

CITY OF GRAND JUNCTION, COLORADO MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL

August 16, 1989

The City Council of the City of Grand Junction, Colorado, convened in regular session the 16th day of August, 1989, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, Bill McCurry, Paul Nelson, O.F. Ragsdale, Conner Shepherd, Reford Theobald, and President of the Council R.T. Mantlo. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

President of the Council Mantlo called the meeting to order, and Councilman Nelson led in the Pledge of Allegiance.

INVOCATION - Councilman Reford Theobald

MINUTES

There being no corrections or additions to the minutes of the August 2, 1989, regular City Council meeting, they were approved as submitted.

PROCLAMATION DECLARING SEPTEMBER 8, 1989, "GRAND JUNCTION LITERACY DAY"

PROCLAMATION DECLARING SATURDAY, AUGUST 26, 1989, AS "WALKING WILLIE DAY" IN THE CITY OF GRAND JUNCTION, COLORADO, IN THE EARLY DETECTION OF CANCER

This Proclamation was not read at this time. It will be read by the Mayor on August 26, 1989.

HEARING #38-89 - PROPOSED ORDINANCE - REZONE FROM RSF-4 TO PR AND PRELIMINARY PLAN AND FINAL PLAN AND PLAT FOR PHASE I, HORIZON HILLS TOWNHOMES, SOUTH SIDE OF HORIZON DRIVE, WEST OF HORIZON TOWERS

A hearing was held after proper notice on the petition by Ron Chote to change from Residential Single Family (RSF-4) Zone to a Planned Residential (PR) Zone and a Preliminary Plan for 42 units on approximately 4.7 acres; a Final Plat and Plan for Phase I of 6 units on approximately 0.75 acre (Horizon Hills Townhomes). Mr. Jack Brannagh, Developer, was present to request Council's deviation from the requirement that sums be placed in escrow for Horizon Drive future improvements. The request was denied. There were no opponents, letters or counterpetitions. Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried, the rezone from RSF-4 to PR and Preliminary Plan and Final Plan and Plat for Phase I, Horizon Hills Townhomes, south side of Horizon Drive, west of Horizon Towers, was approved.

The following entitled proposed ordinance was read: CHANGING THE

ZONING ON CERTAIN LANDS WITHIN THE CITY LOCATED SOUTH OF HORIZON DRIVE AND WEST OF HORIZON TOWERS. Upon motion by Councilman Theobold, seconded by Councilman McCurry, and carried, the proposed ordinance was passed for publication.

BIDS - AWARD OF CONTRACTS

Sewerline Replacements, 1989 - Lyle States Construction, Inc. - \$205,032

Upon motion by Councilman Ragsdale, seconded by Councilman McCurry and carried, the bids were accepted for the Sewerline Replacements, 1989, and the Contract was awarded to Lyle States Construction, Inc., in the amount of \$205,032, and the City Manager was authorized to sign said Contract.

Traffic Signal Poles for First Street and Rood Avenue - Marquardt/Herbert Lighting Systems - \$12,689

Upon motion by Councilman McCurry, seconded by Councilman Theobold and carried, the bids were accepted for the Traffic Signal Poles for First Street and Rood Avenue, and the Contract was awarded to Marquardt/Herbert Lighting Systems in the amount of \$12,689, and the City Manager was authorized to sign said Contract.

Traffic Signal Installation at First Street and Main, and First Street and Rood Avenue - Colorado Signal - \$58,659

Upon motion by Councilman Bennett, seconded by Councilman Ragsdale and carried, the bids were accepted for Traffic Signal Installation at First Street and Main, and First Street and Rood Avenue, and the Contract was awarded to Colorado Signal in the amount of \$58,659, and the City Manager was authorized to sign said Contract.

HEARING #37-89 - REVISED FINAL PLAN FOR VETERINARY CLINIC AT 605 26 1/2 ROAD

A hearing was held after proper notice on the petition by Harve Chappell and Suzanne Hoest for a revised Final Plan for a Veterinary Clinic in a Planned Business (PB) Zone located at 605 26 1/2 Road. Planning Commission recommended denial of this petition as a veterinary clinic is not appropriate for the area, that it is different than a medical use. The petition was reviewed by City Planner Kathy Portner.

