

Grand Junction, Colorado

February 2, 1983

The City Council of the City of Grand Junction, Colorado, convened in regular session the 2nd day of February, 1983, at 7:30 p.m. in the Council Chambers at City Hall. Those present were Council members Frank Dunn, Robert Holmes, Karl Johnson, Christine Kreissler, Gary Lucero, and President of the Council Louis Brach. Councilwoman Clark was absent. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

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

INVOCATION

Reverend Lowell Anderson, First Assembly of God Church.

MINUTES

Upon motion by Councilman Lucero, seconded by Councilwoman Kreissler and carried, the minutes of the regular meeting January 19, 1983, were approved as submitted, with the exception of the Hula Dance by Councilwoman Clark at the last workshop.

LIQUOR - LICENSE RENEWAL APPLICATIONS APPROVED

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

La Barra Famosa del Charro, 227 Rood Avenue (Tavern)
The Dallas Club, 2882 North Avenue (Tavern)

BEER - APPLICATION BY MARK E. HOLMES, PETER L. OUTHWAITE, GEORGE R. LEMING, A PARTNERSHIP, FOR 3.2% BEER LICENSE (PACKAGE CARRYOUT) AT GET 'N GO GROCERY, 2355 BELFORD AVE. (CHANGE OF OWNERSHIP) - APPROVED

Upon motion by Councilman Lucero, seconded by Councilman Dunn and carried with Councilman HOLMES voting NO, the application by Mark E. Holmes, Peter L. Outhwaite, George R. Leming, a partnership, for a 3.2% beer license at Get 'N Go Grocery, 2355 Belford Avenue, was approved.

HEARING - RESOLUTION NO. 10-83 OF FINDINGS AND DECISION RE: APPLICATION BY DOS, INC., TO MOVE HOTEL-RESTAURANT FROM 2516 BROADWAY TO 421 BRACH DRIVE - APPROVED

The following Resolution was read:

RESOLUTION NO. 10-83

OF DECISION ON APPLICATION FOR HOTEL-RESTAURANT LIQUOR LICENSE BY DOS, INC., FOR DOS HOMBRES RESTAURANT TO BE MOVED FROM 2516 BROADWAY TO 421 BRACH DRIVE, GRAND JUNCTION, COLORADO.

A public hearing having been held on January 19, 1983, on the application by DOS, Inc., to move its hotel-restaurant liquor license for Dos Hombres Restaurant from 2516 Broadway to 421 Brach Drive, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. The hearing was held on January 19, 1983, on the application for moving of the license after proper notice thereof under the Liquor Code.

2. The survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet to be relocated in that 70 persons so stated while 5 felt the needs are being met by other outlets. In addition, a petition favoring the relocation of the license and bearing 378 signatures was entered by the applicant.

3. No one appeared at the hearing in opposition to the relocation of the license and no petitions or letters of disapproval were received regarding the transfer by the City Council.

4. The character of the applicant is good as determined by checking done by the Police Department and by letters attesting to said good character, the applicant being the officers of the corporation making the application.

5. The evidence supports the position that the license should be transferred both under the Liquor Code and the previous practice of the City Council.

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

That the Hotel-Restaurant Liquor License issued to DOS, Inc., for Dos Hombres Restaurant, be transferred from 2516 Broadway to 421 Brach Drive, Grand Junction, Colorado.

PASSED and ADOPTED this 2nd day of February, 1983.

/s/ Louis R. Brach

President of the Council

Attest:

/s/ Neva B. Lockhart

City Clerk

Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO and President of the Council BRACH ABSTAINING, the Resolution was passed and adopted as read.

HEARING - APPLICATION BY HOME BUILDERS ASSOCIATION OF NW COLORADO, INC., FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT TWO RIVERS PLAZA MARCH 4, 1983, 5 P.M. TO 2 A.M. - ANNUAL HOME AND GARDEN SHOW - 1ST PERMIT - APPROVED

A hearing was held after proper notice on the application by Home Builders Association of Northwestern Colorado, Inc., for a malt, vinous and spirituous liquor special events permit March 4, 1983, from 5 p.m. to 2 a.m. at Two Rivers Plaza, 159 Main Street, for the Annual Home and Garden Show. Kevin McGuire, 3154 Lakeside Drive, appeared for the granting of the permit. There were no opponents, letters, or counterpetitions.

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

HEARING - APPLICATION BY MESA COLLEGE SCHOLARSHIP AND FOUNDATION FUNDS, INC. FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT MESA COLLEGE LIFF AUDITORIUM-CAFETERIA MARCH 5, 1983, 6:30 P.M. TO 12:00 MIDNIGHT - ANNUAL GALA FUNDRAISING EVENT DINNER-DANCE 1ST PERMIT - TABLED TO LATER IN THE MEETING

A representative from the Mesa College Scholarship and Foundation Fund, Inc., was not present when this item was scheduled on the City Council agenda. Upon motion by Councilman Johnson, seconded by Councilman Dunn with Councilman HOLMES voting NO, the application by Mesa College Scholarship and Foundation Fund, Inc., for malt, vinous and spirituous liquor special events permit on March 5, 1983, was tabled until such time as a representative was present before City Council.

HEARING - APPLICATION BY THE G.J. CHAPTER OF THE SOCIETY FOR THE PRESERVATION AND ENCOURAGEMENT OF BARBER SHOP QUARTET SINGING IN AMERICA, INC., FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT MESA COLLEGE LIFF AUDITORIUM MARCH 12, 1983, 10 P.M. TO 12 MIDNIGHT - "AFTER GLO PARTY" 1ST PERMIT - APPROVED

A hearing was held after proper notice on the application by the Preservation and Encouragement of Barber Shop Quartet Singing in America, Inc., for a malt, vinous and spirituous liquor special events permit at Mesa College Liff Auditorium March 12, 1983, from 10:00 p.m. to 12:00 midnight for an "After Glo Party". Bruce Henson, 2866 B-1/2 Road, was present for the granting of the permit. There were no opponents, letters, or counterpetitions.

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

BID CONSIDERATION - AWARD OF CONTRACT TO JOHN H. YOUNG FOR IMPROVEMENTS TO STOCKER STADIUM - \$252,560

City Manager Wysocki reviewed the proposal for the expansion of both the football and softball sides of Stocker Stadium. Seven bids were received on January 28, 1983. It was recommended that the contract be awarded to John H. Young of Delta, Colorado, for Schedules I and II in the amount of \$252,560, which includes the \$50,000 that was pledged by the Lions Club in 1982.

Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the bid submitted by John H. Young of Delta, Colorado, for Schedules I and II for the improvements of Stocker Stadium in the amount of \$252,560, was accepted and the City Manager was authorized to sign the contract.

HEARING - PROPOSED ORDINANCE - AMENDMENTS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE, PORTIONS OF CHAPTER 3: GOALS, OBJECTIVES, AND POLICIES

A hearing was held after proper notice on the petition by the Development Department to amend the Grand Junction Zoning and Development Code, Portions of Chapter 3: Goals, Objectives, and Policies. Bob Goldin, Planner, reviewed the amendments. There were no opponents, letters, or counterpetitions.

The following proposed ordinance was read by title only: AN ORDINANCE AMENDING THE GOALS AND OBJECTIVES SECTION OF THE ZONING AND DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION. Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication in pamphlet form.

ORDINANCES ON FINAL PASSAGE

Proofs of Publication on the following Ordinances for final passage have been received and filed. Copies of the Ordinances for final passage were submitted in writing to the City Council prior to the meeting.

ORDINANCE NO. 2102 - REZONE SE CORNER OF 27 ROAD AND UNAWEEP AVENUE FROM RSF-8 TO PB

Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the proposed ordinance was called up for final passage and the title only 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.

There were no comments. Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the Ordinance was passed, adopted, numbered 2102, and ordered published.

ORDINANCE NO. 2103 - ESTABLISHING A FEE FOR MONITORING ALARM SYSTEMS WHICH TERMINATE IN THE 911 DISPATCH CENTER IN THE CITY OF GRAND JUNCTION

Upon motion by Councilwoman Kreissler, seconded by Councilman Johnson and carried, the proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE ESTABLISHING A FEE FOR MONITORING ALARM SYSTEMS WHICH TERMINATE IN THE 911 DISPATCH CENTER IN THE CITY OF GRAND JUNCTION.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, the Ordinance was passed, adopted, numbered 2103, and ordered published.

ORDINANCE NO. 2104 - PROVIDING FOR THE IMMOBILIZATION OF MOTOR VEHICLES

Upon motion by Councilman Johnson, seconded by Councilman Holmes and carried, the proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE PROVIDING FOR THE IMMOBILIZATION OF VEHICLES WITHIN THE CITY OF GRAND JUNCTION, COLORADO, AND PENALTY FOR REMOVAL OF ANY IMMOBILIZATION DEVICE.

There were no comments. Upon motion by Councilwoman Kreissler, seconded by Councilman Dunn and carried, the Ordinance was passed, adopted, numbered 2104, and ordered published.

ORDINANCE NO. 2105 - BRACH ANNEXATION, N OF HIGHWAY 340, W OF PIONEER VILLAGE

Upon motion by Councilwoman Kreissler, seconded by Councilman Johnson and carried, the proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried with Councilman BRACH ABSTAINING, the Ordinance was passed, adopted, numbered 2105, and ordered published.

PROPOSED ORDINANCE - AMEND CHAPTER 5, AMUSEMENTS - COIN-OPERATED AMUSEMENT DEVICES

The following entitled proposed ordinance was read: AN ORDINANCE PROVIDING FOR A LICENSE AND LICENSE FEE FOR COIN-OPERATED SKILL OR AMUSEMENT DEVICES. Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - ADOPTING BY REFERENCE THE 1982 EDITION OF THE UNIFORM BUILDING CODE TOGETHER WITH THE UNIFORM BUILDING CODE STANDARDS AND SETTING A HEARING FOR MARCH 16, 1983

The following entitled proposed ordinance was read by title only: AN ORDINANCE RELATING TO THE REGULATION OF CONSTRUCTION, ALTERATION, MOVING, DEMOLITION, REPAIR AND USE OF ANY BUILDING OR STRUCTURE WITHIN THE CITY OF GRAND JUNCTION, COLORADO; ADOPTING BY REFERENCE THERETO THE UNIFORM BUILDING CODE OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, 1982 EDITION, TOGETHER WITH THE APPENDIX THERETO WITH CERTAIN AMENDMENTS THERETO AND TOGETHER WITH THE UNIFORM BUILDING CODE STANDARD, 1982 EDITION, OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS; PROVIDING FOR THE ISSUANCE OF AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH. Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried, the 1982 edition of the Uniform Building Code and Standards was adopted by reference and a hearing was set for March 16, 1983.

PROPOSED ORDINANCE - ADOPTING BY REFERENCE THE 1982 EDITION OF THE UNIFORM FIRE CODE STANDARDS AND SETTING A HEARING FOR MARCH 16, 1983

The following entitled proposed ordinance was read by title only: AN ORDINANCE PRESCRIBING REGULATIONS CONSISTENT WITH NATIONALLY RECOGNIZED GOOD PRACTICE FOR THE SAFEGUARDING TO A REASONABLE DEGREE OF LIFE AND PROPERTY FROM THE HAZARDS OF FIRE AND EXPLOSION ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE USE OR OCCUPANCY OF BUILDINGS OR PREMISES IN THE CITY OF GRAND JUNCTION, COLORADO, ADOPTING BY REFERENCE THERETO THE UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARD OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS AND WESTERN FIRE CHIEFS ASSOCIATION, 1982 EDITION, TOGETHER WITH THE APPENDICES THERETO, WITH CERTAIN AMENDMENTS THERETO, ESTABLISHING A BUREAU OF FIRE PREVENTION, PROVIDING CERTAIN DEFINITIONS, ESTABLISHING THE LIMITS OF CERTAIN DISTRICTS FOR THE STORAGE OF CERTAIN MATERIALS, PROVIDING PENALTIES FOR VIOLATION OF THE CODES AND ORDINANCE, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH. Upon motion by Councilwoman Kreissler, seconded by Councilman Dunn and carried, the 1982 edition of the Uniform Fire Code and Standards was adopted by reference and a hearing was set for March 16, 1983.

PROPOSED ORDINANCE - ADOPTING BY REFERENCE THE 1982 EDITION OF THE UNIFORM PLUMBING CODE AND SETTING A HEARING FOR MARCH 16, 1983

The following proposed ordinance was read by title only: AN ORDINANCE RELATING TO THE REGULATION OF PLUMBING, DRAIN, WASTE AND VENT, WATER PIPING AND INSTALLATION OF HOT WATER HEATERS AND OTHER PLUMBING APPLIANCES WITHIN THE CITY OF GRAND JUNCTION, COLORADO; ADOPTING BY REFERENCE THERETO THE UNIFORM PLUMBING CODE OF THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS, 1982 EDITION, TOGETHER WITH THE APPENDIX THERETO WITH CERTAIN AMENDMENTS THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH. Upon motion by Councilman Johnson, seconded by

Councilman Dunn and carried, the 1982 Edition of the Uniform Plumbing Code was adopted by reference and a hearing was set for March 16, 1983.

PROPOSED ORDINANCE -ADOPTING BY REFERENCE THE 1982 EDITION OF THE UNIFORM MECHANICAL CODE AND SETTING A HEARING FOR MARCH 16, 1983

The following proposed ordinance was read by title only: AN ORDINANCE RELATING TO THE REGULATION OF GAS PIPING, VENTING AND INSTALLATION OF GAS PIPING, VENTING AND INSTALLATION OF GAS, PROPANE, BUTANE, OIL FIRED AND CERTAIN SOLID FUEL APPLIANCES, AND AIR CONDITIONING AND AIR HANDLING EQUIPMENT IN BUILDINGS OR STRUCTURES WITHIN THE CITY OF GRAND JUNCTION, COLORADO; ADOPTING BY REFERENCE THERETO THE UNIFORM MECHANICAL CODE OF THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS; AND THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS, 1982 EDITION, TOGETHER WITH APPENDIX THERETO, WITH CERTAIN AMENDMENTS THERETO; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the 1982 edition of the Uniform Mechanical Code was adopted by reference and a hearing was set thereon for March 16, 1983.

PROPOSED ORDINANCE - AUTHORIZING THE ISSUANCE OF A CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL DEVELOPMENT REVENUE BOND (FIRST SECURITY SAVINGS & LOAN), SERIES 1983, IN THE PRINCIPAL AMOUNT OF NOT MORE THAN \$1,500,000

The following entitled proposed ordinance was read: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$1,500,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF GRAND JUNCTION, COLORADO, INDUSTRIAL DEVELOPMENT REVENUE BONDS (CERTIFICATES OF DEPOSIT PROGRAM) FIRST SECURITY SAVINGS & LOAN ASSOCIATION - 1983 SERIES A, TO FINANCE PROPERTY SUITABLE FOR COMMERCIAL OR BUSINESS ENTERPRISES; RATIFYING CERTAIN ACTIONS HERETOFORE TAKEN; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A DEPOSIT AGREEMENT, TRUST INDENTURE, BOND PURCHASE AGREEMENT, INDUCEMENT LETTER, SAID BONDS AND CLOSING DOCUMENTS IN CONNECTION THEREWITH; AND REPEALING ACTION HERETOFORE TAKEN IN CONFLICT HEREWITH. Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the proposed ordinance was passed for publication.

HEARING - APPLICATION BY MESA COLLEGE SCHOLARSHIP AND FOUNDATION FUND, INC., FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT MESA COLLEGE LIFF AUDITORIUM-CAFETERIA MARCH 5, 1983, 6:30 TO 12 MIDNIGHT - ANNUAL GALA FUND-RAISING EVENT DINNER-DANCE - 1ST PERMIT - APPROVED

A hearing was held after proper notice on the application by Mesa College Scholarship and Foundation Fund, Inc., for a malt, vinous and spirituous liquor special events permit at Mesa College Liff Auditorium-Cafeteria on March 5, 1983, from 6:30 p.m. to 12:00

midnight for the annual gala fund-raising event dinner-dance. Kay Wise, 197 Easter Hill Drive, appeared for the granting of the permit. There were no opponents, letters or counterpetitions.

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried with Councilmen LUCERO and HOLMES voting NO, the application was approved.

REVIEW OF APPLICATIONS BY THE MESA COLLEGE STUDENT BODY ASSOCIATION FOR 3.2% BEER SPECIAL EVENTS PERMITS - FEBRUARY 18 AND MARCH 18, 1983, PERMITS REVOKED

City Attorney Ashby reviewed the problems associated with the January 14, 1983, special events permit issued to the Mesa College SBA. The Mesa College Administration determined to relinquish the special events permits issued for February 18, 1983, and March 18, 1983, and placed the SBA on probation as a result of the actions at the January 14, 1983, special event. Mr. Ashby recommended that Council support the action of Mesa College Administration and revoke the two permits for February 18 and March 18, 1983, and not refer the entire matter to the Hearing Officer. Councilman Holmes felt that this item should be turned over to the Hearing Officer.

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried with Councilman HOLMES voting NO, the action of the Mesa College Administration in revoking the February 18 and March 18, 1983, permits was accepted. Councilman Johnson commended Mesa College Administration for being so prompt in taking action and demonstrating its concern for what took place at the January 14, 1983, event, and a willingness to deal with the matters expeditiously.

RESOLUTION NO. 12-83 INCREASING THE MAXIMUM BOND ISSUE AMOUNT FROM \$2,750,000 TO \$3,500,000 FOR TWO HUNDRED GRAND PROPERTIES - MONUMENT BUILDING - APPROVED

Mr. Denny Granum, 823 26 Road, and Kirk Rider, attorney, were present to answer questions for Council. The following Resolution was read:

RESOLUTION NO. 12-83

RESOLUTION PROVIDING FOR THE PROPOSED ISSUANCE BY THE CITY OF GRAND JUNCTION, COLORADO, OF ITS INDUSTRIAL DEVELOPMENT REVENUE BONDS - TWO HUNDRED GRAND PROPERTIES PROJECT

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 counties to promote

industry and develop trade or other economic activity by inducing 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, Two Hundred Grand Properties, proposes to finance, acquire, improve and equip certain real and personal properties at 200 Grand Avenue in the City of Grand Junction to be used by TWO HUNDRED GRAND PROPERTIES (the "Developer") as an office building facility (the "Project") within the meaning of land and as provided in the Act; and

WHEREAS, Two Hundred Grand has built one office facility and desires to locate other office facilities within the City of Grand Junction, Colorado (the "Municipality") in order to provide increased opportunities for employment for residents of the City and surrounding area and further the public purposes set forth herein. The Projects are all located within the city limits of the City, and is within the downtown area of Grand Junction; and

WHEREAS, new tax-exempt financing mechanisms allow for the acquisition of capital at a lower cost than previously possible and also allow local investors a greater opportunity to participate in tax-exempt securities issued for the benefit of local industries; and

WHEREAS, Two Hundred Grand 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 refinancing the Project and allowing and inducing Two Hundred Grand to expand its office facilities within the boundaries of the City of Grand Junction; 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 application for

industrial development bond financing and facts presented orally and in writing to the City of Grand Junction, 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 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:

Section 2

Approvals and Authorizations

The City Council of the City of Grand Junction, Colorado, finds and declares that, based on the facts and information presented in the application for industrial development revenue bonds and based upon the presentation made to this Council the approval of the issuance of Bonds for the Project and Two Hundred Grand 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 the taking of affirmative action by the Municipality toward the issuance of the Bonds.

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 \$3,500,000.

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.

The Project consists of land, office facilities and equipment currently financed with Bonds previously issued by the City.

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

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.

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 to 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.

PASSED and ADOPTED this 2nd day of February, 1983.

/s/ Louis R. Brach

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

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 of Two Hundred Grand Properties.

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) Two Hundred Grand proposes to refinance an existing Industrial Development Revenue Bond issue of the City, originally made to acquire, construct, improve and equip land, and office facilities which 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 refinance 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 this Act, will issue the Bonds in a principal amount sufficient to pay the costs of refinancing the Project, together with the cost and expenses of issuance and sale of the Bonds, which Bonds will not exceed the aggregate principal amount of \$3,500,000.

(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 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 a principal amount sufficient to pay the costs of refinancing the initial 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 \$3,500,000.

(b) It will adopt or cause to be adopted such proceedings and authorized 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 Two Hundred Grand and the execution of other documents 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 Two Hundred Grand.

(c) The aggregate sums to be paid by Two Hundred Grand 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 Two Hundred Grand 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 Two Hundred Grand

3.01 Subject to Section 1 hereinabove, Two Hundred Grand agrees as follows:

(a) Two Hundred Grand will enter into a contract or contracts for the acquisition, construction, and equipping of the Project.

(b) Prior to the delivery of the Bonds Two Hundred Grand will enter into the Financing Agreements with the Issuer under the terms of which Two Hundred Grand 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, Two Hundred Grand 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 Two Hundred Grand 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 Two Hundred Grand.

(c) Two Hundred Grand 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 Two Hundred Grand 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 Two Hundred Grand), the Issuer and Two Hundred Grand shall have agreed to mutually acceptable terms and conditions for any financing agreements and other documents required under Sections 2 or 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, Two Hundred Grand 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 Two Hundred Grand 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 Two Hundred Grand, the Issuer shall promptly notify Two Hundred Grand in writing and Two Hundred Grand 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 Two Hundred Grand or if there be final judgment for the plaintiff of any such action, Two Hundred Grand 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 2nd day of February, 1983.

/s/ Louis R. Brach

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

TWO HUNDRED GRAND PROPERTIES

By:

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

COMMENT BY SBA MEMBER RE: JANUARY 14, 1983, 3.2% SPECIAL EVENT

Daven Oswald, President of the Mesa College Student Body Association, along with class members, appeared before Council to state what action has been taken by his organization to rectify the situation and prevent such occurrences in the future. Mr. Oswald wished to point out that the SBA did not violate the Beer Code. He stated that beer was sold at 8:03 p.m. and not sold prior to that time. The Security problem was due to a misunderstanding and was taken care of by 9:30 p.m. the evening of the January 14 event.

HOUSING AUTHORITY REHABILITATION PROGRAM

Councilman Lucero gave a brief report on Grand Junction's Rehabilitation Program for housing in the older part of the city - \$400,000 Block Grant was applied for and received by the Housing Authority for the Program.

REVENUE SHARING FUNDS

President Brach stated that several "thank you" cards have been received from various entities that were recipients of the recent revenue sharing funds.

ADJOURNMENT

Upon motion by Councilman Lucero, duly seconded and carried, the meeting was adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk