") to finance single-family mortgages to an amount not exceeding the State ceiling.

(c) The Federal Act authorizes the states to provide a formula for allocating the respective state ceilings among the governmental units in such states in a manner different from the federal allocation formula, and the State of Colorado has provided for such an alternate formula for allocation by the enactment into law of Senate Bill No. 112, codified as Part 8 of Article 4 of Title 29 of Colorado Revised Statutes 1973, as amended (the "Allocation Act").

(d) The Allocation Act authorizes governmental units in the State to transfer all or part of their allocations provided for in the Allocation Act to any other entity otherwise authorized to issue bonds to finance single-family mortgages and to accept transfers of such allocations.

(e) It is deemed necessary and advisable by the City and the County that a program be made available for the origination and servicing of mortgage loans for residential housing facilities for low- and middle-income families and persons (the "Mortgage Loans") in order to increase the supply of money available for mortgage loans so that families and persons of low- and middle-income may finance the purchase of residential housing facilities at less than the prevailing market interest rate, thereby providing more adequate residential housing facilities for low- and middle-income families and persons within both the City and County and elsewhere within the State.

(f) It is deemed necessary and advisable by the City and the County that the origination and servicing of the Mortgage Loans be commenced at the earliest possible date.

(g) The City Council of the City has indicated its willingness to transfer to the County its allocation under Section 29-4-803 of the Allocation Act to finance Mortgage Loans to provide more adequate residential housing facilities for low- and middle-income families and persons within the County, including the City which is located within the County, and elsewhere within the State.

(h) The City Council of the City has further indicated its willingness to delegate to the County the authority to act on its behalf in the issuance of qualified mortgage bonds pursuant to the allocation granted under Section 29-4-805 of the Allocation Act and to transfer the City's allocation under Section 29-4-805 of the Allocation Act to finance Mortgage Loans to provide more adequate residential housing facilities for low- and middle-income families and persons within the County, including the City which is located within the County, and elsewhere within the State.

(i) The Board of County Commissioners of the County has indicated its willingness to accept such transfers and delegation and to finance the Mortgage Loans to provide more adequate residential housing facilities for low- and middle-income families and persons within the County, including the City which is located within the County, and elsewhere within the State.

(j) Neither the execution and delivery of this Allocation Transfer Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Allocation Transfer Agreement conflicts with or results in a breach of any of the terms, conditions or provisions of any legal restriction or any agreement or instrument to which the City or the County is now a party or by which the City or County is bound, or constitutes a default under any of the foregoing.

2. Transfers by the City. Pursuant to the Allocation Act.

(a) The City transfers to the County its allocation under Section 29-4-803 of the Allocation Act and under Section 29-4-805 of the Allocation Act and delegates to the County the authority to act on its behalf in the issuance of qualified mortgage bonds pursuant to the allocation granted under Section 29-4-805 of the Allocation Act, to provide more adequate residential housing facilities for low- and middle-income families and persons within the County, including the City which is located within the County, and elsewhere within the State, subject to the terms and conditions herein contained. The City covenants that prior to January 1, 1983, it will not issue any bonds, notes or other securities under the Project Act to finance mortgage loans to provide more adequate residential housing facilities for low- and middle-income families

or persons within the City or transfer its allocation under Section 29-4-803 or Section 29-4-805 of the Allocation Act to another governmental unit to finance mortgage loans to provide more adequate residential housing facilities for low- and middle-income families and persons within the City.

(b) The City agrees that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Allocation Transfer Agreement.

3. Acceptance of Transfers by the County. Pursuant to the Allocation Act:

(a) The County hereby accepts the transfers to it by the City of the allocation of the City under Section 29-4-803 and Section 29-4-805 of the Allocation Act, and hereby accepts the delegation by the City of the authority to act on its behalf in the issuance of qualified mortgage bonds pursuant to the allocation granted under Section 29-4-805 of the Allocation Act, subject to the terms and conditions herein contained.

(b) The County agrees that it will use its best efforts to issue revenue bonds under the Project Act, in one or more series, to finance Mortgage Loans to provide more adequate residential housing facilities for low- and middle-income families and persons within the County, including the City which is located within the County, and elsewhere within the State.

(c) The County agrees that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Allocation Transfer Agreement.

4. General Provisions.

(a) This Allocation Transfer Agreement is hereby declared irrevocable during the term of the agreements to be entered into by the County and the financial institutions which will originate and service the Mortgage Loans, and this Allocation Transfer Agreement shall terminate upon the termination of such agreements.

(b) This Allocation Transfer Agreement shall automatically terminate on January 1, 1983, if the County has not prior to that date issued its revenue bonds under the Project Act for the purpose of financing Mortgage Loans to provide more adequate residential housing facilities for low- and middle-income families and persons within the County, including the City which is located within the County, and elsewhere within the State.

(c) Nothing contained in this Allocation Transfer Agreement shall obligate the County to finance Mortgage Loans in any particular amount or to use any particular percentage of the proceeds of its revenue bonds to finance Mortgage Loans to provide more adequate residential housing facilities located in the City, and the County is hereby authorized to finance only such Mortgage Loans as shall

be agreed upon by the County and the financial institutions which will originate and service the Mortgage Loans.

(d) This Allocation Transfer Agreement shall not constitute the debt or indebtedness of the City or the County within the meaning of the Constitution or statutes of the State or the home rule charter of any political subdivision thereof nor give rise to a pecuniary liability or a charge against the general credit or taxing powers of the City or the County.

IN WITNESS WHEREOF, the parties hereto have entered into this Allocation Transfer Agreement this 18th day of August, 1982.

CITY OF GRAND JUNCTION, COLORADO

By: /s/ Frank M. Dunn

Mayor Pro Tem

Attest:

\City Clerk

MESA COUNTY, COLORADO

By

Chairman of the Board of County Commissioners

Attest:

County Clerk

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

RESOLUTION NO. 65-82 CONVEYING EASEMENT TO GRAND JUNCTION DRAINAGE DISTRICT FOR DRAINAGE PIPELINE OVER BURKEY PROPERTY, 2975 F ROAD

The following Resolution was read:

RESOLUTION NO. 65-82

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

That the City Manager be authorized and directed as Commissioner to convey to convey an easement to Grand Junction Drainage District over lands owned by the City for a drainage pipeline and to execute an agreement to pay for a portion of that installation.

PASSED and ADOPTED this 18th day of August, 1982.

President of the Council Pro Tem

Attest:

City Clerk

EXHIBIT "A"

MATERIALS

Approximately 240 feet 12", Bell and Spigot concrete pipe

Approximately 120 yards pit run gravel

EASEMENT DESCRIPTION

An easement 20 feet in width the centerline of which is described as follows:

Beginning at the Southwest Corner of the Southeast Quarter of the Southeast Quarter, Section 5, Township 1 South, Range 1 East, Ute Meridian; thence North 36 deg. 18 min. East 38.5 feet to true point of beginning; thence North 00 deg. 04 min. West 1186 feet to existing tile.

AND ALSO

Beginning at the Southwest Corner of the Southeast Quarter of the Southeast Quarter, Section 5, Township 1 South, Range 1 East, Ute Meridian; thence East along the Section line 659 feet, thence North 01 deg. 15 min. West 449 feet to true point of beginning; thence North 54 deg. 15 min. West 258 feet to end of tile.

EASEMENT AND AGREEMENT

THIS AGREEMENT, made this 23rd day of August, 1982, by and between the GRAND JUNCTION DRAINAGE DISTRICT, hereinafter referred to as "District", whose address for the purpose of this agreement is 2586 Highway 6 & 50, Grand Junction, Colorado, and City of Grand Junction, hereinafter referred to as "Owners", whose address for the purpose of this Agreement is 2975 F Road, Grand Junction, Colorado.

WITNESSETH:

WHEREAS, the parties hereto agree that the installation hereinafter described is for the mutual benefit of the parties; and

WHEREAS, the Owners desire to secure the assistance of the District in installing a drain pipe-line approximately 240 feet in length through the premises of the Owners and in installing said line, the District shall use those materials as described in EXHIBIT "A" attached hereto and made a part hereof. Said line shall be constructed across the Owner's property which is more particularly described in said Exhibit "A".

IT IS THEREFORE AGREED AS FOLLOWS:

1. Owners agree at their sole expense, upon receipt of invoices to promptly pay when due for all materials as ordered by the District and as described in said Exhibit "A".
2. District agrees to install in a workmanlike manner said drain tile line and pervious materials and to backfill same to the extent of the immediately available spoil.
3. Owners agree to assume the responsibility of further backfilling and landscaping and replacing the soil to its former condition. Such restoration shall be so accomplished so as not to hinder in any way the District's obligation hereunder.
4. Owners shall replace or repair all fences, head ditches, laterals, waste ditches or other structures which may have been destroyed, damaged or interfered with because of the construction of said line.
5. After the completion thereof, the District shall have the responsibility of the upkeep and maintenance of said line EXCEPT if any act or omission of the Owners causes said upkeep or maintenance to be increased over and above that which would normally be expected, then Owners shall be responsible for the cost of any additional upkeep or maintenance.
6. Owners agree to operate their premises in such a manner as not to cause damage to said line. Such damage so caused by the Owners shall be the Owners' sole responsibility to repair or replace said line.
7. In consideration of the foregoing and in order to accomplish the construction of said line, the owners hereby grant unto the District, an easement through, over and across the Owners' premises for the installation of said line together with such area as is reasonably necessary for the cleaning, maintenance, replacement, adjustment or deepening of said line. Owners hereby grant unto the District reasonable right of ingress and egress to accomplish the above, including the right to bring the necessary equipment upon the premises to accomplish same. It is agreed by the Owners that said easement shall not be burdened or overburdened by erection or placing of any improvement thereon, including fences.
8. Owners agree that they will indemnify and save harmless the

District from any and all damages or claims arising out of the construction of said line or the operation and maintenance thereof after it has been constructed, except for negligent acts of the District or its employees in either the construction or operation and maintenance of the line.

9. Should either party fail or refuse to comply with the terms of this Agreement after having received ten (10) days written notice specifying the matters complained of, the complaining party may take whatever legal action is necessary to cancel this Agreement and to recover the damages as a result thereof, or to perform or correct the complaints thereunder and collect the cost thereof plus damages from the offending party. The prevailing party shall, in addition to the above, be entitled to collect all cost incurred as a result of said breach including their reasonable attorney's fees.

10. If there is more than one owner as a party to this Agreement, then and in that event the cost is allocated to the Owners hereunder and shall be borne equally between them.

11. This Agreement vacates all prior easements over, under and across the owners property granted to the Grand Junction Drainage District.

12. This Agreement shall be binding upon and more to the benefit of the heirs, successors and assigns of the respective parties.

13. The recitals are a part of this Agreement.

IN WITNESS WHEREOF, the parties have affixed their signatures the day and year above mentioned.

GRAND JUNCTION DRAINAGE DISTRICT

OWNERS-CITY OF GRAND JUNCTION

City Manager

Attest:

City Clerk

STATE OF COLORADO)		
) ss		
COUNTY OF MESA)		

The foregoing instrument was acknowledged before me this _____ day of _____, 1982, by _____ as Owners.

My Commission Expires:

Notary Public

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

POLICE DEPARTMENT BUSINESS TELEPHONE SYSTEM TO GO TO WESTCOM

Police Chief Gary Leonard reviewed the proposal by his Department to upgrade the business telephone system at the Police Department, and to enter into an agreement with the Sheriff's Department to go from the Mountain Bell system to Westcom. Each Department will pay for its own individual equipment and share equally in the cost of the switch and related phone line costs. Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the Police Chief was authorized to enter into the agreements with Westcom and the Mesa County Sheriff's Office for the upgrading of the telephone system.

MUNICIPAL JUROR TRIAL

John King, 942 Santa Clara Avenue, reported that about six weeks ago he served as a juror in a municipal trial along with two other people. They were called in at 4 o'clock in the afternoon; at 10 o'clock at night they had completed their duties and were free to go home. For that period of time, they were paid \$3.00 each which,

according to Mr. King, figures out to fifty cents an hour. As far as Mr. King was concerned, he was civic minded enough that if he were asked to sit on a jury without any pay he would probably be willing to do it. But to pay him \$3.00 and the other jurors the same amount was, according to Mr. King, just plumb ridiculous. He noted that Judge Beery was most profuse in her appreciation and thanks for a good job well-done, but Mr. King did not think that today \$3.00 and all the thanks given was adequate for jurors.

The City Attorney advised that the Staff will look into the system to see if something can be done.

ADJOURNMENT

The President Pro Tempore adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk