

Grand Junction, Colorado

May 4, 1983

OATHS OF OFFICE

The Oaths of Office was administered to Gary A. Lucero, President of the Council, Ex-Officio Mayor, and to Elizabeth (Betsy) Clark, President of the Council Pro Tempore, Ex-Officio Mayor Pro Tempore.

The City Council of the City of Grand Junction, Colorado, convened in regular session the 4th day of May, 1983, at 7:30 p.m. in the Council Chambers at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Robert Holmes, Christine Kreissler, Mike Pacheco, Ray Phipps, and President of the Council Gary Lucero. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

Council President Lucero called the meeting to order and asked Councilman Pacheco to lead in the Pledge of Allegiance.

INVOCATION

Reverend Eldon Coffey, Central Orchard Mesa Community Church.

MAYOR'S REMARKS

Mayor Lucero commented that upon taking office, he felt a special responsibility to the people who have preceded him in office, and that he would hope to have the same courage and determination as they in guiding this Council with leadership during the coming year.

MINUTES

Councilman Holmes stated that on page 9 of the minutes of April 20, 1983, under the topic DOWNTOWN HOTEL AGREEMENT, his comments that "considering this agreement and taking action at this meeting after having only forty-eight hours or so to review was adequate" was inaccurate. He emphasized that it was totally inadequate, and further that the briefness of the paragraph hardly touched on some of the main points that were brought out in the comments of that meeting; however, be that as it may, the minutes should reflect that "the forty-eight hours was inadequate." Upon motion by Councilwoman Clark, seconded by Councilman Pacheco and carried, the minutes of April 20, 1983, were approved as corrected.

COUNCIL APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES -
REORGANIZATION MONDAY, MAY 9

MESA COUNTY HOTEL-MOTEL ASSOCIATION PRESENTATION OF ALTERNATE
PROPOSAL TO LODGING TAX

Lou Ann Hughes, President of the Mesa County Hotel-Motel Association, owner of the Silver Spur Motel, 555 North Avenue, and the Bernina Sewing Center, 609 North Avenue, appeared to present a counter-proposal to the lodging tax that was proposed in February of 1983 by the Chamber of Commerce. The group tilted its presentation promotion "A Community Responsibility." Mrs. Hughes stated that the feeling of the group was that it had come up with a realistic and workable solution for a long-term funding of a community promotion program sponsored by the community. First of all, according to Mrs. Hughes, it is necessary to be aware of the impact of the traveler in Grand Junction, not just the tourist, because many people travel to the City for shopping, entertainment, professional service, school functions, group meetings, and so forth, and only stay one day. They do not stay overnight. The tourist is the traveler on an extended trip covering many days. Mrs. Hughes said that the group does agree with the Visitor Convention Committee of the Chamber on the necessity of a well-planned and coordinated promotion program. They also think that the Chamber should be the organization responsible for implementing promotional programs benefitting the community. Mrs. Hughes said that the argument is with the funding because funds used for promotion and advertising are an investment in the community with returns in a better quality of life. Therefore, their present thinking calls for a community-funded program based on a steady source of revenue rather than on an always fluctuating, generally seasonal, tourist-oriented source paid by the outsider with no vested interest in the community. She said that actually outsiders are not contributing a lot of tax monies to Grand Junction in all areas of retail trade. For example, last year twenty-five to thirty percent of the people who shopped at Mesa Mall were from out of town. It is estimated that the figures for this year will be higher. She noted that the City has always been generous to the businesses by giving them a five percent vender's fee which is a payment for collecting and paying the tax, while the State and County gives only three and one-third allowance. She stated that her group proposed that the City reduce its vender's fee to three and one-third percent with the remaining one and two-thirds percent being given up by the merchant, and by ordinance put into a promotion trust fund for the community as a whole. This fund would be administered by a seven-member governing board representing the retail sector, the government, and the Chamber of Commerce. Makeup of the Board would be as follows: one member each from the Motel Association, the Downtown Retail merchants, the North Avenue Association, the Airport Business Association, and Mesa mall, plus appointed representatives from the Chamber of Commerce and the City Council. Using data provided by the City over a three-year period, sales tax revenues averaged six million dollars per year in Grand Junction. She said that this reflects only ninety-five percent of what is actually collected. The additional five percent of what is the vender's fee which amounts on an average to \$320,000. Their proposal calling for three and one-third percent fee and a return of the other one and two-thirds would produce in excess of \$107,000 annually for a promotion trust fund. Their proposal does not call for the

collection of additional taxes on an already over-taxed society, but would instead come from taxes currently collected from the local citizenry and visitors alike. Asking a retailer to give up one-third of his vender's fee would not be a great sacrifice. Mrs. Hughes then gave examples of what kinds of money would be returned to the trust fund. She noted that in the report to Council it was cited where lodging taxes have been tried and failed in the intended use of the funds and also the arguments against such taxes. She displayed the ad that had been published in The Daily Sentinel on the 17th of April in an effort to explain their proposal to the public and to show how visitor spending flows into all of the community. So far, there has been no adverse reaction to the ad. Mrs. Hughes said that in fact what little feedback they have had to the proposal has been very positive. If the proposal happens, her group sees the following benefits:

1. It will raise more money than could be hoped for from a lodging tax;
2. It would improve the posture of tourism in the eyes of many other businesses and individuals with no tourist interest;
3. Tourism would be taking care of its own promotional requirements;
4. It would be a great boon to all Grand Junction in jobs, personal income, and tax revenues.

It would benefit all businesses in the City and most of the County directly or indirectly. Ultimately, the group sees the plan becoming a total community endeavor. A promotion program supported by this trust fund from the retail sector will encourage business entities and groups to contribute to the fund, such as banks and other financial institutions, real estate brokers, advertising firms, government agencies, public transportation, newspaper and broadcasting media to name a few. Mrs. Hughes added that since the Motel Association is a County Association, there are members who do not collect Grand Junction City sales tax but they have already volunteered to contribute their one and two-thirds percent to the promotion fund which is over and above the vender's fee allowed by their respective cities. She feels that Grand Junction has it, why not use it. She recommended that the Council appoint a task force from the retail community, the Chamber of Commerce, the City Council, and her Committee, to study the proposal, get public opinion, rework the Chambers' plan and suggested contract that they presented on February 21, and make recommendations to Council at the first meeting in June or before, if possible. She submitted the name of a volunteer for this Committee for the governing board, Cheryl Liverance from Mesa Mall; she is very interested in this program. She would be happy to serve on the task force and the governing board.

Council President Lucero noted that the Council has set up its own committee to review the two proposals it now has. He stated that

it may be that the committee needs to be expanded into a larger task force, and Council would certainly take it under advisement.

Councilman Dunn, Councilwoman Clark, and other members of Council commended Mrs. Hughes and her group for the work and time put forth in the proposal. Mrs. Hughes stated that her group has contacted several of the other organizations and they indicated an interest in the proposal. Mrs. Hughes also stated they feel the \$107,000 would be more than sufficient to get the program going. She also suggested that perhaps a time limit of three years be placed on the program to see if it will work.

The proposal was received for review.

APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES - APPROVED

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

Mesa Farmers market, 2651 Highway 50 (3.2% Beer)

Roadway Inn, 2790 Crossroads Boulevard (Hotel-Restaurant)

APPLICATION BY ANDREW C. MARION AND MARILOUISE MARION FOR RETAIL LIQUOR STORE LICENSE AT HILLTOP LIQUORS, 1563 HWY 50 S - CHANGE OF OWNERSHIP - LICENSE PRESENTLY HELD BY DANIEL AND LINDA OLSON

Upon motion by Councilwoman Kreissler, seconded by Councilwoman Clark and carried with Councilman HOLMES voting NO, the application by Andrew C. Marion and Marilouise Marion for a retail liquor store license at Hilltop Liquors, 1563 Highway 50 South, was approved.

APPLICATION BY HARRY M'S RESTAURANT AND DISCO, 715 HORIZON DRIVE, TO RENEW HOTEL-RESTAURANT LIQUOR LICENSE AND TO ADD JOHN R. HARDESTY AS 33-1/3% OWNER APPROVED - HEARING SCHEDULED BEFORE LIQUOR HEARING OFFICER ON ALLEGED VIOLATION

The City Attorney advised Council of the report by the Police Department of an alleged violation of sale to a minor in January. He recommended that in accordance with Council's usual practice, it approve the application to renew the license and add John R. Hardesty as a 33-1/3% owner in the license, with the understanding that the matter of the alleged violation will be immediately submitted to the hearing officer and that the full range of available punishments remain with the Council--that would include revocation of the license or suspension or nothing depending upon the Council's reaction to whatever the hearing officer determines.

Councilman Holmes questioned the City Attorney regarding the need for the delay from the time of an alleged violation until such time as it appears on the Council's agenda. He said this seems not

to have improved, and asked why was the delay so lengthy before bringing it to Council. Mr. Ashby said that he could not answer that but that he would have an answer for Council at the next meeting of Council. He noted that it may have been due to the process of just going through the courts. He stated that Council has determined that it would like to have these matters before it within 90 days. The difficulty now is that the courts are so crowded that it is hard to get a procedure through the criminal courts within the 90 day period. He suspected that that may have happened in this case, although he did not know that. He pointed out that the Council does not try them ahead of the criminal conviction because in order to do that, it limits greatly the evidence that can be obtained since it is a civil proceeding, and it makes it double difficult and about twice as long in trying and then, in effect, the case is tried twice.

Councilman Holmes said that it hardly seems that though past precedent may have established such a procedure as suggested by the City Attorney as being the way to go, when there has been such a delay as this, from January until May, for a business to continue to be able to function and then to be granted a renewal of the license prior to anything being taken, it does seem that the Council is doing all that it can to sustain this type of business when indeed it is encroaching upon the rights of many people in this community that would rather have it done otherwise.

Upon motion by Councilman Phipps, seconded by Councilwoman Kreissler and carried with Council members HOLMES and PACHECO voting NO, the application to renew the hotel-restaurant liquor license for Harry M's, 715 Horizon Drive, and to add John R. Hardesty to the license was approved, and authorized the City Attorney to turn over to the liquor hearing officer immediately the matter of the alleged violation, with the hearing officer's recommendations being referred back to Council.

HEARING - APPLICATION BY GOODPASTURES, INC., DBA GOODPASTURES, 733 HORIZON DRIVE, FOR CONDITIONAL USE AND FOR A BEER-WINE LICENSE - DECISION SCHEDULED JUNE 1, 1983

A hearing was held after proper notice on the application by Goodpastures, Inc., for a beer-wine license at Goodpastures, 733 Horizon Drive. The following Report was read:

"An application was filed by Goodpastures, Inc., on March 31, 1983, for a Beer-Wine License which permits sales of malt and vinous liquor by the drink for consumption on the premises of the licensee at Goodpastures, 733 Horizon Drive. Corporate Officers, Directors and Stockholders are:

President: Winston Alan Goodpasture 45%
695 Crestridge Drive
Grand Junction, CO 81501

Vice Pres: Stephen Minall 6%

#6 Hoselle Court
Grand Junction, CO 81501

Treasurer: Louise Forster 49%
737 Horizon Drive
Grand Junction, CO 81501

The display and giving notice of hearing was published in The Daily Sentinel April 22, 1983, and the sign giving notice of hearing was posted on the property April 22, 1983.

The area bounded by G Road on the south, 12th Street/27 Road on the west, H Road on the north, to 28-1/4 Road on the east was surveyed. 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. 218

a. An owner of property in the neighborhood. 67

b. An employee or business lessee of property in the neighborhood. 147

c. An inhabitant of the neighborhood. 13

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. 41

a. An owner of property in the neighborhood. 14

b. An employee or business lessee of property in the neighborhood. 19

c. An inhabitant of the neighborhood. 7

3. No Opinion 20

The Police Department reported nothing of a derogatory nature concerning the background of the officers. Reports from the Mesa County Health Department and Grand Junction Fire Department indicate health and fire regulations are being met by the applicant.

Similar-type outlets within survey area and one mile: 0."

The map showing similar-type outlets was reviewed. The applicant was represented at the hearing. Reverend Eldon Coffey opposed the granting of the license. There were no other opponents, letters or counterpetitions.

The conditional use hearing will be held May 31, 1983, with a decision by the City Council June 1, 1983.

Councilwoman Clark requested that Council investigate other alternatives for reviewing the hearing process regarding applications for liquor and beer licenses and would like to have that further pursued.

BIDS - AWARD OF CONTRACT PAVING WATER AND SEWER PROJECT, 1983 - PETER KIEWIT SONS' COMPANY - \$57,480

Bids were received and opened April 27, 1983, for the Paving Water & Sewer Project - 1983. Bidders were:

<u>Pavement per Ton</u> <u>Bid</u>	<u>Total</u>	
Elam Construction, Inc. \$92.50	\$157,360.00	
United Paving, Inc. \$76.85	\$127,191.20	
Corn Construction Company \$56.50	\$81,488.00	
Peter Kiewit Sons' Company \$40.00	\$57,480.00	

Staff recommended award of the contract to the apparent low bidder.

Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, the bids were accepted, and the contract for the Paving Water & Sewer Project, 1983, was awarded to Peter Kiewit Sons' Company for its low bid of \$57,480 and the City Manager was authorized to sign the Contract.

BIDS - AWARD OF CONTRACT TEE BOX AT TIARA RADO GOLF COURSE - RICHARD HOEY CONSTRUCTION \$5,974.50

The following bids were received and opened for the installation of the concrete retaining wall on No. 10 Tee Box at Tiara Rado Golf Course:

Fred Cunningham \$8,150.00

Hoey Construction \$5,974.50

C. Mays Concrete \$11,836.00

M. A. Concrete Construction \$8,350.00

C.C.N. Construction (Bid proposal rejected based on failure to bid specifications - \$5,578.72)

Staff recommended award of contract to Hoey Construction. Upon motion by Councilman Phipps, seconded by Councilman Pacheco and carried, the bids were accepted and the Contract was awarded to Hoey Construction for its bid of \$5,974.50, and the City Manager was authorized to sign the Contract.

ORDINANCES ON FINAL PASSAGE - PROOFS OF PUBLICATION

Proofs of Publication were received on all Ordinances proposed for final passage. Copies of the Ordinances proposed for final passage were submitted in writing to the City Council prior to the meeting.

ORDINANCE NO. 2119 - RIGHT OF WAY VACATION, 40-FOOT SECTION OF HORIZON DRIVE, ADJACENT TO LOT 1, BLOCK 1, GRAND JUNCTION TECHNOLOGICAL CENTER SUBDIVISION

Upon motion by Councilman Holmes, seconded by Councilwoman Kreissler and carried, the following entitled proposed ordinance was called up for final passage and the title only was read: AN ORDINANCE VACATING A RIGHT OF WAY IN THE CITY.

There were no comments. Upon motion by Councilman Holmes, seconded by Councilwoman Kreissler and carried by roll call vote, the Ordinance was passed, adopted, numbered 2119, and ordered published.

ORDINANCE NO. 2120 - ZONING PORTION OF BRACH ANNEXATION RSF-8

Upon motion by Councilwoman Clark, seconded by Councilman Holmes and carried, the following entitled 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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY.

There were no comments. Upon motion by Councilwoman Kreissler, seconded by Councilman Pacheco and carried by roll call vote, the Ordinance was passed, adopted, numbered 2120, and ordered published.

ORDINANCE NO. 2121 - ZONING PORTION OF BRACH ANNEXATION C-1

Upon motion by Councilwoman Kreissler, seconded by Councilman Holmes and carried, the following entitled 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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY.

There were no comments. Upon motion by Councilwoman Kreissler, seconded by Councilwoman Clark and carried by roll call vote, the Ordinance was passed, adopted, numbered 2121, and ordered published.

ORDINANCE NO. 2122 - ZONING VALLEY PLAZA ANNEXATION H.O.

Upon motion by Councilman Holmes, seconded by Councilwoman Kreissler and carried, the following entitled 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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY.

There were no comments. Upon motion by Councilman Pacheco, seconded by Councilman Holmes and carried by roll call vote, the Ordinance was passed, adopted, numbered 2122, and ordered published.

ORDINANCE NO. 2123 - ZONING GRAFF ANNEXATION RSF-4

Upon motion by Councilwoman Clark, seconded by Councilwoman Kreissler and carried, the following entitled 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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY.

There were no comments. Upon motion by Councilman Pacheco, seconded by Councilwoman Kreissler and carried by roll call vote, the Ordinance was passed, adopted, numbered 2123, and ordered published.

ORDINANCE NO. 2124 - ZONING VENEGAS ANNEXATION C-1

Upon motion by Councilwoman Kreissler, seconded by Councilman Pacheco and carried, the following entitled 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 ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY.

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 2124, and ordered published.

ORDINANCE NO. 2125 - ZONING TEXT AMENDMENT ADDING SECTION 3-19-11, ANNEXATION POLICIES

Upon motion by Councilman Pacheco, seconded by Councilman Holmes and carried, the following entitled proposed ordinance was called up for final passage and the title only was read: ADOPTING POLICIES FOR ANNEXING LANDS TO THE CITY OF GRAND JUNCTION.

There were no comments. Upon motion by Councilwoman Clark, seconded by Councilwoman Kreissler and carried, the Ordinance was passed, adopted, numbered 2125, and ordered published.

ORDINANCE NO. 2126 - SIMPSON ENCLAVE ANNEXATION, 589 25-1/2 ROAD

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

There were no comments. Upon motion by Councilman Dunn, seconded by Councilwoman Kreissler and carried by roll call vote, the Ordinance was passed, adopted, numbered 2126, and ordered published.

RESOLUTION NO. 26-83 - GRANTING REVOCABLE PERMIT TO HILLTOP REHABILITATION CENTER FOR LIGHT POLES AND A CONCRETE SEATING AREA AT 12TH AND PATTERSON

The following Resolution was read:

RESOLUTION NO. 26-83

GRANTING A REVOCABLE PERMIT TO HILLTOP REHABILITATION CENTER

WHEREAS, Hilltop Rehabilitation Center has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to permit the continuance in the right of way of five decorative light poles and concrete seating adjacent to the Center located at 1100 Patterson Road, City of Grand Junction; and

WHEREAS, such action would not be detrimental to the interest of the inhabitants of the City;

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

That the City Manager, on behalf of the City and as the act of the City, be and he is hereby authorized to grant such Revocable Permit to the above-named petitioner for the purpose above described upon the execution by the petitioner of an agreement to save and hold the City harmless from any claims arising out of the encroachment and use granted, and execution by the petitioner of an agreement that upon the revocation of such Permit, the petitioner will remove said encroachment at its own expense, restoring the right of way to its original condition.

PASSED and ADOPTED this 4th day of May, 1983.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, Hilltop Rehabilitation Center has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to permit the continuance in the right of way of five decorative light poles and concrete seating adjacent to the Center located at 1100 Patterson Road, City of Grand Junction; and

WHEREAS, the City Council is of the opinion that such action would not be detrimental to the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to Hilltop Rehabilitation Center a Revocable Permit to permit the continuance in the right of way of five decorative light poles and concrete seating adjacent to the Center at 1100 Patterson Road in the City of Grand Junction; provided, however, that said Permit may be revoked by the City Council at its pleasure at any time; provided, further that the above-named petitioner shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from the permitted use; and further provided that said petitioner shall agree that upon the revocation of such permit, it will, at its own expense, remove said encroachment and restore the right of way to its original condition.

DATED this 4th day of May, 1983.

/s/ James E. Wysocki

City Manager

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Dunn, seconded by Councilman Phipps and carried by roll call vote, the Resolution was passed and adopted

as read.

LIQUOR HEARING OFFICER'S RECOMMENDATION RE: HOTEL-RESTAURANT
LIQUOR LICENSE HELD BY RICHARD ROUBIDOUX DBA DOUBLE R BAR, 2879
NORTH AVENUE - LICENSE SUSPENDED 3-DAYS MAY 5 THRU May 7, 1983

Copies of the recommendation of the Hearing Officer, Philip Coebergh, were made available to the City Council for review prior to the meeting. Mr. Robidoux and his attorney, Dick Lewis, were present. Mr. Lewis stated they had read the recommendation of the Hearing Officer, and they did not particularly disagree with it. Mr. Lewis asked Council to consider that Mr. Robidoux was previously closed for almost three days when the license was renewed at the City Council meeting on the 16th of February; his license expired the 19th of February, and he was closed the 20th, 21st, and until the 22nd. Mr. Lewis said that in essence Mr. Robidoux has suffered the closure for three days, maybe not technically because of any action Council had taken specifically at this meeting, but because of prior delay. Therefore, they were willing to accept the Hearing Officer's recommendation and asked that Council give credit for that time that he had previously been closed.

Mr. Ashby asked whether or not it was the fault of the Council or of Mr. Robidoux that he was closed. Mr. Lewis responded that as he recalled, Mr. Robidoux received notice very late on the evening of the 16th of the Wednesday evening meeting and that he was not aware that he was going to be before the Council so he really was not prepared to follow through. Mr. Robidoux said that Mr. Wysocki was sick that day and Mrs. Lockhart was sick also that day, and she called her secretary (regarding the Police Department report alleging the violation that was to be presented to Council that evening), and her secretary called Mr. Robidoux by phone and he tried to contact Mr. Lewis that afternoon but could not reach him so he could represent Mr. Robidoux that night.

City Clerk Neva Lockhart stated that the State of Colorado mails directly to the licensee the application to renew licenses at least 90 days prior to the expiration date of the license. According to Mrs. Lockhart, a young lady appeared in her office sometime during the month of January with the application for Mr. Robidoux. The application was incomplete and was rejected and returned to Mr. Robidoux. When the completed application was filed several days later, the item was placed on the earliest agenda, but Mr. Robidoux was 60 days or more overdue in filing his application to renew his license. Therefore, she did not feel that the City was at fault in any way for the closure of Mr. Robidoux's business in February.

Councilman Holmes stated that he had read this (the Hearing Officer's report). He read the Hearing Officer's conclusion. "Based on the evidence presented it is concluded that: Respondent was admittedly involved in a very serious and life-threatening situation in which Respondent apparently lost control of his

normal faculties. Threatening one's wife with a loaded pistol, holding her hostage and assaulting her are obvious and flagrant violations of the criminal law and raise serious question about Respondent's moral character. However, no testimony was presented that any other such incident had ever occurred. Further, the victim of the incident testified that her former husband is a kind and gentle person, and that this incident of June 17th was totally out of character. No evidence was presented showing any problems with the manner in which Mr. Robidoux runs the Double R Bar." Mr. Holmes said that he read the foregoing so there would be a perspective to his next comment. He stated that Council was dealing with one man. It was not dealing with a family man and it was not dealing with a separate business man. Its dealings are with one man who holds a license. According to the conclusion, there was a life threatening situation, a loaded pistol, it was all heard. He continued that it should be very fresh in memory what happened at Walnut Avenue just in the last week to ten days. He stated that regardless of anything else, this should be dealt with in such a manner that the individual and those involved in similar enterprises would realize that this community is not condoning this type of action by just gently tapping one on the wrist and saying "naughty, naughty." He felt that for this kind of a violation the least penalty should be a ten-day suspension of the license. That would be very nominal and very token in view of the seriousness, the criminality, and everything else, regardless of what else is involved. He restated that Council must deal with one individual in whose trust Council places the prerogative to run a licensed liquor operation in the City of Grand Junction.

Councilman Dunn responded that the City does have a Hearing Officer, and the reason one was appointed was to follow his recommendations. Councilman Dunn then read the recommendation of the Hearing Officer: "1. That Mr. Robidoux's license not be revoked; 2. That Mr. Robidoux's license be suspended in accordance with C.R.S. 1973, Section 12-47-110, for a period of three consecutive days within thirty (30) days of the Council's decision; 3. That Mr. Robidoux be required to post a Notice of Suspension during the three-day suspension in accordance with Colorado Liquor Code Regulation 47-110.1." His comment was that either Council have a Hearing Officer and abide by his recommendations or Council scrap the whole process.

Councilwoman Clark moved to approve the recommendations of the Hearing Officer and suspend Mr. Robidoux's license in accordance with C.R.S. 1973, for three days effective at midnight May 4. The motion was seconded by Councilwoman Kreissler and said motion carried with Council members HOLMES and PACHECO voting NO.

RESOLUTION NO. 27-83 - COMMERCE BOULEVARD ANNEXATION, S SIDE OF F ROAD FROM WESTGATE SUBDIVISION TO 24-1/2 ROAD - HEARING SCHEDULED JUNE 22, 1983

RESOLUTION NO. 27-83

WHEREAS, a petition to annex to the City of Grand Junction certain lands situate in Mesa County, Colorado, and described as follows:

Beginning at a point 30 feet S of the NE Cor of Sec 9, T1S, R1W, Ute Meridian, thence W along the S line of F Road R-O-W to the intersection with the centerline of 24-1/2 Road, thence S along said centerline to a point W of the SW Cor of Lot 1, Jacobs Commercial Subdivision, thence E to said SW Cor of Lot 1, thence E along the S line of said Jacobs Commercial Sub and said S line projected Eerly to the E line of 25 Road to the NW Cor of Lot 1, Carmack Minor Sub Replat, thence E along the N line of said Lot 1 to the NE Cor of said Lot 1, thence N of the S line of F Road R-O-W, thence W along said S line of F Road to the point of beginning;

has been submitted to the City Council of the City of Grand Junction; and

WHEREAS, said petition substantially complies with the requirements of 31-8-107, Colorado Revised Statutes, 1973, as amended;

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

That a hearing to determine whether or not the proposed annexation complies with the provisions of Section 104 and 105 of said 31-8 of the Colorado Revised Statutes, 1973, will be held on June 22, 1983, in the City Council Chambers at City Hall at 7:30 o'clock P.M. and that Notice of such hearing be given as required by law.

PASSED and ADOPTED this 4th day of May, 1983.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

HEARING - RESOLUTION NO. 28-83 - AMENDMENTS TO THE DDA PLAN OF DEVELOPMENT

Skip Grkovic, Executive Director of the Downtown Development Authority, summarized the past history of the DDA Plan of Development. This amendment incorporates the property that was recently annexed to the DDA District into the tax increment district and the second item converts what had been designated

commercial renovation districts within the downtown area which had been separate from the tax increment district. There was discussion about the 80/20 split; 80% of new tax collections would be deposited in the tax increment revenue fund and 20% would be contributed to the City's general fund. Mr. Grkovic explained that at the time the DDA adopted the Resolution, there was concern expressed that perhaps a larger percentage of new sales tax increment being contributed to the general fund might be advisable, so a clause was added to the DDA Board's Resolution to the effect that if the Council wished to make minor changes in that distribution the DDA Board would accept it so that repeating the process could be avoided. State law requires that both the DDA Board and the City Council adopt Resolutions for them to be effective. Councilman Pacheco asked if the DDA Board would be receptive to a 70/30 split. Mr. Grkovic indicated that the DDA Board would be, however he deferred to Joseph H. Skinner, attorney for the DDA Board. Mr. Skinner felt there was some leeway to work until the bonds are issued. Once the bonds are issued the split cannot be changed. He noted that some cities, when they get ready to issue the bonds knowing how much is in the account, have opted to give the tax increment revenue fund one hundred percent on a notion of a quicker payoff and a quicker return to the City.

There were no comments, letters or counterpetitions.

The following Resolution was read:

RESOLUTION NO. 28-83

BY THE CITY COUNCIL OF GRAND JUNCTION, COLORADO, APPROVING AMENDMENTS TO THE PLAN OF DEVELOPMENT FOR THE GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS, the Grand Junction, Colorado, Downtown Development Authority (the Authority) has adopted a Plan of Development for the central business district within the boundaries of the Authority and such plan of development was approved by the Grand Junction, Colorado, City Council (the Council) on December 16, 1981, and amended on June 2, 1982; and

WHEREAS, since that time, several individuals, pursuant to C.R.S. 1973, section 31-25-822, as amended, and Article X of the Authority's Plan of Development have petitioned for inclusion within the boundaries of the Authority, and the boundaries of the Authority were expanded by the Council by Ordinance No. 2116; and

WHEREAS, on March 25, 1983, the Board of the Authority passed a resolution amending the Plan of Development to show such boundary changes and to redefine the boundaries of the Commercial Renovation Districts as defined in the Plan of Development; and

WHEREAS, such amendments were submitted to the Council Plan of Development to the City Planning Commission for its review and recommendations, and changes were made in the amendments to the

Plan of Development and such changes were ratified by the Board of the Authority on April 15, 1983; and

WHEREAS, the Planning Commission has made written its recommendations to the City Council concerning the Plan of Development, which recommendations are attached hereto as Exhibit "A"; and

WHEREAS, notice of public hearing before the City Council was given by publication once by one publication during the week immediately preceding the hearing in the Daily Sentinel, a newspaper having a general circulation in the City, on April 29, 1983; and

WHEREAS, a public hearing was commenced before the City Council on April 20, 1983, wherein comments were taken from those in attendance concerning the Plan of Development, and such hearing was continued until May 4, 1983; and

WHEREAS, Mesa County Valley School District No. 51, within which the entire Plan of Development area designated in the amendments to the Plan of Development lies, was permitted to participate in an advisory capacity with respect to the amendments of the Plan of Development of the provision for the utilization of tax-increment financing; and

WHEREAS, the City Council has been adequately informed in this matter because of public input prior to the amendments of the Plan of Development, the public hearing on the amendments to the Plan of Development, the evidence presented, the recommendations of the Planning Commission, and the Plan of Development previously adopted, a review of the previous resolutions passed, and personal knowledge of the members of the Council.

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

1. The findings made by the Council in the resolution adopting the Plan of Development on December 16, 1981, concerning the existence of blight within the Authority within the meaning of C.R.S. 1973, section 31-25-802(1.5), with amended, still exists - there being no substantial improvement within such area between December 16, 1981, and April 20, 1983.

2. The Council hereby finds and determines that the approval of the amendments to the Plan of Development will serve a public use; will promote the health, safety, prosperity, security and general welfare of the inhabitants of the city of its central business district; will halt or prevent the deterioration of property value or structures within the central business district; will halt or prevent the growth of blighted areas within said district; will assist the City and the Authority in the development and redevelopment of said district, and in the overall planning to restore or provide for the continuance of the health thereof; and

will be of specific benefit to the property to be included within the amended boundaries of the Authority.

3. The amendments to the Plan of Development, as shown in the attached Exhibit 1, which is incorporated herein, are hereby approved by the Council and incorporated into the Plan of Development as previously amended, and the Authority is authorized to undertake development projects as described in such Amended Plan of Development which shall now be referred to as the Plan of Development for the Grand Junction, Colorado, Downtown Development Authority, amended 1983.

4. The separate special fund of the City created by the Council by the resolution of December 16, 1981, and designated as the "tax-increment fund" shall continue to receive the deposit of the ad valorem and municipal sales tax-increment funds described in section 31-25-807, Colorado Revised Statutes of 1973, as amended, and derived from and attributable to development and redevelopment within the Plan of Development area, as amended, in which tax-increment financing is used. Funds shall be held, invested, reinvested, and applied as permitted by law. For the purpose of ascertaining the amount of funds to be deposited in the tax-increment fund as provided by law, the County Assessor is hereby requested to certify to the City Council by August 1, 1983, the valuation for assessment of new property added by this Amendment to Tax Increment Plan of Development Areas as of the date of the last certification. For the same purpose, the City Finance Director is hereby directed to certify to the City Council on or before August 1, 1983, the amount of municipal sales taxes collected within new property added by this Amendment to Tax Increment Plan of Development Areas for the period from May 1, 1982, to April 30, 1983.

5. No public servant of the City who is authorized to take part in any manner in preparing, presenting, or approving the Plan of Development or any contract contemplated thereby has a potential interest in the Plan of Development or any such contract which has not been disclosed in accordance with the requirements of section 18-8-308, Colorado Revised Statutes, 1973, as amended, and no such public servant has received any pecuniary benefits from the Plan of Development or any such contract.

6. If any provision of this Resolution is judicially adjudged invalid or unenforceable, such judgment shall not affect the remaining provisions hereof, it being the intention of the City Council that the provisions hereof are severable.

7. This resolution shall be effective immediately upon its adoption and approval.

READ, PASSED and ADOPTED this 4th day of May, 1983.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

EXHIBIT "A"

To: The Grand Junction City Council

From: The Grand Junction Planning Commission

Date: April 13, 1983

Re: Amendments to the Plan of Development of the Grand Junction, Colorado, Downtown Development Authority

On April 6, 1983, the Grand Junction City Council, pursuant to C.R.S. 1973, 31-25-807(4) (b), submitted proposed amendments to the Plan of Development of the Grand Junction, Colorado, Downtown Development Authority to the Planning Commission for review and recommendations.

The proposed amendments have been reviewed by the staff and by the Planning Commission. The scope of review considered such amendments as they related to past policies for development and renovation and the effect the amendments would have, if any, on the policies as set out in the downtown element of the City's comprehensive plan and the policies adopted as part of the Grand Junction Zoning Regulations.

After this review, we offer the following comments and recommendations:

1. The proposed amendments to the Plan of Development are consistent with the downtown element of the City of Grand Junction's comprehensive plan (master plan), and seem consistent with policies as adopted by the Council in the Grand Junction Zoning text.
2. The elimination of the majority of the Commercial Renovation Districts under the Plan of Development does not appear to be inconsistent with the policies of the City of Grand Junction.
3. The proposed amendments to include other areas within the boundaries of the Downtown Development Authority are consistent with the limits of the ultimate DDA boundaries defined in the Downtown Development Strategy and the DDA Plan of Development.

The amendments were reviewed at a Planning Commission workshop on April 12, 1983, at which time the comments of the members of the Commission and the Planning Department staff were considered. We

find the proposed amendments to the Plan of Development to be consistent with existing city-wide policies and not in conflict with development patterns on a city-wide basis.

We, therefore, endorse the proposed amendments to the Plan of Development as being consistent with the existing City policies and recommend that the City Council hold a public hearing on these amendments.

Respectfully submitted this 12th day of April, 1983.

/s/ Ross Transmeier

Chairman, Planning Commission

EXHIBIT "1"

SECTION 1. Page 2 Paragraph 6 is deleted and reenacted to read:

6. Secondly, for commercial buildings which are 30 or more years old, Colorado Law (C.R.S., 1973, 39-5-105, 1973, as amended), allows an owner to defer for five years the assessment of the increased value caused by improvements made for rehabilitation or renovation. This section has been an incentive for at least one property owner to renovate an existing structure. However, it appears the law will be repealed because of recent Constitutional amendments and will, in all probability, no longer be available for use as an incentive. Property which was subject to such five-year deferral of assessment may not be included in a Plan of Development area in which a tax-increment financing district will be used.

SECTION 2. Pages 8A, 9A, 10A, 10AB, 10AC and 10AD are amended by the insertion of new language to show the amended boundaries of the DDA as created by Ordinance No. 2116 of the City of Grand Junction to read as shown on Pages 8B, 9B, 10B, 10(BB), 10(BC) and 10(BD). (Attached as Exhibit 'a'.0

SECTION 3. Pages 11A, 12A, 13A, 13AB, 13AC, 13AD and 13AE are amended to show the changes within the boundaries of the Plan of Development area within which the tax-increment financing will be used, as shown on Pages 11B, 12B, 13B, 13BB, 13BC, 13BD and 13BE. (Attached as Exhibit "B".)

SECTION 4. Pages 14A, 14AB, 14AC, 14AD and 14AE are amended to show the changes to the boundaries of the Commercial Renovation Districts as shown on Pages 14B, 14BB, 14BC, 14BC and 14BE. (Attached as Exhibit "C".)

SECTION 5. Page 15A is amended to show the inclusion of new property and the change in the Commercial Renovation Districts by the deletion of Page 15A and the insertion of Page 15B.

SECTION 6. Page 31 Paragraph 11 is deleted and reenacted to read:

11. By state statute, deferral of property tax assessments is presently available to owners of certain older buildings who improve their property through renovation. This is available for private homeowners without special designation of their areas as renovation districts. For those property owners who have availed themselves of the tax deferral, a Commercial Renovation District is continued under this plan.

SECTION 7. Page 32 Paragraph 6 is deleted and reenacted to read:

6. The DDA and the City will design and implement funding mechanisms for renovation of older structures within the tax-increment district. It will assist in the continued use of the deferral by property owners who have benefitted from the deferral. These include those programs currently in place, such as low interest commercial loan pool and others which will require research and development.

SECTION 8. Page 45 Paragraph 1 is deleted and reenacted as read:

1. Commercial Renovation District. The one property that has applied for and taken advantage of the five-year tax deferral should continue to be designated as a Commercial Renovation District.

SECTION 9. Page 45 shall be amended by the addition of a new paragraph which reads:

1B. Shopping Park Renovation Area. The Shopping Park along Main Street is designated as a renovation area rather than a development area, since the structures on Main Street provide strong opportunities for renovation rather than replacement. Historic District designation will be investigated, with the preservation of key structures a possibility in this area. Good building rehabilitation opportunities do exist. Restorations need to preserve accurate architectural integrity, materials, sense of color, signage, and the alignment of similar building elements.

SECTION 10. Exhibit F shall be amended as shown on Page 48B.

SECTION 11. Page 50 Paragraph C is deleted and reenacted to read:

c. 1.) All municipal sales taxes collected in the Plan of Development area for the 12-month period ending on the last day of the month (November 30, 1981) prior to the effective date of this plan (December 6, 1981) shall be calculated by the City Finance Director and certified to the City and Authority prior to April 1, 1982. The 12-month period base year for the division of sales taxes shall be December 1, 1980, through November 30, 1981.

2.) For that property which is subsequently added to the Plan of Development area in which tax-increment financing is used, including that property which previously had been part of the

Commercial Renovation District Plan of Development area, but was added to the tax-increment financing Plan of Development area by the April 1983 amendments to the Plan of Development, municipal sales tax collected from such property for the 12-month period ending on the last day of the month prior to the effective date of the amendment shall be calculated by the City Finance Director and certified to the City and Authority within five months of the effective date of such amendment, and such 12-month period shall, in each case, be the base year for the division of sales taxes collected from such property. If it becomes legally feasible in the opinion of bond counsel for the Authority, the City and the Authority shall consider amending this Plan of Development to combine base years for calculation of sales tax increment to ease the administrative burden upon city personnel.

SECTION 12. Pages 50 and 51 Paragraph E is defined and reenacted to read:

e. The division of municipal sales taxes generated and collected within the Plan of Development area after November 30, 1981, shall be:

1.) That a base year amount shall be paid into the funds of the City annually commencing December 1 of each year.

2.) Twenty per cent (20%) of the incremental amount in excess of the base year amount shall be paid into the funds of the municipality.

3.) Eighty percent (80%) of the incremental amount in excess of the base year amount shall be paid into the Tax Increment Revenue Fund.

4.) Payment of incremental funds into the Tax Increment Revenue Fund shall commence only after the base year amount has been collected and paid into the funds of the municipality. Thereafter and until November 30 of each year the percentage as described in Sub-sections 2 and 3 above shall be paid into the funds of the municipality and the Tax Increment Revenue Fund.

5.) All interest earned on the deposit or investment of funds allocated to the Tax Increment Revenue Fund shall be paid into the Tax Increment Revenue Fund.

6.) For property added to the Plan of Development area in which tax-increment financing is used and the base year is established pursuant to Sub-section C.2.), the provisions of this Sub-section e shall apply to the 12-month period ending on the last day of the month prior to the effective date of the amendment; provided, however, for property added by the April 1983 Amendments to the Plan of Development seventy percent (70%) of the incremental amount in excess of the base year amount shall be paid into the Tax Increment Revenue Fund and thirty percent (30%) shall be paid into the funds of the municipality.

SECTION 13. Page 54 Sub-paragraph H is hereby omitted in its entirety.

SECTION 14. Page 52 Sub-division C shall be amended to read:

C. COMMERCIAL RENOVATION DISTRICT DESIGNATION

1. Colorado statute section 39-5-105 C.R.S. 1973, as amended, provides for a five-year deferral in the increase of assessed value of a property more than 30 years old as a result of any renovation done to the property. The Commercial Renovation Districts called for in this Plan are as described in Exhibit "C" and in its Section VIII C, as amended in 1983. It is anticipated that no further commercial renovation districts will be created within the DDA boundaries.

EXHIBIT "A"

BOUNDARIES OF THE GRAND JUNCTION, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY

Beginning at the Northwest Corner of Wilson's Subdivision of Block 2 of Mobley's Subdivision; thence East along the South right-of-way line of Grand Avenue to the North corner point common to Lots 4 and 5 of Block 78, City of Grand Junction; thence North to a point on the North right-of-way line of Grand Avenue; which point is 15.835 feet West of the East boundary line of Lot 20, Block 77, City of Grand Junction; thence North to the North right-of-way line of the East-West alley in said Block 77; thence East to the Southerly point common to Lots 10 and 11, Block 77, City of Grand Junction; thence North along the Western boundary of said Lot 11 to the Southern right-of-way line of Ouray Avenue; thence East along the South right-of-way line of Ouray Avenue to the West right-of-way line of 3rd Street; thence South along the West right-of-way line of 3rd Street to the North right-of-way line of Grand Avenue; thence West along the North right-of-way line of Grand Avenue to the Southern point common to Lots 20 and 21, Block 76, City of Grand Junction; thence Southerly to the Northerly common corner of Lots 12 and 13 in Block 79, City of Grand Junction, thence South along the common lot line to a point on the South right-of-way line of the East-West alley in Block 79, City of Grand Junction; thence West along such South right-of-way line to a point 12 feet West of the Eastern line of Lot 7, Block 79, City of Grand Junction; thence North to the South right-of-way line of Grand Avenue; thence West to the North corner point common to Lots 9 and 10 of Block 78, City of Grand Junction; thence South along the common line of Lots 9 and 10 and the common line of Lots 15 and 16, all in Block 78, to the South right-of-way line of White Avenue; thence East to the West right-of-way line of 2nd Street; thence South to the North right-of-way line of the East-West alley in Block 99, City of Grand Junction; thence East along the North line of the East-West alley Block 98, City of Grand Junction, to the West right-of-way line of 3rd Street; thence

North along the West right-of-way line of 3rd Street to the Southeast corner of Lot 17, Block 79, City of Grand Junction; thence West to the South corner point common to Lots 18 and 19, of said Block 79; thence North along the common lines of Lots 18 and 19 and 14 and 15 in Block 79, City of Grand Junction to the South right-of-way line of Grand Avenue; thence East along the South right-of-way line of Grand Avenue to the Northwest corner of Lot 12, Block 80, City of Grand Junction; thence in a Northerly direction to the Southwest corner of Lot 21, Block 75, City of Grand Junction; thence North along the West line of Lot 21, Block 75, to the North right-of-way of the East-West alley in Block 75; thence West along the North right-of-way of the East-West alley in Block 75 to the Southwest corner of Lot 9, Block 75, City of Grand Junction; thence North along the West line of Lot 9, Block 75, to the South right-of-way line of Ouray Avenue; thence East along the South right-of-way line of Ouray Avenue to the Northeast point of Lot 11, Block 73, which borders the alley parallel to said Lot 11, Block 73; thence South along the West right-of-way of said alley bordering Lot 11, Block 73, to the South right-of-way of the vacated East-West alley in Block 73; thence to the Northeast corner of Lot 21, Block 73, City of Grand Junction; thence along the East line of Lot 21, Block 73, to the North right-of-way line of Grand Avenue; thence along the North right-of-way line of Grand Avenue to the Southwest corner of Lot 28, Block 73, City of Grand Junction; thence North along the West line of Lot 28, Block 73, to the North right-of-way line of the vacated East-West alley in Block 73; thence West to the West right-of-way line of 5th Street; thence South along the West right-of-way line of 5th Street to the North right-of-way line of the East-West alley in Block 81, City of Grand Junction, thence East along the North right-of-way line of the East-West alley in Blocks 81 and 82 to the Southwest corner of Lot 9, Block 82, City of Grand Junction; thence North along the West line of Lot 9, Block 82, City of Grand Junction, to the South right-of-way line of Grand Avenue, thence East along said South right-of-way line to the East line of Lot 10, Block 82, City of Grand Junction; thence South along the East line of Lot 10, to the North right-of-way line of the East-West alley in Block 82, City of Grand Junction; thence East to the Southwest corner of Lot 13, Block 82, City of Grand Junction, thence North along the West line of Lot 13, Block 82, City of Grand Junction to the South right-of-way line of Grand Avenue; thence East along the South right-of-way of Grand Avenue to the East line of Lot 16, Block 82, City of Grand Junction, thence South along the East line of said Lot 16 to the North right-of-way line of the East-West alley in Block 82; thence East along the North right-of-way line of the East-West alley in Block 83 to the West line of Lot 9, Block 83, City of Grand Junction; thence North along the West line of said Lot 9 to the South right-of-way line of Grand Avenue; thence East along the South right-of-way line of Grand Avenue to the West right-of-way line of 8th Street; thence North along the West right-of-way line of 8th Street to the South right-of-way line of the East-West alley in Block 71, City of Grand Junction; thence East along the South right-of-way of the East-West alley in Block 70, City of Grand Junction to the North point common to Lots 20 and 21 in said

Block 70; thence South along the common line of Lots 20 and 21, Block 70, City of Grand Junction, to the South right-of-way line of Grand Avenue; thence West along the South right-of-way line of Grand Avenue to the East right-of-way line of 8th Street; thence South along the East right-of-way line of 8th Street to the South right-of-way line of White Avenue; thence West along the South right-of-way line of White Avenue to the West right-of-way line of the North-South alley in Block 93, City of Grand Junction; thence South along the West right-of-way line of the North-South alley in Block 93 to the South right-of-way line of the East-West alley in Block 93, City of Grand Junction; thence East to the North point common to Lots 23 and 24, Block 93, City of Grand Junction; thence South along the common line of Lots 23 and 24 to the South right-of-way line of Rood Avenue; thence West to the North point common to Lots 14 and 15 in Block 106, City of Grand Junction; thence South along the common line of Lots 14 and 15 to the North boundary of the East-West alley in Block 106, City of Grand Junction; thence West to the South point common to Lots 12 and 13, Block 106, City of Grand Junction; thence North to the South right-of-way line of Rood Avenue; thence West to the West right-of-way line of the North-South alley in Block 106, City of Grand Junction; thence South along the West right-of-way line of the North-South alleys in Block 106 to the South right-of-way line of Main Street; thence East along the South right-of-way line of Main Street to the North point common to Lots 17 and 18, Block 115, City of Grand Junction; thence South along the line common to Lots 17 and 18, Block 115, City of Grand Junction, to the South right-of-way line of the East-West alley in Block 115, City of Grand Junction; thence West along the South right-of-way line to the West right-of-way line of the North-South alley in Block 115, City of Grand Junction; thence South along such West right-of-way line in Blocks 115 and 128, City of Grand Junction, to the North right-of-way line of Ute Avenue; thence East along the North right-of-way line of Ute Avenue to the South point common to Lots 25 and 26, Block 128, City of Grand Junction; thence South on the common line between Lots 13 and 14, Block 137, City of Grand Junction, to the North right-of-way line of the East-West alley in Block 137, City of Grand Junction; thence West to the West right-of-way line of the North-South alley in Block 137, City of Grand Junction; thence North along the West right-of-way line of the North-South alley in Block 137, City of Grand Junction, to the South right-of-way line of Ute Avenue; thence West to the West right-of-way line of 7th Street; thence South to the North right-of-way line of Pitkin Avenue; thence West to the West right-of-way line of 6th Street; thence North to the South right-of-way line of Ute Avenue; thence West to the North point common to Lots 12 and 13, Block 139, City of Grand Junction; thence South to the North right-of-way line of the East-West alley in Block 139, City of Grand Junction; thence West to the South point common to Lots 8 and 9, Block 139, City of Grand Junction; thence North along the West line of Lot 9, Block 139, City of Grand Junction, to the South right-of-way line of Ute Avenue; thence West to the West right-of-way line of 5th Street; thence South to the North right-of-way line of Pitkin Avenue; thence West to the East right-of-way line

of 4th Street; thence North to the South right-of-way line of Ute Avenue; thence West along the South right-of-way line of Ute Avenue to the North point separating the East one-half of Lot 9 from the West one-half of Lot 9, Block 141, City of Grand Junction; thence South to a point on the North right-of-way line of the East-West alley in Block 141; thence West along the North right-of-way line of the East-West alleys in Blocks 141 and 142 to the East right-of-way line of 2nd Street; thence North to the North right-of-way line of Ute Avenue; thence West along the North right-of-way line of Ute Avenue to the Southwest Corner Block 10 Mobley Subdivision; thence Northwest along the Southwest line of Block 10 Mobley Subdivision to the intersection with the Southerly projection of the East right-of-way line of Spruce Street; thence North along said East line to the Northwest corner Block 10, Mobley Subdivision, thence Northwesterly to a point which lies 415.8 feet West and South 41 deg. 03 min. East 68.97 feet from the Northeast Corner of the Southeast 1/4 Southeast 1/4 of Section 15, Township 1 South, Range 1 West of the Ute Meridian; thence North 89 deg. 57 min. West for 271.8 feet along a line parallel to the North line of the Southeast 1/4 of the Southeast 1/4 of Section 15, Township 1 South, Range 1 West of the Ute Meridian; thence North 53 deg. 03 min. West 16.66 feet; thence North 53 deg. 03 min. West 70 feet to the East right-of-way line of the County Road to the East of the right-of-way of the Denver and Rio Grande Western right-of-way; thence Northwesterly along the East right-of-way of said County Road to the South right-of-way of State Highway 340; thence Northeasterly along the South right-of-way of State Highway 340 to the Northwest Corner of Lot 9, Block 1, Richard D. Mobley's First Subdivision; thence South along the West line of said Lot 9 to the Southwest corner; thence South to the center line of vacated alley; thence 25 feet East; thence North to a point 78 feet South of the North line of said Block 1, thence East to a point 7-1/2 feet West of the East line of Lot 11, Block 1, Richard D. Mobley's First Subdivision, thence North to the South right-of-way line of State Highway 340; thence along the South right-of-way line of State Highway 340 and Grand Avenue to the Point of Beginning.

However, excluding from the Grand Junction, Colorado, Downtown Development Authority all of Block 5 of Richard D. Mobley's First Subdivision, Lots 1 to 5, inclusive, of Block 4, Richard D. Mobley's First Subdivision, and Lots 12 to 16, inclusive, of Block 4, Richard D. Mobley's First Subdivision except the North 50 feet of Lots 12 to 16.

And also excluding from the boundaries of the Grand Junction, Colorado, Downtown Development Authority, that part of Tract 8 and Tract 9 of the AMENDED SURVEY OF THE LITTLE BOOKCLIFF RAILROAD YARDS described as beginning at a point which is South 44 deg. 11 min. West 901.66 feet and South 0 deg. 01 min. East 197.50 feet from East 1/4 corner of Section 15, Township 1 South, Range 1 West of the Ute Meridian; thence North 89 deg. 58 min. West 126.00 feet; thence South 0 deg. 01 min. East 150.00 feet; thence South 89 deg. 58 min. East 126.00 feet; thence North 0 deg. 01 min. West

150.00 feet to the point of beginning. AND ALSO excluding 14 feet adjoining said tract 9 on the East thereof.

EXHIBIT "B"

DESCRIPTION OF THE PLAN OF DEVELOPMENT AREA WITHIN WHICH TAX INCREMENT FINANCING WILL BE USED

Beginning at the Northwest Corner of Wilson's Subdivision of Block 2 of Mobley's Subdivision; thence East along the South right-of-way line of Grand Avenue to the North corner point common to Lots 4 and 5 of Block 78, City of Grand Junction; thence North to a point on the North right-of-way line of Grand Avenue; which point is 15.835 feet West of the East boundary line of Lot 20, Block 77, City of Grand Junction; thence North to the North right-of-way line of the East-West alley in said Block 77; thence East to the Southerly point common to Lots 10 and 11, Block 77, City of Grand Junction; thence North along the Western boundary of said Lot 11 to the Southern right-of-way line of Ouray Avenue; thence East along the South right-of-way line of Ouray Avenue to the West right-of-way line of 3rd Street; thence South along the West right-of-way line of 3rd Street to the North right-of-way line of Grand Avenue; thence West along the North right-of-way line of Grand Avenue to the Southern point common to lots 20 and 21, Block 76, City of Grand Junction; thence Southerly to the Northerly common corner of Lots 12 and 13 in Block 79, City of Grand Junction, thence South along the common lot line to a point on the South right-of-way line of the East-West alley in Block 79, City of Grand Junction; thence West along such South right-of-way line to a point 12 feet West of the Eastern line of Lot 7, Block 79, City of Grand Junction; thence North to the South right-of-way line of Grand Avenue; thence West to the North corner point common to Lots 9 and 10 of Block 78, City of Grand Junction; thence South along the common line of Lots 9 and 10 and the common line of Lots 15 and 16, all in Block 78, to the South right-of-way line of White Avenue; thence East to the West right-of-way line of 2nd Street; thence South to the North right-of-way line of the East-West alley in Block 99, City of Grand Junction; thence East along the North line of the East-West alley Block 98, City of Grand Junction, to the West right-of-way line of 3rd Street; thence North along the West right-of-way line of 3rd Street to the Southeast corner of Lot 17, Block 79, City of Grand Junction; thence West to the South corner point common to Lots 18 and 19, of said Block 79; thence North along the common lines of Lots 18 and 19 and 14 and 15 in Block 79, City of Grand Junction to the South right-of-way line of Grand Avenue; thence East along the South right-of-way line of Grand Avenue to the Northwest corner of Lot 12, Block 80, City of Grand Junction; thence in a Northerly direction to the Southwest corner of Lot 21, Block 75, City of Grand Junction; thence North along the West line of Lot 21, Block 75, to the North right-of-way line of the East-West alley in Block 75; thence West along the North right-of-way line of the East-West alley in Block 75 to the Southwest corner of Lot 9, Block 75, City of Grand Junction; thence North along the West line of Lot 9,

Block 75, to the South right-of-way line of Ouray Avenue; thence East along the South right-of-way line of Ouray Avenue to the Northeast point of Lot 11, Block 73, which borders the alley parallel to said Lot 11, Block 73; thence South along the West right-of-way of said alley bordering Lot 11, Block 73, to the South right-of-way line of the vacated East-West alley in Block 73; thence to the Northeast corner of Lot 21, Block 73, City of Grand Junction; thence along the East line of Lot 21, Block 73, to the North right-of-way line of Grand Avenue; thence along the North right-of-way line of Grand Avenue to the Southwest corner of Lot 28, Block 73, City of Grand Junction; thence North along the West line of Lot 28, Block 73, to the North right-of-way line of the vacated East-West alley in Block 73; thence West to the West right-of-way line of 5th Street; thence South along the West right-of-way line of 5th Street to the North right-of-way line of the East-West alley in Block 81, City of Grand Junction, thence East along the North right-of-way line of the East-West alley in Blocks 81 and 82 to the Southwest corner of Lot 9, Block 82, City of Grand Junction; thence North along the West line of Lot 9, Block 82, City of Grand Junction, to the South right-of-way line of Grand Avenue, thence East along said South right-of-way line to the East line of Lot 10, Block 82, City of Grand Junction; thence South along the East line of Lot 10, to the North right-of-way line of the East-West alley in Block 82, City of Grand Junction; thence East to the Southwest corner of Lot 13, Block 82, City of Grand Junction, thence North along the West line of Lot 13, Block 82, City of Grand Junction to the South right-of-way line of Grand Avenue; thence East along the South right-of-way of Grand Avenue to the East line of Lot 16, Block 82, City of Grand Junction, thence South along the East line of said Lot 16 to the North right-of-way line of the East-West alley in Block 82; thence East along the North right-of-way line of the East-West alley in Block 83 to the West line of Lot 9, Block 83, City of Grand Junction; thence North along the West line of said Lot 9 to the South right-of-way line of Grand Avenue; thence East along the South right-of-way line of Grand Avenue to the West right-of-way line of 8th Street; thence North along the West right-of-way line of 8th Street to the South right-of-way line of the East-West alley in Block 71, City of Grand Junction; thence East along the South right-of-way of the East-West alley in Block 70, City of Grand Junction to the North point common to Lots 20 and 21 in said Block 70; thence South along the common line of Lots 20 and 21 Block 70, City of Grand Junction, to the South right-of-way line of Grand Avenue; thence West along the South right-of-way line of Grand Avenue to the East right-of-way line of 8th Street; thence South along the East right-of-way line of 8th Street to the South right-of-way line of White Avenue; thence West along the South right-of-way line of White Avenue to the West right-of-way line of the North-South alley in Block 93, City of Grand Junction; thence South along the West right-of-way line of the North-South alley in Block 93 to the South right-of-way line of the East-West alley in Block 93, City of Grand Junction; thence East to the North point common to Lots 23 and 24, Block 93, City of Grand Junction; thence South along the common line of Lots 23 and 24 to the South right-

of-way line of Rood Avenue; thence West to the North point common to Lots 14 and 15 in Block 106, City of Grand Junction; thence South along the common line of Lots 14 and 15 to the North boundary of the East-West alley in Block 106, City of Grand Junction; thence West to the South point common to Lot 12 and 13, Block 106, City of Grand Junction; thence North to the South right-of-way line of Rood Avenue; thence West to the West right-of-way line of the North-South alley in Block 106, City of Grand Junction; thence South along the West right-of-way line of the North-South alleys in Block 106 to the South right-of-way line of Main Street; thence East along the South right-of-way line of Main Street to the North point common to Lots 17 and 18, Block 115, City of Grand Junction; thence South along the line common to Lots 17 and 18, Block 115, City of Grand Junction, to the South right-of-way line of the East-West alley in Block 115, City of Grand Junction; thence West along the South right-of-way line to the West right-of-way line of the North-South alley in Block 115, City of Grand Junction; thence South along such West right-of-way line in Blocks 115 and 128, City of Grand Junction, to the North right-of-way line of Ute Avenue; thence East along the North right-of-way line of Ute Avenue to the South point common to Lots 25 and 26, Block 128, City of Grand Junction; thence South on the common line between Lots 13 and 14, Block 137, City of Grand Junction, to the North right-of-way line of the East-West alley in Block 137, City of Grand Junction; thence West to the West right-of-way line of the North-South alley in Block 137, City of Grand Junction; thence North along the West right-of-way line of the North-South alley in Block 137, City of Grand Junction, to the South right-of-way line of Ute Avenue; thence West to the West right-of-way line of 7th Street; thence South to the North right-of-way line of Pitkin Avenue; thence West to the West right-of-way line of 6th Street; thence North to the South right-of-way line of Ute Avenue; thence West to the North point common to Lots 12 and 13, Block 139, City of Grand Junction; thence South to the North right-of-way line of the East-West alley in Block 139, City of Grand Junction; thence West to the South point common to Lots 8 and 9, Block 139, City of Grand Junction; thence North along the West of Lot 9, Block 139, City of Grand Junction, to the South right-of-way line of Ute Avenue; thence West to the West right-of-way line of 5th Street; thence South to the North right-of-way line of Pitkin Avenue; thence West to the East right-of-way line of 4th Street; thence North to the South right-of-way line of Ute Avenue; thence West along the South right-of-way line of Ute Avenue to the North point separating the East one-half of Lot 9 from the West one-half of Lot 9, Block 141, City of Grand Junction; thence South to a point on the North right-of-way line of the East-West alley in Block 141; thence West along the North right-of-way line of the East-West alleys in Blocks 141 and 142 to the East right-of-way line of 2nd Street; thence North to the North right-of-way line of Ute Avenue thence West along the North right-of-way line of Ute Avenue to the Southwest Corner Block 10 Mobley Subdivision; thence Northwest along the Southwest line of Block 10 Mobley Subdivision to the intersection with the Southerly projection of the East right-of-way line of Spruce Street; thence North along said East

line of the Northwest corner Block 10, Mobley Subdivision, thence Northwesterly to a point which lies 415.8 feet West and South 41 deg. 03 min. East 68.97 feet from the Northeast Corner of the Southeast 1/4 Southeast 1/4 of Section 15, Township 1 South, Range 1 West of the Ute Meridian; thence North 89 deg. 57 min. West for 271.8 feet along a line parallel to the North line of the Southeast 1/4 of the Southeast 1/4 of Section 15, Township 1 South, Range 1 West of the Ute Meridian; thence North 53 deg. 03 min. West 16.66 feet; thence North 53 deg. 03 min. West 70 feet to the East right-of-way line of the County Road to the East of the right-of-way of the Denver and Rio Grande Western right-of-way; thence Northwesterly along the East right-of-way of said County Road to the South right-of-way of State Highway 340; thence Northeasterly along the South right-of-way of State Highway 340 to the Northwest Corner of Lot 9, Block 1, Richard D. Mobley's First Subdivision; thence South along the West line of said Lot 9 to the Southwest corner; thence South to the center line of vacated alley; thence 25 feet East; thence North to a point 78 feet South of the North line of said Block 1, thence East to a point 7-1/2 feet West of the East line of Lot 11, Block 1, Richard D. Mobley's First Subdivision, thence North to the South right-of-way line of State Highway 340; thence along the South right-of-way line of State Highway 340 and Grand Avenue to the Point of Beginning.

However, excluding from the Grand Junction, Colorado, Downtown Development Authority all of Block 5 of Richard D. Mobley's First Subdivision, and Lots 1 to 5, inclusive, of Block 4, Richard D. Mobley's First Subdivision, and Lots 12 to 16, inclusive, of Block 4, Richard D. Mobley's First Subdivision except the North 50 feet of Lots 12 to 16.

And also excluding from the boundaries of the Grand Junction, Colorado, Downtown Development Authority, that part of Tract 8 and Tract 9 of the AMENDED SURVEY OF THE LITTLE BOOKCLIFF RAILROAD YARDS described as beginning at a point which is South 44 deg. 11 min. West 901.66 feet and South 0 deg. 01 min. East 197.50 feet from East 1/4 corner of Section 15, Township 1 South, Range 1 West of the Ute Meridian; thence North 89 deg. 58 min. West 126.00 feet; thence South 0 deg. 01 min. East 150.00 feet; thence South 89 deg. 58 min. East 126.00 feet; thence North 0 deg. 01 min. West 150.00 feet to the point of beginning. AND ALSO excluding 14 feet adjoining said tract 9 on the East thereof.

And except the following parcels:

Lots 14, 15 and 16, inclusive, in Block 83, City of Grand Junction, Mesa County, Colorado.

EXHIBIT "C"

DESCRIPTION OF THE COMMERCIAL RENOVATION DISTRICTS

Lots 14, 15 and 16, inclusive, in Block 83, City of Grand Junction, Mesa County, Colorado.

EXHIBIT D

GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY APRIL, 1983

Upon motion by Councilman Pacheco, seconded by Councilwoman Clark and carried by roll call vote, the Resolution was passed and adopted as read, subject to the amendment of Exhibit I, Section 12(6) to reflect the 70/30 split.

RESOLUTION NO. 29-83 CONTRACTED MAINTENANCE WORK ON STATE HIGHWAYS WITHIN THE CITY

The following Resolution was read:

RESOLUTION NO. 29-83

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE MAINTENANCE OF SIGNALS SIGNING AND MARKING ON CERTAIN STATE HIGHWAYS WITHIN THE CITY OF GRAND JUNCTION, COLORADO.

WHEREAS, there has been presented to the City of Grand Junction a contract between the City and the State Department of Highways for the maintenance of signals, signing and markings on certain State Highways within the City; and

WHEREAS, the City Council wishes to approve the document by Resolution, authorizing the signatures and the attachment of the Resolution to the contract;

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

That the contract is approved; that the City Manager be authorized and directed to execute the contract on behalf of the City, and that this Resolution be attached as Exhibit A to the contract.

PASSED and ADOPTED this 4th day of May, 1983.

/s/ Gary A. Lucero

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

Mrs. Lou Ann Hughes asked how one goes about getting things done by the Highway Department. One of her main concerns was the west end of North Avenue where Highway 6 splits and becomes North Avenue and Highway 50 continues around the west end of town. She explained that the signage is very poor with no street lighting in the area. The bridge has been rebuilt and is more treacherous now than before. She noted the overhead lighted sign in Denver that will say U.S. 40 - Colfax Avenue and asked how to go about getting this type of signing for the major highways and the major streets. A review of the map indicated that the area needing signage lies outside the City Limits, however, City staff will look into the necessary procedure and report to Mrs. Hughes.

WORKSHOP MONDAY MORNING AT 7:00, CITY COUNCIL CHAMBERS

The City Manager reminded the Council of the workshop Monday morning at 7 in the City Council Chambers. Councilman Pacheco commented that Council has reached a consensus that the workshops will be recorded. He invited any member of the public or the press to come in at any time during appropriate hours that the administrative people would allow and listen to the tapes. He said that Council hopes to use the tapes when a member of Council cannot attend a workshop. This is an effort to once again make sure that the information that Council discusses at the workshops are available to the public or anyone who might find them of interest. Councilman Holmes questioned whether workshops are just workshops or are decisions made at workshops. Mayor Lucero offered the opinion that the workshops are information sessions, not decision-making sessions. Decisions are to be made at the formal meetings of the Council.

AIRPORT BOARD

Councilman Dunn advised that from now on he will see to it that Council members receive copies of the minutes of all Airport Board meetings, and any other information pertinent to the Airport Board's activities.

MISCELLANEOUS

Council members Dunn and Lucero welcomed the new members of Council. Councilman Pacheco responded that he was happy to be here and hoped he could do some good.

Councilman Holmes reflected on some of the happenings in the community in recent weeks. Particularly the violence and things that have made everyone aware that the community is in the process of change. He stated that "We, as the elected officials charged with the health, safety, and welfare of the citizens of our community and our area need to be very mindful of our stewardship and of our responsibility to see that we maintain the kind of community that we have all come to love so dearly and that it does not go by the wayside by default."

Councilwoman Kreissler commended those involved in the construction of the new Orchard Mesa Pool.

Mayor Lucero extended appreciation to Councilman Dunn for the use of his cabin in Ouray over the weekend for the Council's retreat.

Mayor Lucero told his fellow members that he appreciated their vote of confidence, and he recognized there will be disappointments as well as triumphs, but the job will get done.

ADJOURNMENT

Upon motion by Councilwoman Clark, duly seconded by Councilwoman Kreissler and carried unanimously, the meeting was adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk