

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

JANUARY 8, 1992

The City Council of the City of Grand Junction, Colorado, convened in regular session the 8th day of January, 1992, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, John Bennett, Bill Bessinger, Paul Nelson, and President of the Council Conner Shepherd. Council members Bill McCurry and Reford Theobald were absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Neva Lockhart.

Council President Shepherd called the meeting to order and Councilman Bessinger led in the Pledge of Allegiance. The audience remained standing during the invocation by Assistant Pastor Ed Godfrey, Redlands Community Church.

PROCLAMATIONS/RECOGNITIONS

PRESENTATION OF APPRECIATION PLAQUE TO JAMES BITTEL FOR OVER TWO YEARS OF SERVICE ON THE GRAND JUNCTION PLANNING COMMISSION

APPOINTMENTS TO PLANNING COMMISSION AND THE BOARD OF ADJUSTMENT AND APPEALS

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried, the following appointments were made:

Grand Junction Planning Commission

Thomas Volkmann, Four-Year Term  
Scott Brown, One-Year Term  
(to complete unexpired term of James Bittel)

Board of Adjustment and Appeals

William Collins, Three-Year Term  
William Putnam, Three-Year Term

CITIZEN PARTICIPATION - ANNEXATIONS - DAVE DEARBORN

Mr. Dave Dearborn, 3093 Walnut Place, appeared before Council to inquire if public comment could be made at the informal meeting between the City Council and the Mesa County Commissioners at the joint meeting on January 20 at 5:15 p.m. The issue Mr. Dearborn wishes to speak on is annexation. Mr. Dearborn indicated that the County Commissioners (Commissioner Doralyn Genova) has said that he can make public comment. Council President Shepherd explained that the joint meetings are public meetings because they represent more than three of either body gathered for the discussion of issues related to public concern. They have never been meetings where they have invited or accepted testimony from the public, and it was his meetings they have never before entertained public

testimony. They are designed to be interagency dialogue meetings of issues of mutual concern. President Shepherd said he would not resist, but he would suggest to the County Commissioners that it would be inappropriate to initiate that kind of approach in that meeting because it would set a precedent that would basically change the whole complexion of the kinds of meetings that they are intended to be.

Mr. Dearborn stated there are still an awful lot of questions about different aspects of the Pace Annexation that the public would really like answered. He said this would be a rare opportunity for the public to have members of both the Council and the County Commissioners together because in his view it definitely affects both the County and the City.

Councilman Bessinger supported the Mayor's position on this, but it did not mean that Mr. Dearborn could not appear before the Council. Councilman Nelson also agreed with the Mayor on this point.

Another issue Mr. Dearborn raised was in reference to the State Statutes and the 45 days to challenge annexation and he inquired as to when the clock starts ticking. City Attorney Wilson advised that the Statute has been amended and it is actually 60 days. Mr. Dearborn stated that would be all the more reason why he would request the opportunity to speak at the joint meeting because the clock for Pace Annexation which has been approved is running. In response to Councilman Bessinger, he stated there were problems getting the impact statement from the County regarding Pace Annexation, the legal notices in the paper did not have the Notary Seal, no signature, no dates, some dates do not jive. For example, when the petitioning process started, it was supposed to start on a regular meeting but he believed it was dated on the 26th of October and that did not fall on one of the regular meeting days.

Councilman Nelson asked Mr. Dearborn if he was making an assertion that this was a defective annexation. Mr. Dearborn said there was that possibility, and there is a lot of concern in the community about this annexation. Councilman Baughman asked Mr. Dearborn if his concern was that with the process for the Pace Annexation it was not done within the boundaries of specified written law. Mr. Dearborn said there was that possibility and that should be cleared up.

City Manager Achen said that if the issues are essentially technical rather than policy issues there really is no great value for the City Council and the County Commissioners to convene some kind of a public meeting, basically a legal question that he assumed the City Attorney would respond to. If it's a policy question in that Mr. Dearborn is looking for those defects because he does not want the City to annex Pace, then that is a different issue.

City Attorney Wilson reported that about ten days ago he received

a call from Mark Eckerd, County Administrator, who has received calls from people who are inquiring about how the process works, what the rule book is. He is scheduled to meet with Mr. Eckerd tomorrow and two gentlemen who live somewhere east of Road. Mr. Dearborn indicated that he would attend the meeting.

RESOLUTION NO. 1-92 - ACCEPTING A PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO, AND SETTING A HEARING ON SUCH ANNEXATION - NORTH MEADOWS - APPROXIMATELY 4.3 ACRES LOCATED AT THE SOUTHEAST CORNER OF 29 AND F 1/2 ROADS.

North Meadows is a 16 lot single-family subdivision located at the southeast corner of 29 and F Roads. Twelve (12) of the 16 lot owners have signed a petition for annexation. North Meadows Subdivision is located between Darla Jean and Karen Lee Subdivisions, both of which have existing powers of attorney for annexation. Total size of the proposed annexation is approximately 4.3 acres.

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried by roll call vote, Resolution No. 1-92 was passed and adopted (see next page).

CHANGE ORDER NO. 1 - To Contract for West Mesa Avenue Waterline Replacement Project - Lyle States Construction, Inc., approximately \$12,000

Extra work and materials on the project were required due to water breaks during construction and the mislocate of an existing 6" water line during design. Unit prices were used where applicable and the rest of the add-ons done on time and material. Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried, Change Order No. 1 to the Contract for West Mesa Avenue Waterline Replacement Project for approximately \$12,000 was approved.

AWARD OF CONTRACT FOR BULK FILTER MEDIA FOR THE WATER TREATMENT PLANT

Bids were opened December 19, 1991 for the bulk purchase of Filter Media for the City's Water Treatment Plant. Invitation for Bids was distributed to nine (9) vendors; two bids were received. Total expenditure will be \$49,226.47. The requested action was authorization

RESOLUTION NO. 1-92

ACCEPTING A PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO, AND SETTING A HEARING ON SUCH ANNEXATION NORTH MEADOW ANNEXATION APPROXIMATELY 4.3 ACRES LOCATED SOUTHEAST OF 29 ROAD AND F-1/2 ROAD.

WHEREAS, on the 8th day of January, 1992, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for

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

Beginning at the SE Corner Section 6 T1S R1E, thence North to the NW Corner SW1/4 Section 5 T1S R1E, thence East to the East Line extended of North Meadow Subdivision, thence South to the SE Corner said subdivision, thence west to southwesterly corner Lot 9 North Meadows Subdivision, thence North to a point 30 ft. South of the North line of the SW1/4 Section 5 T1S R1E, thence West to a point 1 ft. East of the West line said section 5, thence South to the South line said section 5, thence West to the point of beginning.

WHEREAS, the Council has found and determined that the petition complies substantially with the provisions of the Municipal Annexation Act and a hearing should be held to determine whether or not the lands should be annexed to the City by Ordinance;

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

That a hearing will be held on the 5th day of February, 1992, in the City-County Auditorium in City Hall of the City of Grand Junction, Colorado, at 7:30 o'clock p.m. to determine whether one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; whether a community of interest exists between the territory and the city; whether the territory proposed to be annexed is urban or will be urbanized in the near future; whether the territory is integrated or is capable of being integrated with said City; whether any land in single ownership has been divided by the proposed annexation; whether any land held in identical ownership comprising more than twenty acres which, together with the buildings and improvements thereon, has an assessed valuation in excess of two hundred thousand dollars is included without the landowner's consent; whether any of the land is now subject to other annexation proceedings; and whether an election is required under the Municipal Annexation Act of 1965.

PASSED and ADOPTED this 8th day of January, 1992.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

to purchase 2,240 cubic feet of Filter Gravel and 3,734 cubic feet of Anthracite Filter Coal from Carbonite Filter Corporation of Delano, Pennsylvania for \$39,050.32 and authorization to purchase 1,867 cubic feet of Silica Filter Sand from Colorado Silica Sand,

Inc., of Colorado Springs for \$10,175.15. Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried, the Contract was awarded as specified.

METROPOLITAN PLANNING ORGANIZATION CONTRACT FOR SERVICES WITH CRSS CIVIL ENGINEERS, INC., FOR A MAJOR ARTERIAL ROAD TRANSPORTATION STUDY

The Metropolitan Planning Organization (MPO) technical committee is requesting that the City sign the MPO contract with CRSS Civil Engineers, Inc. The contract provides for a Major Arterial Road transportation study to be done for the MPO area. This planning activity has already been approved in the Unified Planning Work Program (UPWP) for the Grand Junction/Mesa County Urbanized Area for fiscal year 1992. The City Council are decision making officials for the MPO with two members of Council (Conner Shepherd and Bill McCurry) acting on the Transportation Policy Advisory Committee (TPAC). Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried, the City Manager was authorized to sign said Contract.

RESOLUTION NO. 3-92 - AUTHORIZING AN EXCHANGE OF REAL ESTATE ASSOCIATED WITH PROPERTY ACQUIRED FROM TOM LEWIS

The owner/operator of AAA Auto Salvage, Mr. Russ Harden, asserts that the southern boundary of his property extends south approximately 480 feet to the north bank of the Colorado River and into property the City acquired from Tom Lewis in 1988. A lawsuit to settle the title dispute has been filed. Under a proposed settlement, the City would convey a 3,000 square foot triangular shaped parcel to Mr. Harden in exchange for all lands to the south. Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried by roll call vote, Resolution No. 3-92 was passed and adopted (see next page).

RESOLUTION NO. 2-92 RIDGES MAJORITY ANNEXATION PETITION POSTPONED FOR TWO WEEKS

RESOLUTION NO. 7-92 AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE PLAN AND AGREEMENT WITH THE RIDGES METROPOLITAN DISTRICT WHICH ADDENDUM MODIFIES THE PLAN AND AGREEMENT TO THE EXTENT NECESSARY TO EXECUTE THE OFFER SET FORTH IN RESOLUTION NO. 92-11 OF THE RIDGES METROPOLITAN DISTRICT

The City Attorney referred to a map in the wall showing darkest green which is the existing developed Ridges area. As a legal matter, there is an area around that is mostly undeveloped and is also a part of the Ridges Metropolitan District. Both of those areas are the subject of a hearing on Tuesday in front of the judge. If the proper information is presented, it is hoped the judge will set it for an election to annex these two areas to the City and to eventually have the City Council by the Metropolitan District Board. Mr. Wilson said that the annexation of these two areas presents an opportunity for a majority annexation. The rules

are that if the City ends up with more than fifty percent of the owners with more than fifty percent of the land, as a part of the annexation the area shown in the lighter green can be included if the developer of the Ridges, a group known as Dynamic Investments, also joins in signing the petition. He said the reason that works is the agreement with the Ridges Board says that the City would use an existing Power of Attorney, just because its easier to do the paperwork, with their consent and the City Clerk would sign the petition. Mr. Wilson said he does not yet have the signature of Dynamic Investments although he believes they are in agreement and in effect the agreement is the City will give it the same zoning as in the County and they are talking about water for a potential golf course in the future. They are working on the final language that the Council would then see and approve. They are recommending this be delayed for two weeks when they will have the signature to allow for this majority annexation.

The next issue was dealing with the Colorado Water Conservation Board loan. Mr. Wilson said this was a State loan, in effect, to the Ridges District that paid for the original irrigation, and there is money outstanding. When the Council signed the contract with the Ridges Board, the final number had not been settled on and the City needed that number in order to go before the judge next Tuesday. Mr. Wilson said the understanding is that informally the CWCD will now accept an offer that the Ridges Board has made to them and the purpose of Resolution No. 7-92 is to say that the City agrees with the Ridges Board's proposal and in effect it's to pay some money and to grant some water rights in exchange for a release of that security instrument. The Resolution authorizes the City Manager to formally change the contract to reflect that new twist in the CWCD loan documents. The Ridges Board itself on last Tuesday made that a formal position by resolution and Mr. Wilson asked that Council do the same thing tonight. Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried by roll call vote, Resolution No. 7-92 was passed and adopted (see next page).

#### SIX SPECIAL EVENTS FUNDED FOR CALENDAR YEAR 1992

The VCB Board of Directors recommended funding the following special events in 1992:

#### RESOLUTION NO. 3-92

WHEREAS, Thomas N. Lewis conveyed certain lands to the city as evidenced by a Warranty Deed dated November 29, 1988 and recorded in Book 1720 at Pages 201 through 205 and by a Quit Claim Deed dated August 7, 1990 and recorded in Book 1798 at Page 350 in the office of the Mesa County Clerk and Recorder; and

WHEREAS, on December 10, 1987, Victor Stajcar acquired certain lands from Thomas N. Lewis as evidence by a Quit Claim Deed recorded in Book 1673 at Page 986 in the office of the Mesa County Clerk and Recorder; and

WHEREAS, Victor Stajcar, together with Russell Harden, doing business as AAA Auto Salvage and lessee of the Stajcar property, assert that the Stajcar property extends south to the North Bank of the Colorado River and into the property conveyed to the City by Thomas N. Lewis; and

WHEREAS, the City believes that the southern boundary of the Stajcar property is located several hundred feet north of the North Bank of the Colorado River and not into the property conveyed to the City by Thomas N. Lewis; and

WHEREAS, the City has filed an action to quiet title and to fix the uncertain boundary to eliminate the contradiction of ambiguous calls as to the courses and distance of the common boundary line of the aforementioned properties. In order to avoid litigation, the City, Victor Stajcar and Russell Harden have preliminarily agreed to the exchange of parcels herein described.

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

1. That the City Manger, on behalf of the City and as the act of the City, is hereby authorized to sign a stipulation and agreement to resolve the lawsuit and to sign all documents necessary to effectuate the conveyance of that certain parcel of real property described in the attached Exhibit A to Victor Stajcar and Russell Harden.

2. That the conveyance described in Section 1 above shall be expressly contingent upon the concurrent conveyance of that certain parcel of real property described in that attached Exhibit B from Victor Stajcar and Russell Harden to the City of Grand Junction.

3. That the City and the Army Corps of Engineers are contemplating the construction of a Flood Control Levee in the vicinity of the Stajcar property and the parcel described in Section 1 above shall also be contingent upon the concurrent execution of an agreement (and a stipulation to be filed with, and made an order of, the court in the quiet title action) between the City, Victor Stajcar and Russell Harden, which agreement shall, in part, provide for methods to be utilized to establish the value of lands to be acquired, if necessary, for the Flood Control Levee.

4. The City Council has previously authorized the City Attorney to proceed with an action to quiet title. This Resolution is not intended to withdraw said authority; in the event the City Manager does not sign a stipulation and agreement to resolve the lawsuit, the City Attorney shall still be authorized to proceed with an action of quiet title.

PASSED and ADOPTED this 8th day of January, 1992.

Attest:

NAME

\_\_\_\_\_  
President of the Council

Neva B. Lockhart, CMC

\_\_\_\_\_  
City Clerk

EXHIBIT A

The following described real property located in the Southeast Quarter (SE 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, to wit:

Commencing at the Center of said Section 23, thence North 89 deg. 17 min. East along the North line of the SE 1/4 of said Section 23 a distance of 425 feet, thence along the Westerly and Southerly boundary lines of Lot 1 of Arcieri Subdivision the following three (3) courses:

1. South 2 deg. 34 min. East 317 feet;
2. South 2 deg. 55 min. East 186.6 feet to the Southwest corner of Lot 1 of Arcieri Subdivision;
3. North 79 deg. 29 min. East 6.0 feet along the southernmost line of said Lot 1 to the Point of Beginning, said point being common with the Southeast corner of said Lot 1 and the Southwest corner of that certain parcel of land conveyed to Victor Stajcar as described in Book 1673 at Page 986 in the office of the Mesa County Clerk and Recorder;

thence N 82 deg. 22 min. 18 sec. E along the southern boundary of the Victor Stajcar parcel a distance of 185.26 feet;  
thence South a distance of 33.57 feet; thence N 87 deg. 12 min. 35 sec. W a distance of 183.97 feet to the Point of Beginning,

containing 3,085 square feet, more or less.

EXHIBIT B

The following described real property located in the Southeast Quarter (SE 1/4) of Section 7, Township 1 South, Range 1 West of the Ute Meridian, City of Grand Junction, Mesa County, Colorado, to wit:

Commencing at the Center of said Section 23, thence North 89 deg. 17 min. East along the North line of the SE 1/4 of said Section 23 a distance of 425 feet, thence along the Westerly and Southerly boundary lines of Lot 1 of Arcieri Subdivision the following three (3) courses:

1. South 2 deg. 34 min. East 317 feet;
2. South 2 deg. 55 min. East 186.6 feet to the Southwest corner of Lot 1 of Arcieri Subdivision;
3. North 79 deg. 29 min. East 6.0 feet along the southernmost line of said Lot 1 to the Point of Beginning, said point being common with the Southeast corner of said Lot 1 and the Southwest corner of that certain parcel of land conveyed to Victor Stajcar as described in Book 1673 at Page 986 in the office of the Mesa County Clerk and Recorder;

thence S 87 deg. 12 min. 35 sec. E a distance of 183.97 feet to the Point of Terminus, together with an easement for road purposes 12 feet in width to Struthers Avenue as described in Book 1673 at Page 986 in the office of the Mesa County Clerk and Recorder.

RESOLUTION NO. 7-92

AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE PLAN AND AGREEMENT WITH THE RIDGES METROPOLITAN DISTRICT, WHICH ADDENDUM MODIFIED THE PLAN AND AGREEMENT TO THE EXTENT NECESSARY TO EXECUTE THE OFFER SET FORTH IN RESOLUTION #92-11 OF THE RIDGES METROPOLITAN DISTRICT.

WHEREAS, since the execution of the plan and agreement between the Ridges Metropolitan District and the City, the Ridges Metropolitan District has negotiated the terms of an offer with the Colorado Water Conservation Board, and

WHEREAS, in order that such offer be implemented, the plan and agreement must be amended, and

WHEREAS, the offer from the Ridges Metropolitan District to the Colorado Water Conservation Board is acceptable to the City.

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

The City Manager by authorized to execute an addendum to the plan and agreement with the Ridges Metropolitan District, which addendum modifies the plan and agreement to the extent necessary to execute the offer set forth in Resolution #92-11 of the Ridges Metropolitan District.

PASSED AND ADOPTED this 8th day of January, 1992.

NAME

\_\_\_\_\_  
President of the Council

ATTEST:

Neva B. Lockhart, CMC

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City Clerk

RESOLUTION NO. 92-11

WHEREAS, the Ridges Metropolitan District entered an amended contract with the Colorado Water Conservation Board dated May 1, 1984 (the "Amended Contract"); and

WHEREAS, the Board of Directors of the Ridges Metropolitan District desires to make an offer to the Colorado Water Conservation Board to settle and discharge its obligations under the Amended Contract;

NOW, THEREFORE, be it resolved by the Board of Directors of the Ridges Metropolitan District (the "District") as follows:

1. The District makes the following offer to the Colorado Water Conservation Board:

a. The District shall pay the Colorado Water Conservation Board the sum of \$500,000.00 cash at the date of annexation into the City of Grand Junction and \$50,000.00 cash at the closing of the sale of the Ridges office building located at 372 Ridges Boulevard, and shall convey to the Colorado Water Conservation Board twenty (20) water shares from the Redlands Power and Water Company, currently owned by the District, at the date of annexation into the City of Grand Junction.

b. The above offer is for full settlement of all amounts owed to the Colorado Water Conservation Board pursuant to the Amended Contract, and the discharge of all other obligations of the District under the Amended Contract. It further includes the reconveyance to the District of all of the property described in Paragraphs 6 and 7 of the Amended Contract (except for the twenty (20) shares of Redlands Power and Company Stock described in the above offer), free and clear of all encumbrances other than those existing as of the date of the Amended Contract.

c. As used in the above offer, the phrase "date of annexation into the City of Grand Junction" means the "annexation date" as defined in the Plan and Agreement between the City of Grand and the District.

2. The above offer shall be immediately conveyed to the Colorado Water Conservation Board by letter. A copy of the letter to be used for such purpose is attached hereto as Exhibit A.

3. The President of the District is hereby authorized to execute an addendum to the Plan and Agreement with the City of Grand Junction, which addendum modifies the Plan and Agreement to the extent necessary to effectuate the offer set forth above.

Adopted this 7th day of January, 1992.

Ellsworth F. Stein

Ellsworth F. Stein, President

Attest:

Linda E. Afman

Linda E. Afman, Secretary

Kokopelli's Supermarathon	\$3,000
Dinosaur Days	\$3,500
Colorado Valley Wine Festival	\$10,000
Cowboy Poetry Gathering	\$4,722
Renaissance Faire	\$2,500
Kite Festival	\$1,000

The VCB's Special Event Funding Policy was approved by the Council in May of 1991. The VCB 1992 budget has allocated \$25,000 for funding events that most closely follow the policy. These events successfully demonstrated the potential to attract overnight visitors, generate a positive economic impact and are promotable as unique to the Grand Junction area. Upon motion by Councilman Bessinger, seconded by Councilman Baughman and carried, the funding was approved as recommended.

HEARING - RESOLUTION NO. 4-92 - PROPOSED ORDINANCE - ALPINE MEADOWS ANNEXATION

Alpine Meadows Annexation contains approximately 25.6 acres and is located south of H Road and west of 27 Road. The hearing was opened. Karl Metzner, Community Development Department, reviewed the area. Mr. Charlie Plesek, 771 27 Road, stated that he has no objection to this annexation. He has lived in this area for 74 years. He stated that one property to the north of him would have quite a problem getting a sewer line in to the property. Mr. Wilson informed Mr. Plesek that eventually if the City continues on its annexation plan he would be annexed to the City although

that may be some few years in the future, and if the property is located within 400 feet of the sewer line then the property owner would be required to hook onto the sewer. There were no others who indicated a desire to speak, there were no letters of opposition, and no counterpetitions were filed. The hearing was closed. Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried by roll call vote, Resolution No. 4-92 was passed and adopted (see next page).

Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried, the proposed ordinance was passed for publication.

HEARING - VACATION OF ALLEY LYING BETWEEN BELFORD AND TELLER AVENUES, WEST OF 7TH STREET AND EAST OF AN EXISTING NORTH/SOUTH ALLEY

This area is a transitional zone between residential uses and commercial. The vacation of this alley will permit Grand Valley National Bank to construct a new drive-up facility north of the current building and since the vacation of the alley right-of-way will allow unrestricted access to their property, it will help eliminate traffic conflicts between their customers and the general public. The hearing was opened. Kathy Portner, Community Development Department, reviewed the request. The petitioner has agreed to all the review agency comments with the exception of the escrowing for half alley improvements to the south of the proposed vacated alley. Tom Logue, representing the Grand Valley National Bank, said that they are contributing a little more than 50% because of the full length on the north/south alley, they would like to designate that half of the full alley width improvements and not pay anything to the south. There were no opponents, letters, or counterpetitions. The hearing was closed.

During Council discussion, it was pointed out that the petitioner is gaining property with the vacation, and if they want to do the improvements to the property they should do their share to the south. If the petitioner does not wish to do that, Councilman Bessinger moved to deny the vacation of the alley. Motion lost for lack of a second.

Upon motion by Councilman Baughman, seconded by Councilman Nelson and carried with Councilman BESSINGER voting NO, the proposed ordinance to vacate the alley lying between Belford and Teller Avenues, west of 7th Street and east of an existing north/south alley was passed for publication.

ORDINANCE NO. 2554 - INTERSTATE EAST ANNEXATION

Interstate East Annexation contains approximately 35 acres located north of G Road and lying east and west of 23 1/2 Road. Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried by roll call vote, Ordinance No. 2554 was passed and adopted.

ORDINANCE NO. 2555 - GRAND JUNCTION WEST ANNEXATION

Grand Junction West Annexation contains One-Half Plus Square Mile located between 22 to 23 1/4 Road, south of I-70, and north of U.S. Highway 6 & 50. Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried by roll call vote with Councilman BAUGHMAN voting NO, Ordinance No. 2555 was passed and adopted.

ORDINANCE NO. 2556 - PERSIGO ANNEXATION NO. 2

Persigo Annexation No. 2 contains One-Half Plus Square Mile located between 21 1/2 Road, from I-70 to H Road. Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried by roll call vote with Councilman BAUGHMAN voting NO, Ordinance No. 2556 was passed and adopted.

RESOLUTION NO. 4-92

WHEREAS, on the 4th day of December, 1991, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

All of Alpine Meadows Subdivision as recorder in Book 1847 Page 355 of the records of the Mesa County Clerk and Recorder including adjoining R.O.W. for 27 Road lying West of the East Section Line of Section 35 T1N R1W; and

All of La Casa de Dominguez Subdivision Filing #3 as recorder in Book 13 Page 393 of the records of the Mesa County Clerk and Recorder.

WHEREAS, a hearing on the petition was duly held after proper notice on the 8th day of January, 1992; and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City; that no land held in single ownership comprising more than twenty acres, which has an assessed value in excess of two hundred thousand dollars, is included without the landowner's consent; and that no election is required under the Municipal Annexation Act of 1965.

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

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

PASSED and ADOPTED this 8th day of January, 1992.

Attest:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

ORDINANCE NO. 2557 - AMENDING SECTION 14-10, CODE OF ORDINANCES,  
REFUSE COLLECTION FEES

AMENDING SECTION 14-10, CODE OF ORDINANCES, REFUSE COLLECTION  
FEES, BY INCREASING THE SINGLE FAMILY RATE FROM \$7.00 TO \$7.50 PER  
MONTH AND THE COMMERCIAL RATES BY 7% AND ADDING A PROVISION  
CONCERNING REFUSE COLLECTION ON PRIVATE PROPERTY. Upon motion by  
Councilman Bennett, seconded by Councilman Bessinger and carried  
by roll call vote, Ordinance No. 2557 was passed and adopted.

RESOLUTION NO. 5-92

As part of the implementation of a new pretax retirement plan for  
general employees the assets of the current after tax optional  
plan with Pacific Mutual are being transferred by a new plan for  
general employees and to the respective fire and police plans as  
to those employees. Future mandatory contributions will be made  
directly to the New Hire Fire & Police Plans and to the Old Hire  
Rank Escalation Plans. Upon motion by Councilman Bessinger,  
seconded by Councilman Nelson and carried by roll call vote,  
Resolution No. 5-92 was passed and adopted (see next page).

RESOLUTION NO. 6-92

Withdrawing the City of Grand Junction as the designated Emergency  
Response Authority for hazardous substance incidents in Mesa  
County and withdrawing the City of Grand Junction as the Superfund  
Amendment Reauthorization Act Program Manager for reporting  
facilities in Mesa County. Upon motion by Councilman Nelson,  
seconded by Councilman Baughman and carried by roll call vote,  
Resolution No. 6-92 was passed and adopted as amended (see next  
page).

POLICE STATION MILL TAILINGS REMEDIAL ACTION PLAN

Police Department representative Bill Gaskill reported that since  
Monday night's workshop, a letter has been received from Robert  
Ivey, Contracting Officer with the Department of Energy, that  
reduces the figure from \$124,835 to \$114,832. The \$10,003 savings  
amounts to \$1,050 for the grab bars in the showers are included as  
code items which now means that the Department of Energy assumes

that expense; the \$19,445 for the stairwell, the Department of Energy has agreed to pay a little more than \$5,000 which reduces that figure to \$14,250; another \$800 on the brick facade; and the remainder between what those add up to and the \$10,003 is the lower amount that 42% is then taken. Councilman Bennett questioned whether the elevator costs had been factored in. Upon motion by Councilman Bessinger, seconded by Councilman Baughman and carried with Councilman BENNETT voting NO, the City Manager was authorized to execute the Remedial Action Agreement with the Department of Energy and agreed to the Department's recommendation for the specific remodeling items.

#### ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart, CMC

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Neva B. Lockhart  
City Clerk

#### RESOLUTION NO. 5-92

A Resolution amending the "New Hire" Fire and Police Pension Plans and the "Old Hire" Fire and Police Rank Escalation Pension Plans, as of January 1, 1992, and authorizing differing contribution levels.

WHEREAS: As part of the establishment of a new retirement plan for general employees it is in the best interest of the City and the effected Fire and Police personnel to move their previous supplemental plan contributions to their other existing money purchase plans; and

WHEREAS: Since contributions to those plans need to be mandatory to be paid on a pretax basis, the mandatory contribution levels for both employee and employer need to be changed effective January 1, 1992, and

WHEREAS: The affected employees in both Fire and Police service support this mandatory condition for the additional contributions; and

WHEREAS: The participation of the Finance Director and Personnel Manager as ex-officio members of the New Hire Fire and Police Pension Boards creates the perception that the City's professional Management staff are being used by the pension directors. Yet in fact the directors do not frequently follow such advice. Therefore, such continued involvement is not useful, and should be discontinued unless the directors desire that the funds be brought back under City control and actually managed by the City.

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

1. The "Old Hire" Rank Escalation Pension Plan contributions are hereby authorized and directed to be changed, under section E of the Plan, Contribution Provisions, from an employer (City) contribution of 6% to 6.65% and the employee (participant) contribution from 0% to .65% effective January 1, 1992. These percentages shall remain in effect until modified by Council.

2. The "Old Hire" employees fund balances transferred from Pacific Mutual shall be placed in the respective Rank Escalation Pension Plans with ICMA; separated as to employee and/or voluntary portion before and after January 1, 1987 versus employer portion and account earnings.

3. The Fire and Police "New Hire" Pension Plan matching contributions from the City and participant employee are changed from 8% and 8% to 10.65% and 10.65% each effective January 1, 1992. These percentages shall remain in effect until modified by this Council.

4. The "New Hire" employees fund balances transferred from Pacific Mutual shall be placed in the respective New Hire Pension Plans and deposited into their accounts at Central Bank Trust department as plan administrator; separated as to employee and/or voluntary portion before and after January 1, 1987 versus employer portion and account earnings. Also, all funds so transferred into the New Hire plans from Pacific Mutual shall be considered fully vested by the employees on the date of transfer.

5. The City of Grand Junction, as the employer sponsoring the Grand Junction Police and Fire Department Money Purchase Plans, and as permitted by Section 414(h)(2) of the Internal Revenue Code of 1986, will "pick up" the mandatory participant contributions made pursuant to Section 4.03 of the Plans, and will pay such contributions in lieu of contributions by the employees participating in such Plans. The employees participation in such Plans shall not have any right to choose to receive such amounts directly instead of having those amounts paid by the City to the respective Trusts.

6. Sections 2.04 of the respective plans are hereby amended, changing the Board of Trustees to five members. The Director of Finance and the Manager of Personnel shall no longer be ex-officio members effective on adoption of this resolution. Sections 13.02(f) are hereby amended to require that minutes of all meetings or actions of the membership or of the board shall be provided to the City Clerk within fifteen working days of each meeting or action.

7. The above changes to sections 2.04 Board of Trustees and 13.02(F) are to be incorporated into the plan documents and proposed for adoption by the participants in each plan at the earliest possible time.

PASSED and ADOPTED this 8th day of January 1992.

NAME

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President of the Council

Attest:

Neva B. Lockhart, CMC

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City Clerk

RESOLUTION NO. 6-92

WITHDRAWING THE CITY OF GRAND JUNCTION AS THE DESIGNATED EMERGENCY RESPONSE AUTHORITY FOR HAZARDOUS SUBSTANCE INCIDENTS IN MESA COUNTY

AND

WITHDRAWING THE CITY OF GRAND JUNCTION AS THE SUPERFUND AMENDMENT REAUTHORIZATION ACT PROGRAM MANAGER FOR REPORTING FACILITIES IN MESA COUNTY

WHEREAS, Section 29-22-102, CRS 1973, as amended, requires the Board of County Commissioners of Mesa County hereinafter referred to as "Board", to designate by resolution the emergency response authority for hazardous substance incidents occurring within the unincorporated area of Mesa County; AND

WHEREAS, Said Section designates the Colorado State Patrol as the emergency response authority for hazardous substance incidents that occur on any federal, state, or county highway located outside of municipal city limits, and further authorizes the State Patrol to delegate such authority, with the approval of the Board, to the emergency response authority it designates; AND

WHEREAS, Said Section requires the Board, as necessary, to exercise continuing supervisory authority for the cleanup and removal of the hazardous substance involved in an incident; AND

WHEREAS, Said Section authorizes the State Department of Health and any other State or local agency with useful expertise to provide assistance to the designated emergency response authority, upon request; AND

WHEREAS, Mesa County's offer of only seven thousand (\$7,000.00) in financial support for these services is far less than the cost of those services provided by the City of Grand Junction Fire Department; AND

WHEREAS, the Grand Junction City Council hereinafter referred to as "City", no longer desires the Grand Junction Fire Department to serve as the designated emergency response authority for Mesa

County without meaningful financial support from Mesa County, AND

WHEREAS, the City no longer desires the Grand Junction Fire Department to serve as the Superfund Amendment Reauthorization Act program manager for Mesa County without meaningful financial support from Mesa County, AND

WHEREAS, the City wishes to maintain the Grand Junction Fire Department as the designated emergency response authority and as the Superfund Amendment Reauthorization Act program manager for areas inside the City Limits and inside the Grand Junction Rural Fire Protection District; AND

WHEREAS, the City desires to resolve the issue of meaningful financial support from Mesa County before the resolution is fully and finally effective, the City therefore, recommends the following conditions precedent to be met or expire prior to the expiration of the time allotted therein:

Condition 1. That the City requests the Grand Junction Fire Department to meet with Mesa County Officials in an effort to obtain meaningful financial support from Mesa County prior to complete withdrawal;

Condition 2. That the City believes that ninety, (90), days is a reasonable period for the County to decide if it desires such services from the City in return for reasonable compensation;

Condition 3. That this resolution will come effective and the City will withdraw as the Designated Emergency Response Authority and the Superfund Amendment Reauthorization Act Program Manager at the end of the ninety, (90), day period if meaningful financial support is not obtained from Mesa County within said time.

NOW, THEREFORE, BE IT RESOLVED, that the Grand Junction Fire Department hereby resigns from and is no longer the designated Mesa County Emergency Response Authority for hazardous substance incidents occurring within the unincorporated area of Mesa County, in accordance with the above conditions precedent.

BE IT FURTHER RESOLVED, that the Grand Junction Fire Department hereby resigns from and is no longer the designated Mesa County Superfund Amendment Reauthorization Act Program Manager for reporting facilities within the unincorporated area of Mesa County, in accordance with the above conditions precedent.

Passed and Adopted this 8th Day of January 1992.

NAME

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President of the Council

Attest:

Neva B. Lockhart, CMC

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City Clerk