

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

JANUARY 22, 1992

The City Council of the City of Grand Junction, Colorado, convened in regular session the 22nd 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 Nelson led in the Pledge of Allegiance. The audience remained standing during the invocation by Pastor Jerry Gonzales, First Assembly of God Church.

PROCLAMATIONS/RECOGNITIONS

PRESENTATION OF APPRECIATION PLAQUE TO THE DR. GENO SACCOMANO FAMILY FOR THEIR ESTABLISHMENT OF THE SACCOMANO HIGHER EDUCATION SCHOLARSHIP FOUNDATION

RECOGNITION OF NINE (9) FIRE DEPARTMENT EMPLOYEES FOR THEIR COMPLETION OF THE PARAMEDIC CERTIFICATION TRAINING PROGRAM:

Program Coordinator and Class Instructor: Administrative Fire Officer and Paramedic Rick Beaty

Students: Fire Fighter Ginny Chase, Engineer Jim Connery, Fire Fighter Katherine Ferguson, Engineer Greg Gador, Fire Fighter Randy Hughes, Fire Fighter Russ Little, Fire Fighter Chuck Mathis, Fire Fighter Ron Pond, Fire Fighter Doug Walsh

PARKS AND RECREATION ADVISORY BOARD PRESENTATION OF SERVICE AWARDS TO: DESERT VISTA CLUB; DAVID SPENCER; GUS CARLSON

PRESENTATION OF APPRECIATION PLAQUE TO JAN POMRENKE FOR HER MORE THAN EIGHT YEARS OF SERVICE ON THE BOARD OF ADJUSTMENT AND APPEALS

FIVE-MINUTE RECESS

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

President Shepherd announced that the proposed ordinance entitled REPEALING AND REENACTING CHAPTER 6, CODE OF ORDINANCES, ANIMAL CONTROL was removed from the agenda.

CITIZEN PARTICIPATION - ANNEXATIONS AND ANNEXATION PHILOSOPHY - KENNETH BAUGHMAN AND WESS HAMON

Mr. Kenneth Baughman, 2145 Olympic Ct., and Mr. Wess Hamon, 565 Pearwood, were present to discuss recent annexations.

President of the Council Shepherd stated that the City is interested in annexation of areas generally within the 201 service area, meaning the Persigo Water Treatment facility area.

CITIZENS PARTICIPATION - MESA COUNTY COALITION ON DISABILITIES

Mr. Scott Brown, 1405 Wellington, discussed the Rehabilitation Act of 1973 (P.L. 93-112) as amended through October 1, 1986, by The Rehabilitation Amendments of 1986 (P.L. 99-506). Mr. Scott also commended Council and Staff for recent conveniences accomplished on his behalf, and on behalf of the citizens of Grand Junction.

MINUTES

Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried, the minutes of the December 18, 1991, and January 8, 1992, City Council meetings were approved as submitted.

AUTHORIZE PURCHASE OF 15 CHEVROLET CAPRICE PATROL CARS FROM STATE AWARD VENDOR BURT CHEVROLET - \$216,243.35

The Purchasing Agent recommends bypassing the bid process to purchase fifteen (15) patrol cars from State Award vendor, Burt Chevrolet of Englewood. Purchase price of \$216,243.35 includes extended warranty and a trade-in allowance for ten (10) 1989 patrol cars. Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried, the purchase of 15 Chevrolet Caprice Patrol Cars from State Award Vendor Burt Chevrolet of Englewood, Colorado, in the amount of \$216,243.35 was approved.

AUTHORIZE PURCHASE OF A HIGH COMPACTION 34-YARD FRONT LOADING SANITATION TRUCK - KOIS BROTHERS EQUIPMENT CO. - \$130,573

Bids were opened January 8, 1992, for a Front Loading 34-Yard Sanitation Truck. The low bid was submitted by Kois Brothers Equipment Co. of Denver in the amount of \$130,573. Kois will supply a Lodal body; the cab and chassis will be provided by Mesa Mack of Grand Junction. Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried, the purchase of a High Compaction 34-Yard front Loading Sanitation Truck from Kois Brothers Equipment Co. in the amount of \$130,573 was approved.

THE REHABILITATION ACT OF 1973

(P.L. 93-112)

As Amended Through October 1, 1986 by The Rehabilitation Amendments of 1986 (P.L.99-506)

SEC. 504. NONDISCRIMINATION UNDER FEDERAL GRANTS AND PROGRAMS

[504](a) No otherwise qualified individuals with handicaps in the United States, as defined in section 7(8), shall, solely by reason

of the handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of the Congress, and such regulation may take effect no earlier than the thirtieth day after the date on which such regulation is so submitted to such committees.

[504](b) For the purposes of this section, the term "program or activity" means all of the operations of--

[504](b) (1) (A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

[504](b) (1) (B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

[504](b) (2) (A) a college, university, or other postsecondary institution or a public system of higher education; or

[504](b) (2) (B) a local educational agency (as defined in section 198(a) (10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

[504](b) (3) (A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship--

[504](b) (3) (A) (i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

[504](b) (3) (a) (ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

[504](b) (3) (B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

[504](b) (4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3); any party of which is extended Federal financial assistance.

[504](c) Small providers are not required by subsection (a) to

make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.

SEC. 505. REMEDIES AND ATTORNEYS' FEES

[505](a)(1) The remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of 1964 (42 U.S. C. 2000e-16), including the application of sections 706(f) through 706(k) (42 U.S.C. 2000e-5(f) through (k)), shall be available, with respect to any complaint under section 501 of this Act, to any employee or applicant for employment aggrieved by the final disposition of such complaint, or by the failure to take final action on such complaint. In fashioning an equitable or affirmative action remedy under such section, a court may take into account the reasonableness of the cost of any necessary work place accommodation, and the availability of alternatives therefor or other appropriate relief in order to achieve an equitable and appropriate remedy.

[505-a](2) The remedies, procedures, and rights set forth in title VI of the Civil Rights Act of 1964 shall be available to any person aggrieved by any act or failure to act by any recipient of Federal assistance of Federal provider of such assistance under section 504 of this Act.

[505](b) In any action or proceeding to enforce or charge a violation of a provision of this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

PUBLIC LAW 101-336

THE AMERICANS WITH DISABILITIES ACT OF 1990

DATE OF ENACTMENT JULY 26, 1990

TITLE II--PUBLIC SERVICES

Subtitle A--Prohibition Against Discrimination and Other Generally Applicable Provisions

SEC. 201. DEFINITION.

As used in this title:

(1) Public entity.--The term "public entity" means--

(A) any State or local government;

(B) any department, agency, special purpose district, or other

instrumentality of a State or States or local government; and

(C) the National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

(2) Qualified individual with a disability.--The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

SEC. 202. DISCRIMINATION.

Subject to the provisions of this title, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

SEC. 203. ENFORCEMENT.

The remedies, procedures, and rights set forth in section 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794a) shall be the remedies, procedures, and rights this title provides to any person alleging discrimination on the basis of disability in violation of section 202.

SEC. 204. REGULATIONS.

(a) In General.--Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations in an accessible format that implement this subtitle. Such regulations shall not include any matter within the scope of the authority of the Secretary of Transportation under section 223, 229, or 244.

(b) Relationship to Other Regulations.--Except for "program accessibility, existing facilities", and "communications", regulations under subsection (a) shall be consistent with this Act and with the coordination regulations under part 41 of title 28, Code of Federal Regulations (as promulgated by the Department of Health, Education, and Welfare on January 13, 1978), applicable to recipients of Federal financial assistance under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). With respect to "program accessibility, existing facilities", and "communications", such regulations shall be consistent with regulations and analysis as in part 39 of title 28 of the Code of Federal Regulations, applicable to federally conducted activities under such section 504.

(c) Standards.--Regulations under subsection (a) shall include

standards applicable to facilities and vehicles covered by this subtitle, other than facilities, stations, rail passenger cars, and vehicles covered by subtitle B. Such standards shall be consistent with the minimum guidelines and requirements issued by the Architectural and Transportation Barriers Compliance Board in accordance with section 5045()a) of this Act.

SEC. 205. EFFECTIVE DATE.

(a) General Rule.--Except as provided in subsection (b), this subtitle shall become effective 18 months after the date of enactment of this Act.

(b) Exception.--Section 204 shall become effective on the date of enactment of this Act.

AUTHORIZE SOLE SOURCE CONTRACT WITH HIGH COUNTRY POOLS TO LOCATE AND REPAIR LEAKS IN THE LINCOLN PARK POOL AND IN THE DRAINAGE SYSTEM AND TO RE-PLASTER THE POOL SURFACE AREA - \$15,000 FOR REPAIRS - \$65,000 FOR RE-PLASTERING

While attempting to develop a list of potential vendors professionally capable of locating and repairing the leak(s) in the Moyer Pool System, the Parks Department personnel and Purchasing were consistently directed by suppliers and community pool managers to High Country Pools of Fort Collins. The original pool installer, Johansen Pool Plastering of Salt Lake City, is among those parties to recommend High Country Pools.

By exemplary service and workmanship, High Country Pools has developed a reputation that acknowledges their firm as the exclusive public pool repair firm in the Rocky Mountain Region.

Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried, the Sole Source Contract with High Country Pools to locate and repair leaks in the Lincoln Park Pool and in the Drainage System and to re-plaster the pool surface area in the amount of \$15,000 for repairs, and \$65,000 for re-plastering, was approved.

RESOLUTION NO. 8-92 ACCEPTING PETITION FOR ANNEXATION OF LANDS TO THE CITY AND SETTING A HEARING ON SUCH ANNEXATION - RIDGES MAJORITY

The Ridges Majority Annexation encompasses the Ridges Metro District and 15 other properties extending generally south and west of the Ridges to a point southeast of the Tiara Rado golf course. The total area proposed for annexation is approximately 3 square miles. A small portion of the area, comprising 4 parcels, extends northeast from the Ridges and connects to the existing City Limits at the Brach's Market area.

Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried by roll call vote, Resolution No. 8-92 was passed and

adopted as amended (changing hearing date to March 4, 1992).

RESOLUTION NO. 9-92 AUTHORIZING THE CITY OF GRAND JUNCTION TO SUBMIT AN APPLICATION TO THE COLORADO DIVISION OF HOUSING FOR A \$200,000 HOUSING REHABILITATION GRANT - MOTION AUTHORIZING EXPENDITURE OF \$15,000 RECYCLED COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AS A PORTION OF THE LOCAL MATCHING FUNDS FOR THE GRANT

The Energy Office requests \$15,000 in recycled CDBG funds as a portion of the local matching funds for a \$200,000 Housing Rehabilitation Grant through the Colorado Division of Housing. The City is also asked to be the sponsoring agency for the state grant. This same request was made, and granted by the City Council, in 1991. Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried by roll call vote with Councilman BAUGHMAN voting NO, Resolution No. 9-92 was passed and adopted, and Staff was authorized to expend \$15,000 of the recycled CDBG Funds as a portion of the local matching funds for the grant.

ORDINANCE NO. 2551 - REPEALING AND REENACTING CHAPTER 24, CODE OF ORDINANCES, SALES AND USE TAX

This item was continued from December 18, 1991. Adoption of this ordinance will enact the changes and clarifications recommended by the Colorado Municipal League, resulting from its negotiations with the Association of Commerce and Industry (CACI), as well as other housekeeping and substantive amendments. City Administrative Services Director Ron Lappi reviewed this item.

Mr. Bernie Buescher, 730 Golfmore Dr., West Star Aviation, discussed the fuel tax provision in this ordinance, mainly jet fuel when it is sold to general aviation users. It does not impose a tax when jet fuel is sold to an airline. He objected. The prior ordinance stated that supplies that were used to manufacture and process were not taxed. Now the supplies have to be consumed in the manufacturing process. He felt it was a significant difference.

City Manager Mark Achen stated that in the past Council has encouraged CML to vigorously protest any efforts to make the City comply with the State Sales Tax on the principal that if the City does that, then no longer is it a City tax, but the State now has control of the taxation for the City. Grand Junction is one of the 30 or 40 home rule cities in the state that has protected its ability to set its own rules locally and not become a functionary of the State government.

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried with Councilmembers BAUGHMAN and BENNETT voting NO, the Ordinance was passed and adopted, numbered 2551, and ordered published, with the following exception: that the sale of all aviation fuels of any kind shall be exempt from all sales taxes in the City of Grand Junction, and that during the next several months while this is being used by the auditors and public, that

Council ask for the public's comments and constructive criticism, and that Council consider amendments to this ordinance if they are warranted in the future.

TEN-MINUTE RECESS

The President of the Council declared a ten-minute recess. Upon reconvening, the above listed five members of Council were present.

RESOLUTION NO. 8-92

ACCEPTING A PETITION FOR THE ANNEXATION OF LANDS TO THE CITY OF GRAND JUNCTION, COLORADO, AND SETTING A HEARING ON SUCH ANNEXATION RIDGES ANNEXATION, WHICH SHALL BE ACCOMPLISHED IN A SERIES APPROXIMATELY THREE SQUARE MILES LOCATED SOUTH AND WEST OF THE RIDGES TO A POINT SOUTHEAST OF TIARA RADO GOLF COURSE, NORTHEAST FROM THE RIDGES TO EXISTING CITY LIMITS AT BRACH'S MARKET AREA

WHEREAS, on the 22nd 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:

RIDGES ANNEXATION #1

All of the Ridges Metropolitan District as created in the District Court in and for the County of Mesa and State of Colorado through Civil Action #26330, April 28, 1977 with all subsequent inclusions to said District, lying within the East 1/2 of section 20, in T1S R1W.

RIDGES ANNEXATION #2

All of the Ridges Metropolitan District as created in the District Court in and for the County of Mesa and State of Colorado through Civil Action #26330, April 28, 1977 with all subsequent inclusions to said District, lying within the West 1/2 section 20, the East 1/2 section 19, the North 1/2 Section 21, the South 1/2 Section 17 and the SW 1/4 Section 16, all in T1S R1W and all right of way for Broadway (State Hwy 340) lying adjacent to, and extending perpendicularly from a Replat of Lots 5, 6, & 7 Poland Hts. Subdivision.

and

Beginning at the E 1/4 Corner Section 18 T1S R1W thence S 0 deg. 14 min. E 1311.4 ft. to the SE Corner N 1/2 SE 1/4 said section 18 thence N 89 deg. 53 min. 30 sec. W 2629.6 ft. thence N 0 deg. 05 min. W 1318.3 ft. thence N 89 deg. 44 min. 30 sec. W 1131.2 ft. to the center of the Redlands Lift Canal, thence N 39 deg. 03 min. W 134.15 ft. thence N 08 deg. 42 min. W 192.56 ft. thence N 02 deg. 22 min. E 108.17 ft. thence N 20 deg. 31 min. E 228.2 ft. thence N 31 deg. 07 min. W 341.77 ft. thence N 55 deg. 26 min. E 403.97 ft.

thence N 65 deg. 54 min. E 442.16 ft. thence S 89 deg. 54 min. E 598.35 ft. thence N 22 deg W 361.43 ft. thence N 49 deg. 01 min. E 56.08 ft. thence N 22 deg. 05 min. E 53.96 ft. thence S 58 deg. 30 min. E 246.83 ft. thence S 31 deg. 56 min. E 329 ft. thence S 05 deg. 43 min. W 68.1 ft. thence S 07 deg. 13 min. W 230.3 ft. thence S 67 deg. 57 min. E 165 ft. thence S 74 deg. 15 min. E 130.1 ft. thence N 44 deg. 27 min. E 866.2 ft. thence N 40 deg. 51 min. E 91.6 ft. thence S 49 deg. 09 min. E 200 ft. thence S 76 deg. 04 min. E 149.86 ft. and as described in B 1175 P 205-207 of the Mesa County Records, except that part in the N 1/2 NE 1/4 lying East of Easterhill Dr. and West of S. Broadway and Except that part in the N 1/2 NW 1/4.

and

Beginning at the SW Corner NW 1/4 SE 1/4 Section 16 T1S R1W thence East 115.6 ft. thence N 08 deg. 05 min. E 252.5 ft. thence N 78 deg. 15 min. E 300 ft. thence N 66 deg. 50 min. E 241 ft. thence N 289.2 ft. thence N 65 deg. 31 min. W 185.38 ft. thence N 76 deg. 01 min. W 508.04 ft. thence S 894.1 ft. to the point of beginning.

and

Beginning at the SE Corner NE 1/4 SW 1/4 Section 16 T1S R1W thence N 89 deg. 42 min. W 149 ft. to center of Hwy, thence along Hwy N 27 deg. 42 min. W 73.7 ft. thence N 50 deg. 29 min. W 369.9 ft. thence N 42 deg. 17 min. E 358.1 ft. thence N 55 deg. 58 min. E 248.92 ft. thence N 487.19 ft. to center of Redlands Canal Tailrace, thence along Tailrace S 50 deg. 40 min. E 32.46 ft. to the East line SW 1/4 said section 16 thence S 1172 ft. to the point of beginning.

and

The NE 1/4 NE 1/4 Section 30 T1S R1W and the West 30 Acres of the NW 1/4 NW 1/4 Section 29 T1S R1W.

and

Beginning 208 ft. East of the SW Corner NE 1/4 SW 1/4 Section 16 T1S R1W thence East 963 ft. thence N 28 deg. 45 min. W 260 ft. thence N 62 deg. 42 min. W 463 ft. thence S 68 deg. 36 min. W 490.4 ft. thence S 59 deg. 22 min. E 110 ft. thence S 17 deg. 27 min. 30 sec. W 215.23 ft. to the Point of Beginning and beginning N 22 deg 48 min. 45 sec W 1413.1 ft. from the South 1/4 Corner said section 16 thence East 402.4 ft. along northerly R.O.W. State Hwy 340 thence S 72 deg. 57 min. 15 sec. W 251.4 ft. thence N 65 deg. 33 min. W 178 ft. more or less to the point of beginning except, beginning at the SE Corner NE 1/4 SW 1/4 said section 16, thence N 89 deg. 42 min. W 149 ft. to centerline of Hwy, thence N 27 deg. 42 min. W 73.57 ft. thence N 50 deg. 29 min. W 369.9 ft. thence N 42 deg. 17 min. E 358.1 ft. thence N 55 deg. 58 min. E 248.92 ft. thence N 00 deg. 18 min. E 487.19 ft. thence S 50 deg. 40 min. E 32.46 ft. thence S 00 deg. 18 min. W 1172 ft. to the

Point of Beginning and except a parcel of land described in B 1207 P 169 and also except R.O.W. as described in B 518 P 313 and B 1267 P 122 of the Mesa County Records.

and

Part of the SE 1/4 Section 16 T1S R1W beginning on the East Line of the SE 1/4 SE 1/4 said section 16 and running Northwesterly through the SE 1/4 to the west line of the NW 1/4 SE 1/4 said section 16.

RIDGES ANNEXATION #3

Beginning at the NW Corner Section 19 T1S R1W thence N 89 deg. 35 min. 54 sec. E 450 ft. thence S 0 deg. 24 min. 06 sec. E 800 ft. thence N 89 deg. 35 min. 54 sec. E 300 ft. thence S 33 deg. 15 min. 40 sec. E 972.34 ft. thence S 00 deg. 09 min. E 962 ft. thence S 89 deg. 51 min. W 1295.14 ft. thence N 00 deg. 05 min. E 2573.16 ft. to the Point of Beginning and, the S 1/2 Section 19 T1S R1W and the NW 1/4 NE 1/4, the S 1/2 NE 1/4, the W 1/2 and the N 3/4 SE 1/4 all in section 30 T1S R1W and, that Part of Section 29 T1S R1W beginning at the NW Corner SW 1/4 NW 1/4 Section 29 Thence S 89 deg. 42 min. E 773.49 ft. thence S 34 deg. 36 min. W 722.69 ft. thence S 48 deg. 32 min. 30 sec. W 482.3 ft. thence N 00 deg. 06 min. 30 sec W 918.15 ft. to the point of beginning and, lots 1 & 4 being part of tract 74 in section 2 T12S R101 W except, beginning at the NE corner SE 1/4 Section 19 T1S R1W thence S 00 deg. 03 min. 30 sec. E 325 ft. thence N 15 deg. 03 min. 30 sec. E 1021.9 ft. thence N 30 deg. 03 min. 30 sec. E 471.03 ft. to the point of beginning , except parcels described in B-1145 P-219 and B-1312 P-716 and B-1390 P-771 of the records of the Mesa County Clerk and Recorder and Except that part of the above described parcel lying south and west of the northerly R.O.W. line of South Camp Road.

and

Beginning S 89 deg. 54 min. 21 sec. W 1411.89 ft. from the SE Corner Tract 37 Section 35 T11S R101 W thence S 89 deg. 52 min. 15 sec. W 877.27 ft. thence N 11 deg. 10 min. 03 sec. E 352.67 ft. thence S 89 deg. 52 min. 51 sec. W 573.07 ft. thence N 04 deg. 53 min. 52 sec. E 112.92 ft. thence N 31 deg. 52 min. 38 sec. E 159.58 ft. thence N 04 deg. 25 min. 39 sec. W 168.58 ft. thence N 42 deg. 06 min. 20 sec. E 129.19 ft. thence N 20 deg. 43 min. 45 sec. E 227.47 ft. thence N 24 deg. 36 min. 30 sec. E 274.91 Ft. thence N 89 deg. 57 min. 41 sec. E 1015.64 ft. thence S 00 deg. 10 min. 08 sec. E 1318.14 ft. to the P.O.B. including all adjacent R.O.W. for South Camp Road.

and

The E 1/2 NE 1/4 NW 1/4 section 35 T11S R101W

and

The NW 1/4 NW 1/4 and the S 1/2 NW 1/4 and the W 1/2 NE 1/4 NW 1/4 section 35 T11S R101W and the W 1/2 SE 1/4 SW 1/4 Section 26 T11S R101W except beginning S 89 deg. 54 min. 21 sec. W 1411.89 ft. from the SE corner tract 37 in said section 35 thence S 89 deg. 52 min. 15 sec. W 1327.55 ft. thence S 89 deg. 54 min. 06 sec. W 447.72 ft. thence N 49 deg. 21 min. 29 sec. E 517.13 ft. thence N 04 deg. 53 min. 52 sec. E 122.72 ft. thence N 31 deg. 52 min. 38 sec. E 159.58 ft. thence N 04 deg. 25 min. 39 sec. W 168.58 ft. thence N 42 deg. 06 min. 20 sec. E 129.19 ft. thence N 20 deg. 43 min. 45 sec. E 227.47 ft. thence N 24 deg. 36 min. 30 sec. E 274.91 ft. thence N 89 deg. 57 min. 41 sec. E 1015.64 ft. thence S 00 deg. 10 min. 08 sec. E 1318.14 ft. to the point of beginning.

and

The SW 1/4 SW 1/4 section 26 T11S R101W except beginning 970.60 ft. North and 560.8 ft. E of the SW Corner Section 26 T11S R101W thence N 208.7 ft. thence E 208.7 ft. thence S 208.7 ft. thence W 208.7 ft. to the point of beginning and except beginning S 89 deg. 51 min. E 558.85 ft. from the NW Corner SW 1/4 SW 1/4 said section 26, thence S 00 deg. 09 min. W 91.55 ft. thence N 88 deg. 23 min. 20 sec. E 324.389 ft. along the arc of a curve to the right with a radius of 50 ft. whose chord bears N 88 deg. 23 min. 20 sec. E 86.06 ft. thence N 32 deg. 49 min. 20 sec. W 92.97 ft. thence N 89 deg. 51 min. W 359.62 ft. to the point of beginning and except that portion of a R.O.W. described in B-1022 P-377 of the records of the Mesa County Clerk and Recorder adjacent to the above excepted parcels.

and

The E 1/2 SE 1/4 SW 1/4 and the SW 1/4 SE 1/4 Section 26 T11S R101W lying North of the Southerly line of the Redlands 2nd Lift Canal and all adjacent R.O.W. for South Camp Road.

and

Beginning N 0 deg. 22 min. W 360 ft. from the SW Corner Section 18 T1S R1W, thence N 0 deg. 22 min. W 1038.10 ft. thence S 82 deg. 35 min. E 325.90 ft. thence N 0 deg. 22 min. W 28.50 ft. thence N 89 deg. 34 min. E 996.42 ft. to the East line of Lot 3 thence S 0 deg. 30 min. 21 sec. E 57.57 ft. to the NE corner Lot 4 thence S 0 deg. 19 min. 04 sec. E 1324.52 ft. to the SE Corner Lot 4 thence S 89 deg. 34 min. W 110.52 ft. thence N 0 deg. 22 min. W 360 ft. thence S 89 deg. 34 min. W 217.80 ft. to beginning except R.O.W. for South Camp Rd.

and

Beginning N 0 deg. 22 min. W 79.6 ft. from the NW Corner Lot 4 Section 18 T1S R1W thence N 0 deg. 22 min. W 1453.9 ft. thence East to the 2nd Redlands Lift Canal thence Southerly along said canal to the South Line of the SE 1/4 NW 1/4 Section 18 T1S R1W

thence West to the SW Corner SE 1/4 NW 1/4 of said section 18 thence S 1633.5 ft. thence N 82 deg. 35 sec. W 1330 ft. to the point of beginning, except that part lying South of a line beginning N 0 deg. 22 min. W 1644.52 ft. from the SW corner said section 18 thence E 322.9 ft. thence South 0 deg. 22 min. E 288.t ft. thence N 89 deg. 345 min. E 996.42 ft. to the east line Lot 3 and also except beginning N 0 deg. 22 min. W 873.5 ft. from the SW Corner NW 1/4 SW 1/4 said section 18 thence east 660 ft. thence n 0 deg. 22 min. W 660 ft. thence W 660 ft. thence S 0 deg. 22 min. E 660 ft. to the point of beginning and also except R.O.W. for South Camp road.

and

That part of the SW 1/4 NW 1/4 Section 18 T1S R1W except the south 213.5 ft. thereof and beginning at the NW corner SE 1/4 NW 1/4 section 18 T1S R1W thence East 387 ft. thence South 90 ft. thence N 74 deg. 49 min. E 150 ft. thence N 65 deg. 25 min. E 122 ft. thence East to the centerline of the Redlands 2nd lift canal, thence S 65 deg. 54 min. W 442.16 ft. thence S 55 deg. 26 min. W to a point on the W line said SE 1/4 NW 1/4 thence North to beginning, lying south of the southerly R.O.W. line of South Broadway and Redlands Parkway

and

The NE 1/4 SW 1/4 Section 18 T1S R1W and the NW 1/4 SE 1/4 SW 1/4 and the W 1/2 SW 1/4 SE 1/4 SW 1/4 said section 18.

and

Beginning at the SW Corner Section 18 T1S R1W thence N 9 deg. 22 min. W 360 ft. thence E 217.8 ft. thence S 9 deg. 22 min. E 360 ft. thence West 217.8 ft. to the point of beginning.

and

Beginning N 0 deg. 22 min. W 873.50 ft. from the SW Corner NW 1/4 SW 1/4 Section 18 T1S R1W thence East 660 ft. thence N 9 deg. 22 min. W 660 ft. thence West 660 Ft. thence S 0 deg. 22 min. E 660 ft. to the point of beginning except R.O.W. for S. Camp Road.

RIDGES ANNEXATION #4

All of the Ridges Metropolitan District as created in the District Court in and for the County of Mesa and State of Colorado through Civil Action #26330, April 28, 1977 lying within the NE 1/4 Section 29 T1S R1W

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 4th day of March, 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 22nd day of January, 1992.

Attest:

President of the Council

City Clerk

RESOLUTION NO. 9-92

RESOLUTION AUTHORIZING THE CITY OF GRAND JUNCTION TO SUBMIT AN APPLICATION TO THE COLORADO DIVISION OF HOUSING FOR A HOUSING REHABILITATION GRANT.

WHEREAS, the City of Grand Junction, on behalf of The Energy Office, will apply for a Housing Rehabilitation Grant through the Colorado Division of Housing in the amount of \$200,000; and

WHEREAS, the City of Grand Junction, as the governmental sponsor, will act as the pass through agent for these funds and will contract with The Energy Office, a private non-profit corporation, to administer the grant; and

WHEREAS, The Energy Office will use such funds to provide a low and moderate housing rehabilitation program to the citizens of Grand Junction.

NOW, THEREFORE, BE IT RESOLVED, that the City of Grand Junction is hereby authorized to apply for a \$200,000 Community Development Block Grant through the Colorado Division of Housing on behalf of

"The Energy Office".

PASSED AND ADOPTED this 22nd day of January, 1992.

NAME

PRESIDENT OF THE COUNCIL

Attest:

Neva B. Lockhart, CMC

CITY CLERK

APPLICATION BY THE AMERICAN HEART ASSOCIATION OF COLORADO, INC., FOR A MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT ON FEBRUARY 15, 1992, AT LIFF AUDITORIUM, MESA STATE COLLEGE CAMPUS

A public hearing was held on an application by the American Heart Association of Colorado, Inc., for a Malt, Vinous and Spirituous Liquor Special Events Permit on February 15, 1992, at Liff Auditorium, Mesa State College Campus, 12th Street and Elm Avenue, from 5:00 p.m. to 11:00 p.m. for the Celebrity Waiter "Ala Heart" fund raiser. Judith R. Hayward, Field Director, was present. There were no opponents, letters, or counterpetitions. The hearing was closed. Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried, the application was approved.

PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT WHICH CONTRIBUTED TO THE PURCHASE OF THE JARVIS PROPERTY (RIVERFRONT PROPERTY)

The City has fulfilled the requirements of the Community Development Block Grant which contributed to the purchase of the Jarvis property. One of the requirements for closing out the grant is to hold a public hearing allowing citizens to comment on the project. Planner Kathy Portner was present to answer questions regarding the grant. There were no letters, opponents, or counterpetitions. The hearing was closed.

RESOLUTION NO. 10-92 AUTHORIZING CITY MANAGER TO EXECUTE A SECOND ADDENDUM TO THE PLAN AND AGREEMENT WITH THE RIDGES METROPOLITAN DISTRICT

Said 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. Upon motion by Councilman Bessinger, seconded by Councilman Baughman and carried by roll call vote, Resolution No. 10-92 was passed and adopted.

RESOLUTION NO. 11-92 RATIFYING THE CITY MANAGER'S SIGNATURE ON CONTRACT TO SELL FIVE (5) CUBIC FEET PER SECOND (CFS) OF CITY WATER RIGHTS ON THE GUNNISON RIVER FOR \$100 TO DYNAMICS INVESTMENTS, INC.

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried by roll call vote with Councilman BAUGHMAN voting NO, Resolution No. 11-92 was passed and adopted.

PUBLIC HEARING - PROPOSED ORDINANCE - SPERBER LANE CUL-DE-SAC VACATION

Petitioner Fred Sperber requested a right-of-way vacation of a portion of a platted cul-de-sac on Sperber Lane located between G Road on the north and 26-1/2 Road on the west. The cul-de-sac was required when Sperber Lane was a dead-end road, but is no longer needed now that Sperber is a through road. The portion of this right-of-way vacation is only that portion of the cul-de-sac that is not needed for the 50 foot right-of-way for Sperber Lane. Planner Dave Thornton reviewed this item. Mr. Fred Sperber, 2665 Sperber Lane, was present. There were no opponents, letters, or counterpetitions. The hearing was closed. Upon motion by Councilman Baughman, seconded by Councilman Bennett and carried, the proposed ordinance was passed for publication.

PUBLIC HEARING TO CONSIDER ADOPTION OF PORTIONS OF THE CITY OF GRAND JUNCTION MASTER PLAN

A public hearing was held to consider adoption of the following portions of the City of Grand Junction Master Plan:

- a. Colorado West Industrial Park - Resolution No. 12-92 TABLED

A request to adopt the Land Use and Transportation Study for the area northwest of the City known as an element of the City of Grand Junction Master Plan.

The area, bounded by 26 Road on the east, 21 Road on the west, G-3/4 Road on the north and the Colorado River on the south containing approximately six square miles, is well positioned for growth. Development in the area has been sporadic, but the area includes some of the largest new development in the area including Mesa Mall (1 million square feet regional shopping mall). The area also includes Foresight Industrial Park and several residential subdivision existing and proposed. The area has some infrastructure improvements including several sewer lines, water lines, electric power lines and natural gas. The transportation linkages are excellent.

The area is bounded by Interstate 70 on the north, I-70 Business Loop on the south (U.S. 6 & 50), Patterson Road (F Road), 24 road and G Road provide interior road access, although in many cases these roads are still rural and will need to be improved to urban standards as the area grows. Approximately 70% of the area is vacant.

The Northwest Plan provides for a systematic growth pattern for the area. It recommends generally medium to high density

residential growth northeast of Mesa Mall. It recommends planned commercial, planned business, and planned industrial development northwest of Mesa Mall.

RESOLUTION NO. 10-92

AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE PLAN AND AGREEMENT WITH THE RIDGES METROPOLITAN DISTRICT, WHICH SECOND AMENDMENT MODIFIES THE PLAN AND AGREEMENT ALLOWING THE RIDGES METROPOLITAN DISTRICT TO PAY THE COLORADO WATER CONSERVATION BOARD OBLIGATION OUT OF REISSUED BOND PROCEEDS AND THE \$278,123 REFERRED TO IN 3.C.2.(b.) OF THE PLAN AND AGREEMENT FROM CURRENT ASSETS OF THE DISTRICT RATHER THAN FROM BOND PROCEEDS.

A copy of the second amendment is attached.

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

The City Manager be authorized to execute a second amendment to the Plan and Agreement with the Ridges Metropolitan District, which amendment clarifies the source of funds to meet the Colorado Water Conservation Board obligation if sufficient cash is not available.

PASSED AND ADOPTED this 22nd day of January, 1992.

NAME

President of the Council

ATTEST:

City Clerk

SECOND AMENDMENT TO PLAN AND AGREEMENT

This Second Amendment to Plan and Agreement is entered into effective upon execution by and between the Ridges Metropolitan District and the City of Grand Junction.

The Plan and Agreement entered into and adopted by the City Council of the City of Grand Junction, on behalf of the City of Grand Junction, Colorado ("City"), and the Board of Directors of the Ridges Metropolitan District, on behalf of the Ridges Metropolitan District ("District"), was amended effective January 8, 1992, and is further amended as set forth below.

Paragraph 3.C.2.(a) is amended by the addition of the following at the end of the existing paragraph:

"If, due to other legal requirements, such as, but not limited to, federal tax laws or existing bonding covenants, sufficient cash to pay the Colorado Water Conservation Board obligation is not available, all or a part of the Colorado Water Conservation Board obligation may be paid out of the reissued bond proceeds. In addition, the \$278,123 referred to in (b.) below, may be paid from current assets of the District rather than from bond proceeds."

Except as modified in this Second Amendment to Plan and Agreement, the Plan and Agreement, as modified by the First Amendment to Plan and Agreement, shall continue in full force and effect according to the terms contained therein.

Approved this _____ day of _____, 1992 by the Board of Directors of the Ridges Metropolitan District.

by: NAME

President of the Board

Approved this _____ day of _____, 1992 by the City Council of the City of Grand Junction.

by:

Mark K. Achen, City Manager

RESOLUTION NO. 11-92

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT TO SELL FIVE C.F.S. OF CITY WATER RIGHTS ON THE GUNNISON RIVER FOR \$100.

Recitals.

WHEREAS, Dynamic Investments, Inc. desires to make provision for adequate water for construction of a golf course in the Ridges area, and

WHEREAS, the City believes that such a golf course would be a community asset and would benefit the City and its residents, and

WHEREAS, the City has available sufficient conditional water rights to supply such needs.

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

The City Manager be authorized to execute a contract to sell, by quit claim, five C.F.S. of City water, evidenced by a conditional water application, on the Gunnison River for \$100.

PASSED AND ADOPTED this 22nd day of January, 1992.

NAME

President of the Council

ATTEST:

Neva B. Lockhart, CMC

City Clerk

Bennett Boeschstein, Community Development Director, reviewed the plan. Councilman Bessinger read a letter of opposition from Lois Lashbrook, 2680 Capra Way, and entered it into the record. Harry Mavrakis, 522 Otto Court, Realtor, was present representing the majority of the people who own the developed subdivisions on the west side of town, mainly Interstate Commercial Park, First Addition, 23 Road Commercial Park, SWD Subdivision, Valley West and Royal Head Subdivisions. Mr Mavrakis had a real problem with the plan as the property owners were not made aware of the plan. He objected to the one large area (in red) that is zoned PB. He felt the entire concept of the plan is to try to make the 1000 acre area look like Foresight Park. As a Realtor, he felt that it will be quite some time before any new development will take place in the west end of town. It is just a question of time and economics.

There were no other opponents, letters, or counterpetitions.

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried, Resolution No. 12-92 was TABLED to the Growth and Annexation Committee, with City Staff and the Committee to discuss future process on this task force study.

b. Text Amendment for 1991 - TABLED

This was a request to revise Section 7-2-9 of the Grand Junction Zoning and Development Code regarding zoning designations for the northwest area that was recently annexed to the City.

This text amendment is a new zoning designation for the area the City annexed northwest of Mesa Mall. The zone district is essentially the same as the County zoning in this area, but makes reference to the Colorado West Industrial Park Plan. The amendment is designed to encourage well designed residential, commercial, and industrial uses in accordance with the northwest plan.

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried, the proposed Text Amendment for 1991 was TABLED.

PUBLIC HEARING - PROPOSED ORDINANCE - ZONING INTERSTATE ANNEXATION TO PUD-NW/LIGHT INDUSTRIAL (I-1) ZONE

A hearing was held after proper notice on the request to zone 41.39 acres known as Interstate Annexation to PUB NW/Light Industrial (I-1) Zone, south of Interstate 70 and east of 23 Road,

containing approximately 70 acres. Bennett Boeschenstein, Community Development Director, reviewed the proposal. The hearing was closed.

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

ORDINANCE NO. 2558 - ALPINE MEADOWS ANNEXATION

ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, ALPINE MEADOWS ANNEXATION, APPROXIMATELY 25.6 ACRES LOCATED SOUTH OF H ROAD AND WEST OF 27 ROAD. Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried by roll call vote with Councilman BAUGHMAN voting NO, Ordinance No. 2558 was passed and adopted.

ORDINANCE NO. 2559 - VACATION OF ALLEY

VACATING THAT PORTION OF THE EAST-WEST ALLEY BETWEEN BELFORD AND TELLER AVENUES WHICH LIES WEST OF 7TH STREET AND EAST OF THE EXISTING NORTH-SOUTH ALLEY. Upon motion by Councilman Bessinger, seconded by Councilman Baughman and carried by roll call vote, Ordinance No. 2559 was passed and adopted.

PROPOSED ORDINANCE AMENDING CHAPTER 14, ARTICLE II, WEEDS AND BRUSH

The Proposed amendments redefine the terms "rubbish" and "weeds" for clarity and adds a definition for "junk". Time frame for removal of weeds is reduced from twenty days to ten. Administrative abatement of rubbish and junk is authorized. An increase in the surcharge from ten percent to twenty-five percent for bills which must be collected as tax liens is incorporated. Allows the creation of administrative Hearing Board and Undesirable Plant Management Advisory Commission, to hear appeals and render decisions on alleged violations of this code section. Requires that a management plan for undesirable plants be adopted. Severance clause added to this chapter. This item was reviewed by Jan Koehn, Code Enforcement Supervisor, and John Shaver, Assistant City Attorney.

Councilman Baughman requested that this ordinance be pulled from the agenda. He does not agree with the definition of "junk", and feels this ordinance violates the Bill of Rights.

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried with Councilman BAUGHMAN voting NO, the proposed ordinance was passed for publication.

ADJOURNMENT

Upon motion by Councilman Bennett, seconded by Councilman Bessinger and carried, the meeting was adjourned.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk