

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

September 19, 1990

The City Council of the City of Grand Junction, Colorado, convened in regular session the 19th day of September, 1990, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were John Bennett, Paul Nelson, Earl Payne, Conner Shepherd, Reford Theobald, and President of the Council William E. McCurry. Councilman R. T. Mantlo was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and Deputy City Clerk Teddy Martinez.

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

INVOCATION - Councilman Conner Shepherd.

MINUTES

There being no corrections or additions to the regular meeting of September 5, 1990, they were approved as submitted.

PRESENT "KEY TO CITY" AWARD TO DEAN VAN GUNDY

APPOINTMENT TO VISITORS AND CONVENTION BOARD

Upon motion by Councilman Payne, seconded by Councilman Shepherd and carried, Cindy George was appointed to a term on the Grand Junction Visitors and Convention Board; said term to expire December, 1991.

BID CONSIDERATIONS - AWARD OF CONTRACT TO UNITED COMPANIES OF MESA COUNTY FOR STREET PATCHING, 1990 - \$38,980

Upon motion by Councilman Theobald, seconded by Councilman Nelson and carried, the bids for Street Patching, 1990, were accepted, and the Contract was awarded to United Companies of Mesa County in the amount of \$38,980, and the City Manager was authorized to sign said Contract.

CHANGE ORDER NO. 1 - CURB, GUTTER AND SIDEWALK CONTRACT - MAYS CONCRETE, INC. - \$18,976.08

Upon motion by Councilman Theobald, seconded by Councilman Nelson and carried, Change Order No. 1 to the Curb, Gutter and Sidewalk Contract with Mays Concrete, Inc. in the amount of \$18,976.08 was approved.

HEARING - APPLICATION BY COLORADO RIVERFRONT FOUNDATION, INC., FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT ON OCTOBER 6, 1990, AT 1200 NORTH 25TH STREET (CINEMA 25) FOR A FUND RAISER FASHION SHOW

A hearing was held after proper notice on the application by Colorado Riverfront Foundation, Inc., for a Malt, Vinous and Spirituous Liquor Special Events Permit on Saturday, October 6, 1990, from 7:00 p.m. to 10:00 p.m., at 1200 North 25th Street (Cinema 25) for a Fund Raiser Fashion Show. President Jim Robb and Event Manager Julia Barstow were present to answer questions of Council. There were no opponents, letters or counterpetitions. Upon motion by Councilman Shepherd, seconded by Councilman Nelson and carried, the special events permit was approved.

HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE PURCHASE OF THE JARVIS PROPERTY (FLOODPLAIN CONCERNS)

A hearing was held after proper notice on the Community Development Block Grant for the purchase of the Jarvis property (floodplain concerns). City Planner Kathy Portner was present to answer questions of Council. There were no opponents, letters or counterpetitions. The hearing was closed.

HEARING #33-90 - PROPOSED ORDINANCE - EASEMENT VACATION - VACATE THE NORTH TWO (2) FEET OF AN EASEMENT ALONG THE SOUTH BOUNDARY OF PROPERTY LOCATED AT 3986 SOUTH PIAZZA

A hearing was held after proper notice on the petition by Merritt and Betty Schuman for an easement vacation of the north two feet of an easement along the south boundary of property located at 3986 South Piazza. City Planner Dave Thornton was present and reviewed the petition. He noted that the petitioner is required to obtain quit claim deeds from all utility companies involved in the easement. City Attorney Wilson explained that current practice requires the dedication to the City of Grand Junction on behalf of the utilities so that there is one form for current plats. In future dates they will come to the City Council to vacate on behalf of all utilities including the City's interests. He stated this is an older plat and the dedicatory language was dedicated to particular utilities. In the past the City could vacate without quit claim deeds. Because of the new ordinance language his recommendation was to be certain that they weren't adversely affecting the rights of Public Service and other utilities. The petitioner Merritt Schuman was present and stated that no water or gas goes through the easement. There were no opponents, letters or counterpetitions.

The following entitled proposed ordinance was presented: AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT ON LOT 18, BLOCK 1, CROWN HEIGHTS SUBDIVISION, 1ST FILING. Upon motion by Councilman Nelson, seconded by Councilman Shepherd and carried, the proposed ordinance was passed for publication and the request to vacate the north two feet of an easement along the south boundary of the property located at 3986 South Piazza was approved contingent upon the receipt of quit claim deeds from all Utility Companies.

HEARING #40-90 - CONDITIONAL USE TO KEEP A GOAT ON APPROXIMATELY 0.9 ACRES IN A RESIDENTIAL SINGLE-FAMILY (RSF-8) ZONE

City Planner Linda Weitzel reviewed the petition by James and Kathy Garoutte to keep a goat on approximately 0.9 acres in a Residential Single-Family (RSF-8) Zone at 318 27 3/8 Road. The Planning Commission recommended denial of this request. The petitioner Kathy Garoutte was present to answer questions of Council.

Upon motion by Councilman Nelson, seconded by Councilman Theobold and carried by roll call vote, the Conditional Use was approved subject to the following conditions:

1. Manure shall be disposed of properly so that it does not create an odor problem;
2. The goat shall remain tethered at all times. The location shall be changed often enough so that it does not create a manure problem. It is understood that she may be walked on a leash;
3. The goat shall be tethered no closer than 20 feet to an adjacent structure with written permission from the occupant or property owner. She shall be tethered no closer than 100 feet to an adjacent structure when no permission for a lesser distance has been obtained;
4. If the goat is to be bred, the kids (offspring) shall be kept no longer than four months. The milk and milk products shall be used solely by the Garoutte family;
5. Responsible ownership/veterinarian care is expected. Any required vaccinations, etc. will be provided;
6. It is understood that the Conditional Use permit can be revoked if valid complaints are received and a solution cannot be found that is reasonable to all the parties concerned.

ORDINANCE NO. 2487 - AMENDING CHAPTER 28, SECTION 1, TRAFFIC, GRAND JUNCTION CODE OF ORDINANCES, AND THE MODEL TRAFFIC CODE, 1977 REVISED EDITION, SECTION 1101(4) REGARDING PARKING WITHIN DESIGNATED PARKING SPACES

The Proof of Publication to the following entitled proposed ordinance had been received for filing. Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried, the following entitled proposed ordinance was called up for final passage and read by title only: AMENDING THE GRAND JUNCTION CODE OF ORDINANCES AND THE MODEL TRAFFIC CODE REGARDING PARKING WITHIN DESIGNATED PARKING SPACES. Councilman Bennett asked for clarification of this ordinance. City Attorney Wilson explained that this ordinance requires that you must park wholly within the markings of a parking space. If your vehicle is larger than the space and it is metered parking, you must pay the meter for both spaces.

There were no other comments. Upon motion by Councilman Theobold, seconded by Councilman Payne and carried by roll call vote, the Ordinance was passed, adopted, numbered 2487, and ordered published.

RESOLUTION NO. 61-90 ESTABLISHING METHODS OF MAKING ASSESSMENTS, ASSESSMENT RATES AND FINANCE CHARGES FOR ALLEY IMPROVEMENT DISTRICTS

There was discussion of allowing City Council to modify the assessment rates annually by motion only.

The following Resolution was presented and read: (Full copy in P.R.). Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried by roll call vote, the Resolution was passed and adopted as amended.

Upon motion by Councilman Theobold, seconded by Councilman Bennett and carried, the alley assessment rates were established at \$6.00 for single-family residential, \$12.00 for multi-family residential, and \$22.50 for non-residential; rates to remain in effect until changed by City Council by motion.

RESOLUTION NO. 58-90 - FINDING OF FACT REGARDING SPECIAL USE PERMIT FOR JAIL SITE AT 215 RICE STREET ON APPROXIMATELY 12.5 ACRES IN A PUBLIC ZONE (PZ) (CONTINUED FROM SEPTEMBER 5, 1990 MEETING)

The following Resolution was presented and read: (See next page.)

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

RESOLUTION NO. 62-90 DECLARING THE INTENT TO CREATE IMPROVEMENT DISTRICT ST-90, PHASE B, AND GIVING NOTICE OF HEARING - ALLEY RUNNING EAST AND WEST FROM 3RD STREET TO 4TH STREET BETWEEN CHIPETA AVENUE AND GUNNISON AVENUE

The following Resolution was presented and read: (See next page.)

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

RESOLUTION NO. 63-90 WAIVING THE ENFORCEMENT OF CERTAIN PROVISIONS OF ORDINANCE NO. 2486, DATED AUGUST 15, 1990 (DDA SPECIAL OBLIGATION BONDS)

The following Resolution was presented and read: (See next page.)

Upon motion by Councilman Theobold, seconded by Councilman Shepherd and carried by roll call vote, the Resolution was passed

and adopted as read.

1991 METROPOLITAN PLANNING ORGANIZATION CONTRACT WITH THE COLORADO DEPARTMENT OF HIGHWAYS

Upon motion by Councilman Theobold, seconded by Councilman Payne and carried, the 1991 Metropolitan Planning Organization Contract with the Colorado Department of Highways was approved, and the President of the Council was authorized to sign said Contract.

RESOLUTION NO. 61-90

ESTABLISHING METHODS OF MAKING ASSESSMENTS, ASSESSMENT RATES AND FINANCE CHARGES FOR ALLEY IMPROVEMENT DISTRICTS

WHEREAS, the current assessment policy for unimproved alleys provides for assessing one-third (1/3) of the costs against properties residentially zoned, and one-half (1/2) of the costs against properties non-residentially zoned; and

WHEREAS, the present policy of assessing lands for the costs to reconstruct alleys that have previously been constructed and accepted for maintenance by the City provides for assessing based on a residential rate and a commercial rate as established periodically by resolution; and

WHEREAS, the aforescribed policies are difficult to implement in an equitable manner and have resulted in misunderstandings between the City Council, the Managers of the City and the owners of property in improvement districts. For example, petitions for new alley construction provide for assessments based on a portion of the actual project costs and do not allow property owners to accurately budget for assessments. In addition, the policies do not sufficiently describe the differences between various types of residential properties, thus increasing the potential for disputes and unequitable treatment; and

WHEREAS, the City Council recognizes that the condition of alleys is a significant issue as it relates to the prosperity of the City of Grand Junction as an entity, as well as the health, safety and welfare of its citizenry; and

WHEREAS, the City Council feels that the policy amendments resolved herein will simplify assessment procedures, abridge the need to interpret assessment methods, and encourage property owner interest in creating alley improvement districts.

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

That the methods to be used for making assessments against properties included in all alley improvement districts, whether or not any such alleys have been paved or accepted for maintenance by the City, shall be as follows:

1. Properties which are zoned residential single-family, whether or not developed, and properties that are occupied as a residence by the owner, whether or not located in a residential single-family zone, shall be assessed the current single family residential rate as established by motion of the City Council.

2. A property located within any residential zone other than single-family, except for existing owner occupied single family uses within said zone which shall be assessed as described in paragraph 1 above, shall be assessed the multi-family residential rate as established by motion of the City Council.

3. Properties located within any zone other than residential, except for existing residential uses within said zone which shall be assessed as described in paragraph 1 and paragraph 2 above, shall be assessed the non-residential rate as established by motion of the City Council.

4. A home occupation in a residence shall be entitled to the appropriate residential rate if such home occupation has been allowed through the issuance of a permit set forth in the Zoning and Development Code of the City.

5. Until amended by motion of the Council, the single-family residential rate shall be \$6.00 per each lineal foot of property abutting the alley right-of-way; The multi-family residential rate shall be \$12.00 per each lineal foot of property abutting the alley right-of-way; The non-residential rate shall be \$22.50 per each lineal foot of property abutting the alley right-of-way.

6. Properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only.

7. In the case of election by the property owners to pay in installments, the base assessment, plus a one time charge of six percent (6%) for cost of collection and other incidentals, which together shall constitute the beginning assessment principle, shall be payable in ten (10) equal annual installments of the beginning assessment principle with simple interest at the rate of eight percent (8%) per annum being charged to and upon any unpaid installments.

PASSED and ADOPTED this 19th day of September, 1990.

William E. McCurry

President of the Council

Attest:

Theresa F. Martinez

Deputy City Clerk

RESOLUTION NO. 58-90

GRANTING A SPECIAL USE PERMIT TO THE COUNTY OF MESA, COLORADO, FOR A DETENTION FACILITY AND SHERIFF'S OFFICE SITE AT APPROXIMATELY 215 RICE STREET, CITY OF GRAND JUNCTION, COLORADO

WHEREAS, the County of Mesa, Colorado, sought a special use permit for construction of a jail and sheriff's office facilities on approximately 10.5 acres of land in a public zone (PZ) at approximately 215 Rice Street, City of Grand Junction, Colorado, as described on Exhibit A attached hereto; and,

WHEREAS, a hearing was held on the requested special use permit on August 15, 1990, continued until August 29, 1990; and,

WHEREAS, the applicant, County of Mesa, Colorado presented evidence and testimony in support of its request for a special use permit; and,

WHEREAS, there was full opportunity for public expression of opposition, support, or general concerns regarding the requested special use permit;

NOW, THEREFORE, HAVING REVIEWED THE EVIDENCE AND TESTIMONY BEFORE IT, THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, HEREBY FINDS AS FOLLOWS:

1. Public Notice of the hearing on the special use permit on August 15, 1990, continued until August 29, 1990, was properly given.

2. The requested special use permit was presented to and reviewed by the Grand Junction Planning Commission at a hearing before said Commission on August 7th, 1990. The requested special use permit was fully discussed before the Planning Commission and public comment was requested. No public comments were offered. At the close of the hearing the Planning Commission forwarded the request for special use permit to the City Council with a recommendation of approval, subject to the following:

A. Those requirements identified on the Review Sheets Summary comments.

B. The impoundment area to be striped like a regular parking lot.

C. The revised site plan to be recorded prior to issuance of the building permit.

3. The record before the Council consists of the following:

A. The record and decision of the Grand Junction Planning Commission.

B. The entire Planning Department file concerning the requested special use permit.

C. Three (3) exhibits submitted by the applicant at the hearing, as follows:

(1) Exhibit 1 being a drawing of the pavement area of the site outlining all interior roadways, parking lots, and the impound lot.

(2) Exhibit 2 being the landscape drawing for the project also designating the locations of three housing pods for future build-out on the project.

(3) Exhibit 3 being a drawing demonstrating what the project will look like on the outside.

D. Not entered in the record but used for discussion were mock-up models of the proposed sheriff's office and jail facility.

4. The record before the City Council is complete and is sufficient to allow and support the decision hereafter set forth.

5. Public comment was solicited by the City Council. The Council notes that there were no opponents, letters or counterpetitions regarding the requested special use permit.

6. The following additional items and conditions were agreed to by Mesa County and are made conditions and requirements of this permit:

A. The impound lot will be striped like a regular parking lot.

B. Regarding the intersection of Rice Street and Highway 340, specifically the requirement for signalization and raised medians, Mesa County shall pay the City of Grand Junction \$36,600 by November 1, 1990 toward those improvements. Additionally, as a part of its project, Mesa County shall realign Rice Street to line up with Mulberry Street on the north side of Highway 340. The County shall additionally dedicate ten (10) feet of right-of-way on the west side of Rice Street from White Avenue north to Highway 340 and shall make half-street improvements to Rice Street from White Avenue north to Highway 340. The County shall have no further obligation, either monetary or through improvements, with regard to the Rice Street and Highway 340 intersection as a part of this permit.

C. Regarding Rice Street south from White Avenue to the north side of Main Street, it is understood that the County will propose the vacation of Rice Street from White Avenue south to the north side of Main Street. In the event vacation is requested and granted, the County shall hold the City harmless from any claims for damages to the remainder of other eminent domain damages which are

alleged by any property owner as a result of the vacation.

D. With regard to improvement on Rice Street south of White Avenue to the north side of Main Street, said improvements must be made by December 31, 1996, unless Rice Street is vacated as contemplated above, in which case improvements will not be required since the vacated Rice Street will become a portion of the lands to be developed by the County.

E. Regarding Crosby Avenue, it is agreed that the County will either dedicate or convey to the City of Grand Junction all ownership rights which the County has or claims in that roadway generally known as Crosby Avenue; the legal description is shown on Exhibit 1. It is agreed that the County will accomplish full street improvements to Crosby Avenue to collector standards, including a sidewalk on one side, from a point beginning at the south property line and the northeast corner of Main Street to a point north of the proposed service entrance for the jailsite or to a point half-way between the north property line and south property line, whichever distance is greater. Said improvements shall be tied in to the existing curb, gutters and asphalt of West Main and shall be accomplished by the County by December 31, 1992. The sidewalk shall be on the west side of Crosby.

F. Until December 31, 1992, Crosby Avenue may be closed from time to time by the County as requirements of construction dictate. Signs will be placed warning users of the street of the time frame during which closure may be accomplished. In the event the Council determines that such closure(s) are significantly impairing users, the Council may require the County to implement alternate methods such as flagging and traffic control.

G. Regarding landscaping on the project, the County shall plant and maintain a reasonable number of trees as long as no security hazards for the detention facility are presented. Details of such landscaping are to be worked out with the City Planning Staff on or before the issue of the Certificate of Occupancy. In the event such details are not agreed upon, the Council shall make such requirements as are reasonable.

7. This special use permit is issued subject to the review agency comments as set forth and summarized on the Review Sheet Summary contained in the files of the Planning Department as agreed to, modified, or disputed in the August 6, 1990, response to such comments from Roy Anderson, Project Manager, to Karl Metzner, Planning Department.

8. Approval of the requested special use permit is in the best interest of the health and welfare of the citizens of the City of Grand Junction and Mesa County, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT A SPECIAL USE PERMIT IS HEREBY GRANTED TO THE COUNTY OF MESA, COLORADO, FOR A JAILSITE AT APPROXIMATELY 215 RICE

STREET, CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO THE LAND USE ORDINANCES OF THE CITY OF GRAND JUNCTION AND SUBJECT TO THE AGREEMENTS AND REQUIREMENTS SET FORTH IN PARAGRAPHS 6 AND 7 OF THE FINDINGS IMMEDIATELY ABOVE.

PASSED AND ADOPTED THIS 19TH DAY OF SEPTEMBER, 1990.

William E. McCurry

City Council President

ATTEST:

Theresa F. Martinez

Deputy City Clerk

RESOLUTION NO. 62-90

DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY LOCAL IMPROVEMENT DISTRICT NO. ST-90, PHASE B, 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 from 3rd Street to 4th Street between Chipeta Avenue and Gunnison 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; nd

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:

Lots 1 through 16, inclusive, Block 53 of the City of Grand Junction; and also,

The North 40.4 feet of Lots 17, 18 and the East 17.0 feet of Lot

19, Block 53 of the City of Grand Junction; and also,

The West 8.0 feet of Lot 19, Block 53 of the City of Grand Junction; and also,

Lots 20 through 32, inclusive, Block 53 of the City of Grand Junction; and also,

All in the City of Grand Junction, Mesa County, Colorado.

2. That the assessment levied against the respective properties will be \$6.00 per each lineal foot directly abutting the alley right-of-way. The total amount of assessable footage is estimated to be 800.00 feet; the total amount of assessments to be levied against the abutting properties shall be \$4,800.00.

3. That the assessments to be levied against the properties in 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 owners 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.

4. 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.

5. That Notice of Intention to Create said Improvement District No. ST-90, Phase B, 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-90, PHASE B 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-90, Phase B, 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:

Lots 1 through 16, inclusive, Block 53 of the City of Grand Junction; and also,
The North 40.4 feet of Lots 17, 18 and the East 17.0 feet of Lot 19, Block 53 of the City of Grand Junction; and also,
The West 8.0 feet of Lot 19, Block 53 of the City of Grand Junction; and also,
Lots 20 through 32, inclusive, Block 53 of the City of Grand Junction; and also,

All in the City of Grand Junction, Mesa County, Colorado.

Location of Improvements:

-- The alley running east and west from 3rd Street to 4th Street between Chipeta Avenue and Gunnison 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.

The assessment levied against the respective properties will be \$6.00 per each lineal foot directly abutting the alley right-of-way. The total amount of assessable footage is estimated to be 800.00 feet; the total amount of assessments to be levied against the abutting properties shall be \$4,800.00.

To the total assessable cost of \$4,800.00 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 shall become due upon the same date upon which general taxes, or the first installment thereof, are by the law 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 November 7, 1990, 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, 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 19th day of September, 1990.

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

By:

City Clerk

PASSED and ADOPTED this 19th day of September 1990.

William E. McCurry

President of the Council

Attest:

Theresa F. Martinez

Deputy City Clerk

RESOLUTION NO. 63-90

BY THE CITY COUNCIL OF GRAND JUNCTION, COLORADO, WAIVING THE ENFORCEMENT OF CERTAIN PROVISIONS OF ORDINANCE NO. 2486, DATED AUGUST 15, 1990.

WHEREAS, the Council previously adopted its Ordinance #2486 authorizing the issuance of \$1,300,000 in special obligation bonds of the City of Grand Junction on behalf of the Grand Junction, Colorado, Downtown Development Authority; and

WHEREAS, Ordinance #2486 authorized optional redemption of the Bonds in 1996 and later years; and

WHEREAS, market conditions prevailing at the time of the Bond offering required later optional call provisions to make the Bonds saleable at a reasonable rate; and

WHEREAS, by its Resolution No. 59-90, adopted September 5, 1990, the Council approved and ratified the Bond repayment terms upon which the Bonds were sold, and ratified the optional redemption rights granted to the City with respect to the Bonds beginning in 1998; and

WHEREAS, the City now wishes to formally and irrevocably waive any claims or rights to redeem the Bonds at any earlier date,

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

1. The Bond repayment terms reflected on Exhibit A to this Resolution constitute reasonable and advantageous bond repayment terms, and are hereby confirmed and ratified.

2. The optional redemption right granted to the City beginning in 1998 and later years is hereby ratified and confirmed.

3. The City hereby permanently and irrevocably waives any rights it might assert under Ordinance No. 2486 to redeem on August 15, 1996, and thereafter, Bonds maturing on August 15, 1997, and thereafter, and acknowledges that its optional prior redemption rights under the Ordinance shall be and are limited to the redemption on August 15, 1998 and thereafter of Bonds maturing on August 15, 1999 and thereafter. This waiver and acknowledgement shall be and remain irrevocable and binding upon the City until the Bonds shall be fully paid, cancelled and discharged.

5. This Resolution shall be effective immediately.

PASSED AND ADOPTED this 19th day of September, 1990.

William E. McCurry

President of the Council

Attest:

City Clerk

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

Aden Hogan, Director of Metropolitan Planning Organization, announced that MPO activities will be shifted to the County Engineering Division. He thanked City Council for its participation in the MPO, for its foresight in the transportation efforts of the MPO, and commended the City Engineering and Development staff. Mr. Hogan will be working in the risk management area. City Manager Mark Achen expressed his appreciation to Aden Hogan for his cooperation and help.

MESA COLLEGE STUDENTS RECOGNIZED

Three Mesa College students were recognized in attendance at this

City Council meeting.

ADJOURNMENT

The President adjourned the meeting to executive session to discuss property negotiations.

Theresa F. Martinez

Theresa F. Martinez, CMC
Deputy City Clerk