Those speaking in favor of the petition were as follows:

Greg Cranston, representing petitioners

Don Anderson, owner of Columbine Animal Hospital, 2140 N. 12th St.

Kenny Carleton, employee at 743 Horizon Court

Bob Marquis, veterinarian at Tiara Rado Animal Hospital

Mary Ann Grant, owner of business at 743 Horizon Court

Those speaking in opposition to the petition were as follows:

Skip Mottram, 609 26 1/2 Road, resident over 20 years

Della Mottram, 609 26 1/2 Road, resident over 20 years

Bob Lavinski, 2709 N. Eighth Court

Gordon Gilbert, 628 Sage Court

William Putnam, 627 Sage Court

Weston Edfast, 604 26 1/2 Road, resident over 25 years

There were no other opponents, letters or counterpetitions. The hearing was closed. It was moved by Councilman Ragsdale and seconded by Councilman Nelson that the request for a revised Final Plan to allow a Veterinary Clinic in a Planned Business (PB) Zone at 605 26 1/2 be approved. Roll was called upon the motion with the following result:

Councilmembers voting AYE: RAGSDALE, NELSON, MCCURRY.

Councilmembers voting NO: BENNETT, THEOBOLD, SHEPHERD, MANTLO.

The motion failed to pass.

The President declared a five-minute recess. Upon reconvening, all members of Council were present.

HEARING #40-89 - REZONE FROM B-3 AND RSF-8 TO PB AND FINAL PLAN PROPERTY BOUNDED ON THE WEST BY 12TH STREET; ON THE NORTH BY ORCHARD AVENUE; ON THE EAST BY 13TH STREET; AND ON THE SOUTH BY MESA AVENUE

A hearing was held after proper notice on the petition by Albertson's, Inc., Dennis Wyatt, to change from Retail Business (B-3) and Residential Single Family (RSF-8) to Planned Business (PB) Zone and Final Plan, for property bounded on the west by 12th Street; on the north by Orchard Avenue; on the east by 13th Street; and on the south by Mesa Avenue. There was neighborhood opposition voiced at the Planning Commission hearing. City Planning Director Karl Metzner reviewed the petition. City Engineer Don Newton reviewed the traffic patterns.

Those speaking in favor of the petition were as follows:

Dennis Wyatt, Wyatt & Associates, of Denver representing the Orchard Group, Ltd., and Albertson's, Inc.

Ted Ritter, Intermountain Regional Director for Real Estate, Albertson's, Inc., 2750 N. Tower Road, Aurora, Colorado

William Claycomb, 1352 Hall Avenue, representing Bill and Mona Ashcraft, George and Barbara Tyson residing on either corner of 13th and Hall, Larry and Sheryl Andreg, 1343 Hall, and generally the entire neighborhood

Richard Livingston Managing General Partner for Orchard Group, Ltd.

Those speaking in opposition to the petition were as follows:

Eva Kaufman, 1334 Mesa Avenue, resident over 25 years

Marlene Brantley, 1245 Mesa Avenue

Betty Kirkeby, 1324 Mesa Avenue

Ida Hobbs, 1267 Texas Avenue

Jay Kirk, Attorney, 305 Valley Federal Plaza, representing the 30 individuals that signed a petition requesting that the 100-foot buffer zone be maintained

Letters in opposition were read by Mr. Kirk from the following:

Blake Chambliss, 5343 South Steele, Littleton, Colorado, 80201, owner of property at 1315 Mesa Avenue

Mrs. Roxanne L. Dye, 1336 Mesa Avenue

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

Councilman Bennett was concerned that there was no copy available of the covenants between the City and Albertson's, Inc., regarding the maintenance agreement of said property, and the Declaration of Restrictions.

Councilmembers Theobold and Ragsdale voiced their dissatisfaction with the way the property had been maintained in the past, also the buffer. They concurred that the property is in poor condition and unsightly.

It was moved by Councilman Nelson and seconded by Councilman Theobold that the City Attorney be directed to prepare documents that approve the plan and rezone for the construction of the facility based upon the Planning Commission's comments and the comments that were heard this evening, and direct that the Council be supplied with the subject covenants so that at the September 6, 1989, meeting a formal adoption can be completed to either accept or modify said covenants. Motion carried.

Reading of a proposed ordinance was deferred to September 6, 1989.

The President declared a five-minute recess. Upon reconvening, all members of Council were present.

PROPOSED ORDINANCE - IMPOSING A LODGERS' TAX FOR THE CITY OF GRAND JUNCTION, COLORADO, SETTING FORTH PURPOSES, DEFINITIONS, PROVIDING FOR EXEMPTIONS AND ENFORCEMENT PROCEDURES, ESTABLISHING ADMINISTRATIVE PROCEDURES AND PROVIDING FOR AN EFFECTIVE DATE

The following entitled proposed ordinance was read by title only: AN ORDINANCE IMPOSING A LODGERS' TAX FOR THE CITY OF GRAND JUNCTION, COLORADO, SETTING FORTH PURPOSES, DEFINITIONS, PROVIDING FOR EXEMPTIONS AND ENFORCEMENT PROCEDURES, ESTABLISHING ADMINISTRATIVE PROCEDURES AND PROVIDING FOR AN EFFECTIVE DATE. City Attorney Dan Wilson highlighted some of the subject matter. City Council was provided with copies of the proposed ordinance prior to the meeting.

It was moved by Councilman Theobold and seconded by Councilman Shepherd that the proposed ordinance be passed for publication and that the City Clerk be directed to make preparations for a municipal election on October 3, 1989, submitting the question of a 3% Lodgers' Tax to the electorate. Roll was called upon the motion with the following result:

Councilmembers voting AYE: BENNETT, MCCURRY, NELSON, RAGSDALE, SHEPHERD, THEOBOLD, MANTLO.

Councilmembers voting NO: NONE.

Louis O'Riordan was present and stated that City Council is doing the right thing by taking this matter to the voters.

ORDINANCE NO. 2439 - REZONE FROM RSF-8 TO PZ PROPERTY LOCATED AT 1041 MESA AVENUE

Proof of Publication on the Ordinance for final passage had been received and filed. A copy of the Ordinance proposed for final passage was submitted in writing to the City Council prior to the meeting.

Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried, the following entitled proposed ordinance was called up for final passage and read by title only: CHANGING THE ZONING ON CERTAIN LANDS WITHIN THE CITY WITH A STREET ADDRESS OF 1041 MESA AVENUE.

There were no comments. Upon motion by Councilman McCurry, seconded by Councilman Nelson and carried by roll call vote, with Councilman THEOBOLD ABSTAINING, the Ordinance was passed, adopted, numbered 2439, and ordered published.

HEARING - I.D. ST-89 - ALLEY BETWEEN 4TH AND 5TH STREETS, NORTH

AVENUE AND GLENWOOD AVENUE - RESOLUTION NO. 32-89 CREATING DISTRICT

A hearing was held after proper notice on I.D. ST-89, alley between 4th and 5th Streets, North Avenue and Glenwood Avenue. There were no opponents, letters or counterpetitions.

The following Resolution was read:

RESOLUTION NO. 32-89

CREATING AND ESTABLISHING IMPROVEMENT DISTRICT NO. ST-89 WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE RECONSTRUCTION OF AN ALLEY THEREIN AND PROVIDING FOR THE PAYMENT THEREOF

WHEREAS, on the 5th day of July, 1989, the City Council of the City of Grand Junction, Colorado, passed a Resolution Adopting Details, Plans and Specifications for Improvement District No. ST-89, and Authorizing Notice of Intention to Create said District; and

WHEREAS, Notice of Intention to Create said District was duly published.

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

1. That said Improvement District No. ST-89 be and the same is hereby created and established; and that the reconstruction of an alley therein be, and the same is hereby, authorized and directed, in accordance with the Resolution Adopting Details, Plans and Specifications prepared and filed therefor.

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

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

4. That the description of the improvements to be constructed, the boundaries of said Improvement District No. ST-89, the amounts to be assessed, the number of installments and assessments, the time in which the cost shall be payable, the rate of interest on unpaid

installments, and the manner of apportioning and assessing such cost, shall be as prescribed in the Resolution adopted for said District on the 5th day of July, 1989, and in accordance with the published Notice of Intention to Create said District.

PASSED and ADOPTED this 16th day of August, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

RESOLUTION NO. 33-89 - AMENDING APPENDIX "A" OF THE CITY OF GRAND JUNCTION MUNICIPAL ANNEXATION PLAN

City Attorney Wilson explained that in order for the City to annex, there must be an Annexation Plan. It is a general description of the kinds of areas of land that the City is willing to annex. It requires that the City identify the kind of services that are going to be provided - police services, parks services, etc. It requires review and adoption by the Council. It does not commit the City Council to any further action. It is a preliminary step required by the State Statutes, a few years ago, before a City can consider annexation of any kind.

The following Resolution was read:

RESOLUTION NO. 33-89

REGARDING AMENDMENT TO THE GRAND JUNCTION MUNICIPAL ANNEXATION PLAN

WHEREAS, the City of Grand Junction has adopted a Municipal Annexation Plan, pursuant to C.R.S. 31-12-101 et.seq., and

WHEREAS, the Municipal Annexation Plan defines a specific annexable area for potential annexation, and

WHEREAS, the City Council has determined that it is appropriate to expand the annexable area to include additional areas on the Redlands.

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

That the Municipal Annexation Plan be amended so that the boundaries thereof are as shown on Appendix A, attached hereto.

PASSED and ADOPTED this 16th day of August, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

RESOLUTION NO. 34-89 - AUTHORIZING APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR A COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$49,255, FOR USE BY THE MENTAL HEALTH ASSOCIATION IN MESA COUNTY

Mr. O.K. "Skip" Clifton, 525 Hill Avenue, spoke in favor of the Mental Health Association grant.

Phyllis Carpenter, Director of the Mental Health Association in Mesa County was present and voiced her appreciation to Council for considering the application to the Colorado Department of Local Affairs for a Community Development Block Grant in the amount of \$49,255, for use by the Mental Health Association in Mesa County.

The following Resolution was read:

RESOLUTION NO. 34-89

AUTHORIZING THE CITY OF GRAND JUNCTION TO ACT AS THE SPONSOR FOR AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT MONIES TO BE USED TO ACQUIRE A RESIDENTIAL HOME FOR USE IN THE TREATMENT OF THE MENTALLY ILL

WHEREAS, the City Council has received a request from the MESA COUNTY ASSOCIATION FOR MENTAL HEALTH, INC., a Colorado non-profit corporation, ("MHI") for the City to act as the Sponsor for application for Community Development Block Grant monies, which monies will be used for the purchase of a residence to be used as a residential facility to house participants in mental health programs and treatment, and

WHEREAS, The City Council has determined that its sponsorship of the application is in the best interests of the citizens of Grand Junction,

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

Either the Mayor or the City Manager is authorized and directed to apply for the referenced funds to be used as described above, and to take such other actions and to execute such documents as may be required in order that MHI receive the funds, subject, however, to the following conditions: (a) MHI shall execute an agreement which requires MHI to abide by all reporting and other requirements of the State of Colorado and the federal government and to hold the City harmless and to indemnify the City from any costs, claims, or actions arising from the application for the funds and the use of the funds; and, (b) MHI shall, as required by the Planning Director of the City, mitigate the impacts of the proposed residential treatment facility on the neighborhood, including but not limited to parking impacts, noise, odor and trash impacts and the like.

PASSED and ADOPTED this 16th day of August, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

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

RESOLUTION NO. 35-89 - DECLARING INTENT TO CREATE I.D. ST-89, PHASE A, AND AUTHORIZING CITY ENGINEER TO PREPARE DETAILS, PLANS, AND SPECIFICATIONS - EAST/WEST ALLEY BETWEEN 5TH AND 6TH STREETS BETWEEN SOUTH AND PITKIN AVENUES; EAST/WEST ALLEY BETWEEN 4TH AND 5TH STREETS BETWEEN CHIPETA AND GUNNISON AVENUES; EAST/WEST ALLEY BETWEEN 7TH STREET AND CANNELL AVENUE BETWEEN NORTH AVENUE AND GLENWOOD AVENUE; EAST/WEST ALLEY BETWEEN 8TH AND 9TH STREETS BETWEEN SOUTH AND PITKIN AVENUES; EAST/WEST ALLEY BETWEEN 5TH AND 6TH STREETS BETWEEN WHITE AVENUE AND GRAND AVENUE

The following Resolution was read:

RESOLUTION NO. 35-89

DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY A LOCAL IMPROVEMENT DISTRICT NO. ST-89, PHASE A, AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, the owners of more than one-half of the real property to

be assessed have petitioned the City Council, under the provisions of Chapter 18 of the City of Grand Junction Code of Ordinances, as amended, and People's Ordinance No. 33 that a Local Improvement District be created for the construction of improvements as follows:

Location of Improvements:

-- The alley running east and west between 5th Street and 6th Street and between South Avenue and Pitkin Avenue;

-- The alley running east and west between 4th Street and 5th Street and between Chipeta Avenue and Gunnison Avenue;

-- The alley running east and west between 7th Street and Cannell Avenue and between North Avenue and Glenwood Avenue;

-- The alley running east and west between 8th Street and 9th Street and between South Avenue and Pitkin Avenue;

-- The alley running east and west between 5th Street and 6th Street and between White Avenue and Grand Avenue

Type of Improvements - To include base course material under a mat of Concrete Pavement and construction or reconstruction of concrete approaches as deemed necessary by the City Engineer; and

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a Local Improvement District.

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

1. That the District of land to be assessed is described as follows:

The South 37.5 feet of Lots 1 to 4, inclusive, Block 52 of the City of Grand Junction, EXCEPT the East 10 feet thereof; and also,

Lots 5 to 32, inclusive, Block 52 of the City of Grand Junction; and also,

Lots 1 to 32, inclusive, Block 2 of Craig's Subdivision in Section 11, Township 1 South, Range 1 West of the Ute Meridian; and also

Lots 1 to 18, inclusive, Block 4 of Rose Park Subdivision in Section 11, Township 1 South, Range 1 West of the Ute Meridian; and also

Lots 1 to 32, inclusive, Block 151 of the City of Grand Junction; and also

Lots 1 to 32, inclusive, Block 82 of the City of Grand Junction;

and also

Lots 1 to 27, inclusive, Block 148 of the City of Grand Junction;
and also

The North 50 feet of Lots 28 to 32, inclusive, Block 148 of the
City of Grand Junction,

All in Mesa County, Colorado.

2. That the assessment levied against the respective properties will be \$18.00 per lineal foot for non-residential zoned properties directly abutting the alley right-of-way and \$5.00 per each lineal foot for residential zoned properties directly abutting the alley right-of-way. The total amount of assessable footage for non-residential zoned property is 3,504 feet; the total amount of assessable footage for residential zoned property is 1,821.50 feet.

3. That the City Engineer is hereby authorized and directed to prepare full details, plans and specifications for such paving; and a map of the district depicting the real property to be assessed from which the amount of assessment to be levied against each individual property may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

PASSED and ADOPTED this 16th day of August, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Ragsdale, seconded by Councilman Bennett and carried by roll call vote with Councilman NELSON ABSTAINING, the Resolution was passed and adopted as read.

RESOLUTION NO. 36-89 ADOPTING DETAILS, PLANS, AND SPECIFICATIONS AND GIVING NOTICE OF HEARING - I.D. ST-89, PHASE A

The following Resolution was read:

RESOLUTION NO. 36-89

AUTHORIZING NOTICE OF INTENTION TO CREATE IMPROVEMENT DISTRICT ST-89, PHASE A, AND OF A HEARING THEREON, DETERMINING THE NUMBER OF INSTALLMENTS AND THE TIME IN WHICH THE COST OF THE IMPROVEMENTS BORNE BY THE PROPERTIES IN THE DISTRICT SHALL BE PAYABLE, THE RATE

OF INTEREST ON THE UNPAID INSTALLMENTS AND THE DISTRICT OF LANDS TO BE ASSESSED WITH THE RATE OF ASSESSMENT.

WHEREAS, on August 16, 1989, the City Council of the City of Grand Junction, Colorado, by a Resolution, authorized the City Engineer to file specifications for paving certain alleys in said City within proposed Improvement District No. ST-89, Phase A, together with a map of the District to be assessed: and

WHEREAS, said City Engineer has fully and strictly complied with the directions so given, and has filed such specifications and map, all in accordance with said Resolution and the requirements of Ordinance No. 178, as amended, of said City.

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

Section 1. That said specifications and map be and the same are hereby approved and adopted.

Section 2. That the District of lands to be assessed are as follows:

The South 37.5 feet of Lots 1 to 4, inclusive, Block 52 of the City of Grand Junction, EXCEPT the East 10 feet thereof; and also,

Lots 5 to 32, inclusive, Block 52 of the City of Grand Junction; and also,

Lots 1 to 32, inclusive, Block 2 of Craig's Subdivision in Section 11, Township 1 South, Range 1 West of the Ute Meridian; and also

Lots 1 to 18, inclusive, Block 4 of Rose Park Subdivision in Section 11, Township 1 South, Range 1 West of the Ute Meridian; and also

Lots 1 to 32, inclusive, Block 151 of the City of Grand Junction; and also

Lots 1 to 32, inclusive, Block 52 of the City of Grand Junction; and also

Lots 1 to 27, inclusive, Block 148 of the City of Grand Junction; and also

The North 50 feet of Lots 28 to 32, inclusive, Block 148 of the City of Grand Junction,

All in Mesa County, Colorado.

All installations to be constructed in accordance with the General Conditions, Specifications and Details for Street District Projects, City of Grand Junction, Colorado.

Section 3. The assessments to be levied against the property in the said District to pay the cost of such improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs becomes final, and, if paid during this period, the amount added for costs of collection and other incidentals shall be deducted; provided, that after the expiration of said thirty-day period, all such assessments may, at the election of the owner of the property in said District, be paid in ten (10) annual installments, the first of which shall be payable at the time the next installment of general taxes, by the laws of the State of Colorado, is payable, and each annual installment shall be paid on or before the same date each year thereafter, along with simple interest which has accrued at the rate of 8 percent per annum on the unpaid principal, payable annually.

Section 4. Notice of Intention to Create said Improvement District No. ST-89, Phase A, and of a hearing thereon, shall be given by advertisement in one issue of The Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be in substantially the form set forth in the attached "NOTICE".

N O T I C E

OF INTENTION TO CREATE IMPROVEMENT DISTRICT NO. ST-89, PHASE A, IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON.

PUBLIC NOTICE IS HEREBY GIVEN, pursuant to the request of a majority of the affected property owners, to the owners of real estate in the district hereinafter described and to all persons generally interested that the City Council of the City of Grand Junction, Colorado, intends to create Improvement District No. ST-89, Phase A, in said City for the purpose of reconstructing and paving certain alleys to serve the property hereinafter described, which lands are to be assessed with the cost of the improvements, to wit:

The South 37.5 feet of Lots 1 to 4, inclusive, Block 52 of the City of Grand Junction, EXCEPT the East 10 feet thereof; and also,

Lots 5 to 32, inclusive, Block 52 of the City of Grand Junction; and also,

Lots 1 to 32, inclusive, Block 2 of Craig's Subdivision in Section 11, Township 1 South, Range 1 West of the Ute Meridian; and also

Lots 1 to 18, inclusive, Block 4 of Rose Park Subdivision in Section 11, Township 1 South, Range 1 West of the Ute Meridian; and also

Lots 1 to 32, inclusive, Block 151 of the City of Grand Junction; and also

Lots 1 to 32, inclusive, Block 82 of the City of Grand Junction; and also

Lots 1 to 27, inclusive, Block 148 of the City of Grand Junction;
and also

The North 50 feet of Lots 28 to 32, inclusive, Block 148 of the
City of Grand Junction,

All in Mesa County, Colorado.

Location of Improvements:

-- The alley running east and west between 5th Street and 6th
Street and between South Avenue and Pitkin Avenue;

-- The alley running east and west between 4th Street and 5th
Street and between Chipeta Avenue and Gunnison Avenue;

-- The alley running east and west between 7th Street and Cannell
Avenue and between North Avenue and Glenwood Avenue;

-- The alley running east and west between 8th Street and 9th
Street and between South Avenue and Pitkin Avenue;

-- The alley running east and west between 5th Street and 6th
Street and between White Avenue and Grand Avenue

Type of Improvements - To include base course material under a mat
of Concrete Pavement and construction or reconstruction of
concrete approaches as deemed necessary by the City Engineer; and

The assessment to be levied against the respective properties will
be \$18.00 per each lineal foot for non-residential zoned
properties directly abutting the alley right-of-way and \$5.00 per
each lineal foot for residential properties directly abutting the
alley right-of-way. The total amount of assessable footage for
non-residential zoned properties is 3,504 feet; the total amount
of assessable footage for residential zoned properties is 1,821.50
feet. To the total assessable cost of \$72,179.50, to be borne by
the property owners, there shall be added six (6) percent for
costs of collection and incidentals, and also simple interest at
the rate of eight (8) percent per annum to the next succeeding
date upon which general taxes, or the first installment thereof,
are by the laws of the State of Colorado, made payable. The said
assessment shall be due and payable, without demand, within thirty
(30) days after the ordinance assessing such cost shall have
become final, and if paid during such period, the amount added for
costs of collection and incidentals shall be deducted; provided
that all such assessments, at the election of the owners of the
property in said district, may be paid in ten (10) annual
installments which become due upon the same date upon which
general taxes, or the first installment thereof, are by the laws
of the State of Colorado, made payable. Simple interest at the
rate of eight (8) percent per annum shall be charged on unpaid
installments.

On September 20, 1989, at the hour of 7:30 o'clock P.M. in the City Council Chambers in City Hall of said city, the Council will consider objections that may be made in writing concerning the proposed improvements, by the owners of any real estate to be assessed, or by any person interested.

A map of the district, from which the share of the total cost to be assessed upon each parcel of real estate in the district may be readily ascertained, and all proceedings of the Council in the premises are on file and can be seen and examined by any person interested therein in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this 16th day of August, 1989.

BY ORDER OF THE CITY COUNCIL CITY OF GRAND JUNCTION, COLORADO

By: /s/ Neva B. Lockhart, CMC

City Clerk

PASSED and ADOPTED this 16th day of August, 1989.

/s/ R. T. Mantlo

President of the Council

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

Upon motion by Councilman Theobold, seconded by Councilman Ragsdale and carried by roll call vote with Councilman NELSON ABSTAINING, the Resolution was passed and adopted as read.

CORPS OF ENGINEERS AGREEMENT FOR FLOOD CONTROL STUDY - \$37,200 IN CONTINGENCY FUNDS

Upon motion by Councilman McCurry, seconded by Councilman Theobold and carried, authorization to execute a Contract between the City and Corps of Engineers for Flood Control Study which authorizes the City's participation will require \$29,000 of in-kind staff work and approximately \$37,200 in contingency funds from the General Fund was granted.

APPROVAL OF COMMUNITY SAFETY PROGRAM GRANT FROM THE NORTH DAKOTA TECHNICAL ASSISTANCE PROGRAM IN THE AMOUNT OF \$17,000, AND AUTHORIZING THE CITY MANAGER TO SIGN

Upon motion by Councilman Ragsdale, seconded by Councilman Nelson and carried, the Community Safety Program Grant from the North

Dakota Technical Assistance Program in the amount of \$17,000 was approved, and the City Manager was authorized to sign said Grant.

MESA COUNTY ECONOMIC DEVELOPMENT COUNCIL (MCEDC) INCENTIVE TO BICYCLE PARTS PACIFIC, 2135 EAST MAIN - \$6,000

Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, the Mesa County Economic Development Council (MCEDC) Incentive Grant to Bicycle Parts Pacific, 2135 East Main Street, in the amount of \$6,000 was approved.

RATIFY CITY MANAGER'S EXECUTION ON OPTION AGREEMENT TO PURCHASE WATER AND LANDS ON GRAND MESA - NO DISCUSSION - NO ACTION TAKEN

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk