

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

MARCH 18, 1992

The City Council of the City of Grand Junction, Colorado, convened in regular session the 18th day of March, 1992, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, John Bennett, Bill Bessinger, Bill McCurry, Paul Nelson, Reford Theobald, and President of the Council Conner Shepherd. 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 Bennett led in the Pledge of Allegiance. The audience remained standing during the invocation by Councilman Theobald.

PRESENTATION OF THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FROM GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) FOR THE CITY OF GRAND JUNCTION'S 1990 COMPREHENSIVE ANNUAL FINANCIAL REPORT TO RANDY BOOTH, COMPTROLLER, REX RICKS, SENIOR ACCOUNTANT, AND JIM FLYNN, SENIOR ACCOUNTANT

CITIZEN PARTICIPATION - DILLARD JENKINS, PRESIDENT OF VALLE VISTA HOMEOWNERS ASSOCIATION, DISCUSSES SEWER LAGOON PROBLEM

Mr. Dillard Jenkins, 115 Anna Drive, Grand Junction, President of the Valle Vista Homeowners Association, discussed the sewer lagoon problem that has existed for the past two years. He stated that the sewer lagoon has been leaking into the main system since 1982 per a letter from Rolling Hills Sanitation Company to Dean Massey, President of the Valle Vista Homeowners Association at that time. The letter was signed by Joseph Coleman, attorney, representing Rolling Hills Sanitation Company, at which time the homeowners were promised that something would be done about the situation. Mr. Jenkins attended a meeting yesterday where he was informed that the Colorado Department of Health had granted the Homeowners Association a \$28,160 grant for planning and design, and a possible grant for \$100,000 construction, and a low interest loan in the range of 1-1/2% to 2%--no greater than 2% interest rate in the amount of \$455,540. Mr. Jenkins stated that Valle Vista Subdivision was once included in the 201 Plan. At present, it is not included.

Public Works Director James Shanks stated that the 201 Plan boundary that was created in 1975 by the City of Grand Junction, in compliance with the Clean Water Act. has never gone beyond 30 Road on Orchard Mesa. The boundary has never been amended. Valle Vista has never been included in the 201 Plan. He felt Mr. Jenkins has been misinformed as far as the boundaries of the 201 Plan.

Mr. Jenkins referred to a letter from the State of Colorado, Duane Watson, dated July 2, 1990, to Doralyn Genova, County Commissioner. The letter states that Valle Vista was originally

included in the 201 Study area, but was deleted from the service area for the Regional Wastewater Treatment Facility by the previous Mesa County Commissioners' request. He understood Council is willing to approve a forced main system in the most direct possible route from Valle Vista's lagoon system to the Valley wide system. He has never found an engineer that would advise that a forced main system be used over a gravity flow system. Mr. Jenkins stated that the homeowners are willing to work with the City, the County, and the Sanitation District for a solution to this problem, and would hope that it is resolved by 1993.

CITIZEN PARTICIPATION - O.F. "RAGS" RAGSDALE DISCUSSES PROPOSED LOCATION OF VISITORS & CONVENTION BUREAU OFFICE

Mr. O.F. "Rags" Ragsdale, 2936 Crocus, stated that he felt that the City should not be leasing properties and office spaces. Inasmuch as the Visitors and Convention Bureau is a City office, it is not independent, it is funded by the taxpayers, he felt it would seem reasonable that the office space to house the VCB be owned by the City, as most of the other departments and functions of the City are City-owned.

President of the Council Shepherd explained that the VCB went through an extensive study with an RFP for purchase and/or leasing of properties. It was determined through the study, with the cooperation of the City's property agent, that there were no locations that had been offered for sale that were conducive to the business of visitors promotion as much as the location that has been offered for lease.

Mr. Ragsdale questioned what plans have been made to explore the other City entrance areas as a location. He stated that there is ample City property that is more centrally located. He wondered if the properties located next to Two Rivers Convention Center and on Main Street were considered in building office space for the VCB.

Debbie Kovalik, VCB Director, stated that her Board is anxious to address the fact that there are a number of entrances to the City. One of its main goals is to make Grand Junction as "user friendly" as possible. She stated that the VCB is in the process of formulating a committee to develop a significant master plan for signage, kiosks at visitors centers, etc.

CIVIC PARTICIPATION - ATTORNEY BILL PRAKKEN DISCUSSES PENDING LITIGATION BETWEEN THE POLICE AND FIRE PENSION BOARD AND THE CITY OF GRAND JUNCTION

Mr. Bill Prakken, attorney with the firm of Williams, Turner & Holmes, 200 N. 6th Street, wished to correct some misinformation which the City may have with respect to the history and the purpose behind the subject litigation. He stated that in 1985 the Police and Fire Pension Programs were part of the FPPA. The FPPA was previously set up by the State Legislature to correct the problem that was rampant with municipalities throughout the state,

and that is that they woefully underfunded pension programs. Because of the type of plan that was offered to the FPPA, both the Police and Fire Pension Boards in 1985 chose to withdraw from the FPPA pursuant to legislation that had been passed by the Colorado State Legislature. The Legislature permitted withdrawal from the FPPA but only under very narrowly prescribed circumstances. First, the municipalities involved had to have alternative plans set up that the withdrawing pension plan members could participate in. Those plans had to be approved by 65% of the plan participants, and that any amendment to the alternative plans likewise requires the approval of 65% of the plan participants. The Statute also provided that the monies refunded out of the FPPA program were to be used only as contributions to these alternative pension programs. Pursuant to the Legislation, the Plans voted, more than 65% of the plan's members voted to withdraw from the FPPA, and they did so, and adopted new plans. Those plans are now in effect. They were drafted by Bill Head who is now deceased. At that time he was employed as a police officer. He was also an attorney. Those plans were reviewed by a consultant hired by the City and by the City Attorney, and received the approval of both the consultant and the City Attorney. Thereafter, a question came with respect to the way the FPPA was handling forfeitures. A forfeiture occurs when a Police or Fireman who participates in the FPPA leaves his or her employment prior to having served the requisite number of years and reached retirement age. When that happens, that person may withdraw the funds that they personally contributed, but the employer contributions were forfeited to the Plan. The dispute arose because the FPPA took the position that it got to keep all the forfeitures that were the result of Grand Junction Police and Fire people leaving, and from other municipalities. Some cities took the position that those funds had to be returned to the withdrawing plans. The Police Board, contrary to what Council may have been led to understand prior to this point, the Police and Fire Boards were both seriously considering participating in that litigation in an effort to obtain those forfeitures for contribution to their Plan. They were ultimately told that the City of Grand Junction had decided to become involved in that litigation directly, and therefore, they did not need to become involved themselves. The impression that the members of both Boards had was that the City was doing that in order to obtain those funds so they could go right into the Pension Programs.

City Attorney Dan Wilson stated that the issue that Council is aware of, the conclusion, is in fact, one of the issues in the litigation because the parties do not agree on what happened in the early stages in 1986.

Mr. Prakken felt it was important that Council understand that the Board members thought that the City was attempting to get that money for them. The Boards amended their respective Plans to make it clear that those moneys were to come into the Pension Plan. He felt that here is another source of potential confusion or misinformation because it has been represented to the Council that no one on these Boards ever told the City that they were amending

those plans. He stated that the City has two representatives on each Board. When those amendments were adopted, City Personnel Director Claudia Hazelhurst helped count the ballots. It was no secret to the City that those Plans were being amended. There may have been a breakdown in communication, but certainly representatives of the City were aware that those Plans were being amended. The Littleton case was won and the FPPA was required to turn over those forfeitures. The appeals in that case were exhausted in January of 1990, and the City received some \$650,000 in March of 1990. No one from the City advised either Pension Board that money had been received. Lt. Jim Hall found out several months later in August of 1990. Mike Gazdak on the Fire Pension Board found out about it in December of 1990. They were informed at that point that the City did not intend to deposit those forfeitures into the Pension Fund, but intended to hold the money and use it against future contributions. Mr. Prakken's office was contacted by both Boards and retained by both Boards. His office advised both Boards that in its opinion the City was obligated to turn that money over immediately to the Pension Fund.

In March of 1991 Mr. Prakken's office wrote a letter on behalf of the Police Pension Board, and in May of 1991 his office wrote a letter on behalf of the Fire Pension Board notifying the City of Grand Junction of the claim, and that his office felt that it was legally required that those funds be turned over. In July of 1991, prior to filing suit, Mr. Prakken's office (Mr. Prakken and Susan Corle) requested to sit down with the City Attorney and the City Finance Director in an effort to understand just what the City's legal basis was for refusing to turn those moneys over, and to talk about the matter further. He and Ms Corle were politely told that it was non-negotiable, that there was nothing to discuss, and that there would be meeting. Having no alternative, his office filed the suit shortly thereafter.

Mr. Prakken emphasized that this suit is not intended to be a hostile move. Members of both Boards have a fiduciary obligation. It is a relationship of special trust with the beneficiaries of these Programs, and that obligation requires them to take every reasonable step to acquire moneys that are rightfully owing to those funds. They cannot simply say "we don't want to take any money out of the City's budget, so we're not going to pursue this matter." They have to. If they don't, they are exposing themselves to liability because they are not serving the people whom they are selected to serve. Mr. Prakken reiterated that his law firm has advised both Boards that the Pension Plans are entitled to those funds.

Mr. Prakken went on to state that all cities did not interpret the law and take the same steps that the City of Grand Junction did. Many cities read the law the way his law firm thinks is proper, and did what it thinks is required. That is, it took those forfeitures and they immediately deposited in the alternative Plans. He also noted that the City has done an informal survey. Mr. Prakken's office asked that it be furnished with the results

of that survey, and was told they were not going to be made available to them. So they did their own survey. His office's survey shows that at least seven cities who received these forfeitures immediately gave them over to the alternative Pension Plans. Seven of them put them in the General Fund, and two or three are using them in very strange ways. In Lamar, Colorado, they chose to make use of the funds in exactly the way that the City of Grand Junction has made use of it, that is, they made an accounting notation and said "Well, we're going to draw against this account, and we're going to use these funds to meet our future obligations, not our past obligations." The Police Board in Lamar took issue with that, and they brought a lawsuit in District Court, the same place where his office's present case is pending, and the Judge ruled there that the State Law, the one that Mr. Prakken referred to, required that those funds go immediately into the alternative Pension Plan.

Mr. Prakken wished to make the point that at least one court in the State of Colorado has considered this issue, and it has agreed with the position being asserted by the Police and Fire Pension Boards, and not with the big issues being asserted by the City and its Council.

Mr. Prakken also pointed out that he is talking about benefits here, somewhere between 2/3 and 3/4 of the currently serving Police and Fire fighters. He is not talking about getting money to benefit only a few. He is talking about the vast majority of members of both plans. These were items that Mr. Prakken wished to note before Council goes into executive session this evening to discuss the matter.

* * * CONSENT CALENDAR * * *

Upon motion by Councilman Theobold, seconded by Councilman McCurry and carried by roll call vote, the following Consent items 1 through 11 were approved:

1. Approve minutes of the Regular Meeting March 4, 1992
2. Award Contract for North Avenue Waterline Replacement, 15th to 19th Streets, 1992, to Parkerson Construction in the amount of \$86,750.00

Bids received March 5, 1992, are summarized as follows from lowest to highest:

Parkerson Construction	\$86,750.00
Ben Dowd Excavating	\$106,793.50

Lyle States Construction	\$139,609.60
Engineer's Estimate	\$80,390.00

3. Award Contract to purchase six (6) traffic signal poles from Valmont Industries for \$16,397.00

Bids were opened March 5, 1992, for the purchase of six (6) traffic signal poles. The poles will be used for traffic signal upgrades at 12th and Main Streets, and Ute and Pitkin Avenues at 6th Street (Fire Station No. 1). Our low bid was submitted by Valmont Industries of Valley, Nebraska, for \$16,397.00. Staff recommends acceptance of the low bid.

4. Award Contract to purchase a 1992 Ford 655C Backhoe from Western Implement Company, Inc., for \$28,449.00

Bids were opened February 27th for the Purchase of a new Backhoe for the Pipeline Maintenance Division of Public works. Bid invitations were sent to four (4) dealers; we received three (3) bids. Staff recommends accepting the low responsive bid and trade-in offer submitted by Western Implement Company for a Ford 655C Backhoe for \$28,449.00. The net price includes the trade-in allowance of \$17,500.00 for the City's Unit #68, a 1980 Case Backhoe/Loader.

5. Award Contract for purchase of a 1992 GMC Cab and Chassis installed with a five cubic yard from Fuoco Motor Company for \$38,774.20. This unit will replace a 1979 Chevrolet 3 ton Dump Truck

Bids were opened March 11th for the purchase of a new Dump Truck for the Pipeline Maintenance Division of Public Works. Bid invitations were sent to five (5) dealers; we received three (3) bids. Staff recommends accepting the low responsive bid submitted by Fuoco Motor Company for \$38,774.20.

6. Resolution No. 24-92 (see next page) approving a contract with Unitel, Inc., for the purchase of a new voice and data communications systems (telephone system) in the amount of \$124,789.00

These new systems are to replace the current outdated systems at City Hall and the Police Department and to install an additional system at the City Shops complex. They will be linked together into a single communications network and expanded to include the Fire Department as well.

7. Resolution No. 25-92 (see next page) City Council approval of the Tiara Rado Golf Course and "The Masters" at Tiara Rado joint effort to redefine property boundaries west of Holes 1 and 4,

install an enhanced drainage swale with a cost share of 50% not to exceed \$1,800, and enter into a maintenance agreement with "The Masters" to care for and maintain the drainage canal.

RESOLUTION NO. 24-92

A RESOLUTION APPROVING A PROPOSAL TO PURCHASE A NEW VOICE AND DATA COMMUNICATIONS SYSTEM FOR THE PURPOSE OF REPLACING THE EXISTING SYSTEM.

WHEREAS, the City Manager of the City of Grand Junction has submitted to the City Council, a proposal to purchase a new Voice and Data Communications system, for the City of Grand Junction in the fiscal year ending December 31, 1992; and

WHEREAS, after full and final consideration of the proposal, the City Council is of the opinion that the proposal should be approved and accepted.

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

The proposal to purchase a new voice and data communications system from UNITEL Inc. located at 743 Horizon Court, Suite 105, Grand Junction, Colorado, 81506, for the sum of \$124,789.00, as submitted by the City Manager, be and the same is hereby approved.

ADOPTED AND APPROVED THIS 18TH DAY OF MARCH, 1992

ATTEST:

Neva B. Lockhart, CMC

City Clerk

APPROVED:

NAME

President of the Council

RESOLUTION NO. 25-92

A RESOLUTION APPROVING A JOINT EFFORT OF TIARA RADO GOLF COURSE AND THE MASTERS AT TIARA RADO TO : (1) REALIGN THE BOUNDARIES BY THE 1ST AND 4TH HOLES. (2) TO PARTICIPATE IN 50% OF THE RE-VEGETATION OF THE DRAINAGE SWALE, NOT TO EXCEED \$1,800. (3) TO ENTER INTO A MAINTENANCE AGREEMENT FOR THE MAINTENANCE OF THE DRAINAGE SWALE.

Whereas, The City Manager of the City of Grand Junction has submitted to the City Council, a proposal to enter into an agreement to: (1) Realign the boundaries by the first and fourth holes. (2) To participate in 50% of the re-vegetation of the

drainage swale, not to exceed \$1,800. (3) To enter into a maintenance agreement for the maintenance of the drainage swale, in the fiscal year ending December 31, 1992. and

Whereas, after full and final consideration of the proposal, the City Council is of the opinion that the proposal should be approved and accepted.

Now, therefore be it resolved by the City Council of the City of Grand Junction, Colorado, that:

The proposal to enter into a joint effort with the Masters at Tiara Rado to (1) Realign the boundaries by the first and fourth holes. (2) To participate in 50% of the re-vegetation of the drainage swale, not to exceed \$1,800. (3) To enter into a maintenance agreement for the maintenance of the drainage swale, as submitted by the City Manager, be and the same is hereby approved.

ADOPTED AND APPROVED THIS 18TH DAY OF MARCH, 1992

ATTEST:

Neva B. Lockhart, CMC

City Clerk

APPROVED:

NAME

President of the Council

8. Resolution No. 26-92 (see next page) Revoking a Power of Attorney (POA) requiring improvements to North 12th Street

The requested action would affect the Village Fair Shopping Park at the intersection of 12th Street and Patterson Road. Twelfth Street has been fully developed and the POA is no longer necessary.

9. Resolution No. 27-92 (see next page) Authorizing Revocable Permit to landscape public right-of-way adjacent to proposed Burger King Restaurant, 739 Horizon Drive

Norbert J. Lukas owns the property at 739 Horizon Drive and has obtained a conditional use permit to construct a Burger King Restaurant at this location. The approved plan includes landscaping within a portion of the unused right-of-way for Horizon Drive.

10. Resolution No. 28-92 (see next page) Authorizing a one-year dry grazing lease of 191 acres of City property located south of Whitewater to Sally Smith

Ms Smith has held a five-year lease on this property since 1987. The present lease is due to expire April 30, 1992. Ms Smith has accomplished several tasks to improve the condition of the land, including the installation of new fences and gates, cattle guards, and the removal of several loads of metal junk and trash. Ms Smith uses the property to cattle. Livestock will be limited to 12 Animal Units Per Month (AUM). The rental rate is based on the current federal grazing fee of \$1.92 per AUM.

11. Resolution No. 29-92 (see next page) Stating Council's intent to create Alley Improvement District 1992, Phase B (I.D. ST-92, Alley, Phase B) and giving Notice of Hearing

The City has received petitions requesting the reconstruction of three alleys. All petitions have been signed by more than 50% of the owners of the property to be assessed. The proposed resolution would state Council's intent to create an improvement district and give notice of a public hearing to be held on May 6, 1992. The alleys being petitioned for reconstruction are as follows:

1. East/West & North/South alley from 7th Street to 8th Street, Gunnison Avenue to Hill Avenue;
2. East/West alley from 12th Street to 13th Street between Grand Avenue and Ouray Avenue;
3. East/West alley from 13th Street to 14th Street between Main Street and Rood Avenue.

All alleys would be reconstructed with concrete pavement. Some sewer lines may be replaced during construction. In addition, the Public Service Company usually replaces old gas pipelines in the alleys prior to construction at no cost to the City.

* * * END CONSENT CALENDAR * * *

AWARD CONTRACT FOR STREET ACCESSIBILITY IMPROVEMENTS, HANDICAP RAMPS, PHASE A, TO MAYS CONCRETE, INC., - \$110,689.00

Bids were received March 5, 1992, and are summarized as follows from lowest to highest:

Mays Concrete, Inc.	\$110,689.00
Two Rivers Forming	\$123,921.25
G & G Paving Construction	\$124,997.25

R. W. Jones Construction	\$155,730.25
Fred Cunningham Construction	\$156,817.00
Engineer's Estimate	\$104,569.50

Councilman Bennett wanted to know the time frame on this project, and if it is actually required by the ADA that the project be undertaken immediately. He was concerned about the large construction cost that will be taken out of the budget for this purpose.

Public Works Director Jim Shanks explained that the Law was explicit regarding the curb ramps. He felt it would be difficult to complete the requirements in even four years, and felt the City should get an early start on the project. This project represents only 12% of the total construction. He noted some progress with the requirements in the City Hall remodel which was really a handicap access project with the elevator and restrooms, also remodeled restrooms at Two Rivers Convention Center and some of the City Parks. Over the past ten years the City has installed as many as 30 to 40 curb ramps per year as new construction projects take place. There are approximately 1800 ramps remaining with a deadline some four years away. The estimate for the ramp at Two Rivers Convention Center is \$50,000.00 to meet the current slope requirements.

City Attorney Dan Wilson stated that he believed the City has until summer of 1995 to come into compliance with the ADA, or suffer the consequences. The consequences are a Civil Rights violation under the Act.

Public Works Director Jim Shanks quoted from Federal Statute that was the 1990 Americans for Disability Act which authorized various Federal agencies to write regulations:

"Curb Ramps - Curb ramps complying with Section 4.7 shall be provided wherever an accessible route crosses a curb . . ." In Definitions, ". . . accessible route is defined as a continuous, unobstructed path

RESOLUTION NO. 26-92

CONCERNING THE REVOCATION OF A POWER OF ATTORNEY

WHEREAS, the Clerk of the City of Grand Junction has heretofore been appointed Attorney in Fact to execute a local improvement district petition and to provide for the assessment against the real property described in the attached Exhibit A for the cost of curb, gutter, sidewalk and paving of North Twelfth Street abutting

said real property as evidenced by a Power of Attorney recorded in Book 1315 at Pages 353 through 355 in the office of the Mesa County Clerk and Recorder; and

WHEREAS, the installation of curb, gutter and sidewalk adjacent to said real property has been completed and accepted by the City of Grand Junction; and

WHEREAS, the City Council of the City of Grand Junction deems it appropriate to revoke said Power of Attorney.

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

1. That the above referenced Power of Attorney is hereby revoked.
2. That the revocation of said Power of Attorney shall in no way remove or affect any assessments or any other past acts or actions which may have heretofore been levied against lands for the improving of North Twelfth Street, nor otherwise affect present or future litigation involving assessments levied for street improvements.
3. That all other existing Powers of Attorney which have not previously been revoked by the City of Grand Junction shall remain in full force and effect.

PASSED and ADOPTED this 18th day of March, 1992.

Attest:

NAME

President of the Council

Neva B. Lockhart, CMC

City Clerk

EXHIBIT A

Parcel 1

Lots 1 through 12 of Golden Court Subdivision.

Parcel 2

Beginning at a point which is the NE corner of Section 11, Township 1 South, Range 1 West of the Ute Meridian, thence South 0 deg. 12 min. 30 sec. East 187.5 feet, thence North 89 deg. 50 min. 30 sec. West 210.1 feet, thence North 0 deg. 37 min. 30 sec. East 186.1 feet, thence North 89 deg. 48 min. 30 sec. East 206.3 feet more or less to the point of beginning;

EXCEPT a tract of land conveyed to the City of Grand Junction in instrument recorded July 25, 1974 in Book 1020 at Page 790 in the office of the Mesa County Clerk and Recorder.

Parcel 3

Beginning 203.5 feet South of the NE corner of Section 11, Township 1 South, Range 1 West of the Ute Meridian, thence West 200 feet, thence South 100 feet, thence East 200 feet, thence North 100 feet to the point of beginning, EXCEPT the East 35 feet for road right-of-way.

Parcel 4

Beginning 303.5 feet South of the NE corner of Section 11, Township 1 South, Range 1 West of the Ute Meridian, thence West 200 feet, thence South 120 feet, thence East 200 feet, thence North 120 feet to the point of beginning, EXCEPT the East 35 feet for road right-of-way.

END EXHIBIT A

RESOLUTION NO. 27-92

CONCERNING THE ISSUANCE OF A REVOCABLE PERMIT TO NORBERT J. LUKAS

WHEREAS, Norbert J. Lukas, who represents that he is the owner in fee simple of the property located at 739 Horizon Drive in Grand Junction, he petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of landscape improvements in the following described public right-of-way for Horizon Drive, to wit:

The right-of-way for Horizon Drive located North and West of the back-of-curb for Horizon Drive Road and South and East of the Easterly boundary of the following described real property, to wit:

Commencing at a point from whence the Northwest corner of the SW 1/4 SE 1/4 of Section 36, Township 1 North, Range 1 West of the Ute Meridian bears South 27 deg. 20 min. West 282.0 feet and South 31 deg. 22 min. 30 sec. West 107.3 feet and South 89 deg. 48 min. 30 sec. West 293.1 feet, and running thence from said Point of Beginning North 27 deg. 20 min. East along the Highway Right-of-way a distance of 150.0 feet, thence North 62 deg. 40 min. West 244.1 feet being at right angles to the Highway right-of-way to a point on the East line of the W 1/2 of the SW 1/4 NW 1/4 of the SE 1/4 of said Section 36, thence South 00 deg. 02 min. 30 sec. West 168.8 feet along said East line to a point, thence South 62 deg. 40 min. East 166.7 feet to the Point of Beginning; and

WHEREAS, the City Council of the City of Grand Junction has determined that such action would not at this time be detrimental to the inhabitants of the City;

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

That the City Manager, on behalf of the City and as the act of the City, is hereby directed to grant the attached Revocable Permit to the above-named Petitioner, his heirs and assigns, for the installation of landscape improvements within the public right-of-way aforescribed, subject, however, to the several terms, covenants and conditions contained in the attached Revocable Permit.

PASSED and ADOPTED this 18th day of March, 1992.

Attest:

NAME

President of the Council

Neva B. Lockhart, CMC

City Clerk

REVOCABLE PERMIT

WHEREAS, Norbert J. Lukas, who represents that he is the owner in fee simple of the property located at 739 Horizon Drive in Grand Junction, has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow the installation of landscape improvements in the following described public right-of-way for Horizon Drive, to wit:

The right-of-way for Horizon Drive located North and West of the back-of-curb for Horizon Drive Road and South and East of the Easterly boundary of the following described real property, to wit:

Commencing at a point from whence the Northwest corner of the SW 1/4 SE 1/4 of Section 36, Township 1 North, Range 1 West of the Ute Meridian bears South 27 deg. 20 min. West 282.0 feet and South 31 deg. 22 min. 30 sec. West 107.3 feet and South 89 deg. 48 min. 30 sec. West 293.1 feet, and running thence from said Point of Beginning North 27 deg. 20 min. East along the Highway right-of-way a distance of 150.0 feet, thence North 62 deg. 40 min. West 244.1 feet being at right angles to the Highway right-of-way to a point on the East line of the W 1/2 of the SW 1/4 NW 1/4 of the SE 1/4 of said Section 36, thence South 00 deg. 02 min. 30 sec. West 168.8 feet along said East line to a point, thence South 62 deg. 40 min. East 166.7 feet to the Point of Beginning; and

WHEREAS, the City Council of the City of Grand Junction has determined that such action would not at this time be detrimental to the inhabitants of the City;

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

There is hereby granted to Norbert J. Lukas, his heirs and assigns, a Revocable Permit to allow the installation of landscape improvements within the public right-of-way aforescribed; provided, however, that the issuance of this revocable Permit shall be conditioned upon the following: The landscape improvements shall not be installed in a manner which will limit sight distance or create any other hazardous situation or dangerous condition for vehicular or pedestrian traffic; The installation and maintenance of said landscape improvements shall be subordinate to all existing utilities and preexisting easements; The Petitioner will not hold the City liable for any damages caused to said landscape improvements as a result of the City's or any other Public Utility's maintenance or future installation of roadway improvements or public utilities within the aforescribed public right-of-way; The Petitioner, his heirs and assigns, shall be responsible for the proper care and maintenance of said landscape improvements; This Revocable Permit shall be issued only upon the concurrent execution by the Petitioner of an agreement that the Petitioner will save and hold the City, its officers, employees and agents harmless from, and indemnify the City, its officers, employees and agents, with respect to any claims or causes of action however stated arising out of the encroachment or use granted, and that upon revocation of this Permit, the Petitioner will, within thirty (30) days of notice of revocation, peaceably surrender said right-of-way to the City and, at his own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED this _____ day of _____, 1992.

Attest:

Mark K. Achen, City Manager

City Clerk

Acceptance:

Norbert J. Lukas

AGREEMENT

Norbert J. Lukas, for himself, his heirs and assigns, does hereby agree that he will abide by each and every condition contained in

the foregoing Permit; that he shall indemnify the City of Grand Junction, its officers, employees and agents, and hold the City of Grand Junction, its officers, employees and agents harmless from all claims and causes of action as recited in said Permit; and that upon revocation of the Permit, agrees to within thirty (30) days peaceably surrender said public right-of-way to the City and, at his own expense, remove any encroachment so as to restore the right-of-way to its original condition.

DATED at Grand Junction, Colorado, this _____ day of _____, 1992.

 Norbert J. Lukas
 6970 Indiana Peaks Trail
 Boulder, Colorado 80301

STATE OF COLORADO)	
)	SS:
COUNTY OF)	

The foregoing Agreement was acknowledged before me this _____ day of _____, 1992, by Norbert J. Lukas.

Witness my hand and official seal.

My Commission Expires: _____

 Notary Public

RESOLUTION NO. 28-92

AUTHORIZING A ONE YEAR DRY GRAZING LEASE OF CITY PROPERTY TO SALLY SMITH

WHEREAS, the City of Grand Junction is owner of the following described real property situated in Township 2 South, Range 1 East of the Ute Meridian, Mesa County, Colorado, to wit:

Section 23: The SE 1/4 of the NE 1/4, AND Commencing at a point 90 feet South of the Northwest corner of the NE 1/4 of the SE 1/4, thence North to the Northwest corner of the NE 1/4 of the SE 1/4, thence East 1320 feet to the Northeast corner of said NE 1/4 SE

1/4, thence South 630 feet to a point on the East line of said NE 1/4 SE 1/4, thence Northwesterly in a straight line to the Point of Beginning.

Section 24: The SE 1/4 of the NW 1/4, the NE 1/4 of the SW 1/4, and the NW 1/4 of the SE 1/4; and;

WHEREAS, Sally Smith, whose address is 1000 Desert Road, Whitewater, is desirous of the securing from the City a dry grazing lease for the above described real property for a term of one year and for a total rental fee in the amount of \$276.00.

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

That the City Manager be authorized, on behalf of the City and as the act of the City, to execute the attached Ground Lease agreement with Sally Smith for the lease of said real property for a term of one year, commencing on the 1st day May, 1992, and terminating on the 30th day of April, 1993, and for a total rental fee of \$276.00; subject to the several terms and conditions of the attached Ground Lease.

PASSED and ADOPTED this 18th day of March, 1992.

Attest:

NAME

President of the Council

Neva B. Lockhart, CMC

City Clerk

GROUND LEASE

THIS GROUND LEASE is entered into as of the 1st day of May, 1992, between the City of Grand Junction, a municipal corporation, hereinafter referred to as "City", and Sally Smith, hereinafter referred to as "lessee", whose address for the purpose of this Lease is 1000 Desert Road, Whitewater, Colorado 81527.

A. City is the owner of the following described real property situated in Township 2 South, Range 1 East of the Ute Meridian, Mesa County, Colorado, to wit:

Section 23: The SE 1/4 of the NE 1/4, AND Commencing at a point 90 feet South of the Northwest corner of the NE 1/4 of the SE 1/4, thence North to the Northwest corner of the NE 1/4 of the SE 1/4, thence East 1320 feet to the Northeast corner of said NE 1/4 SE 1/4, thence South 630 Feet to a point on the East line of said NE 1/4 SE 1/4, thence Northwesterly in a straight line to the Point of Beginning;

Section 24: The SE 1/4 of the NW 1/4, the NE 1/4 of the SW 1/4, and the NW 1/4 of the SE 1/4,

in all containing approximately 191 acres and hereinafter referred to as the "Property".

B. Lessee desires to lease the Property for dry grazing purposes.

C. The City has agreed to lease the Property to Lessee under the terms and conditions of this Lease.

NOW, THEREFORE, In consideration of the payment of rent and the performance of the promises set forth below, City does hereby lease to Lessee the above described Property.

1. The term of this Lease shall commence at on the 1st day of May, 1992, and terminate on the 30th day of April, 1993.

2. Lessee agrees to pay City as rental for the Property the total amount of \$276.00, due and payable on or before May 1, 1992. In the event payment of the rent is not received on or before said due date, this Lease shall automatically terminate and the City may immediately retake possession of the Property.

3. The City specifically reserves and retains from this Lease any and all water and water rights owned by the City which may have been previously used on or connected with the Property.

4. Lessee agrees to timely pay any and all taxes levied against the Property and attributable to the occupancy by Lessee of the Property during the term of this Lease. If Lessee fails to timely pay any and all amounts required pursuant to this Lease, the City may pay such amounts and, in such event, the amount(s) paid by the City plus interest thereon at a rate of 18% per annum shall be payable to the City by Lessee.

5. Lessee agrees to:

a. Maintain the Property, including but not limited to all fences, gates and all other improvements on the Property, in the same or better condition as they were at the commencement of this Lease, all at Lessee's expense, and at the expiration of this lease, surrender the Property and improvements thereon to City, in as good a condition as when Lessee entered the Property, reasonable use and wear excepted.

b. Keep the Property free from all litter, junk, debris and obstructions.

c. Waive and forego any claim, cause of action or demand Lessee may have against the City, its officers, agents and employees for injury to our destruction of any property of Lessee that may be lost, injured, destroyed or devalued as a result of the act, or

failure to act, of Lessee or any third person; and to indemnify the City, its officers, agents and employees and to hold the City, its officers, agents and employees harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from Lessee's use of the Property.

d. Use the Property for dry grazing purposes only and in a manner that will not over-graze, cause deterioration of or destruction to the Property; and limit the amount of livestock grazed on the Property to 12 animal units per month, not to exceed one animal unit per month for every 15 acres.

6. Lessee has inspected the Property and accepts the same in its present condition. Lessee agrees that the condition of the Property is sufficient for the purposes of the Lessee. The City makes no warranties nor promises that the Property is sufficient for the purposes of the Lessee.

7. During the term of this Lease, Lessee shall have the exclusive right-of-way for ingress and egress to and from the Property, provided that the City, its officers, agents and employees retain the right to be on the Property during emergencies and may inspect the Property at anytime.

8. In the event the leased premises shall be taken by right of eminent domain, then this Lease, at the option of either party, shall forthwith cease and terminate. Lessee agrees to waive Lessee's claim to any compensation received by the City as a result of eminent domain proceedings.

9. Upon termination of this Lease, Lessee agrees to surrender and deliver up the premises and all keys peaceably to the city immediately upon termination.

10. If Lessee is in default in the performance of any term or condition of this Lease, the City may, at its option, terminate this Lease upon 30 days written notice. If Lessee fails within any such 30 day period to remedy any default specified in the City's notice, this Lease shall terminate. All notices sent pursuant to this agreement shall be delivered by United States certified mail, return receipt requested, and shall be considered served upon Lessee of the date of mailing indicated on the postal receipt. All notices shall be sent to Lessee at 1000 Desert Road, Whitewater, Colorado 81527. All notices to the City shall be sent to the City Property Agent, 250 North 5th Street, Grand Junction, Colorado 81501.

11. Lessee shall not sublet, assign or transfer any of Lessee's interests in this Lease, or enter into any contract or agreement affecting Lessee's interest in this Lease, without obtaining prior written approval of the City. Further, Lessee shall install no structural improvements without the prior written consent of the City, which consent shall not be unreasonably withheld.

12. This Lease shall automatically terminate in the event Lessee becomes insolvent, is subject to a bankruptcy filing whether or not voluntary or involuntary, is subject to an assignment for the benefit of creditors, or if a receiver is appointed. In such event, the City may immediately retake possession.

13. Should Lessee fail, for whatever reason, to vacate the premises at the end or when this lease is terminated, Lessee agrees to pay to the City \$15.00 per day for each and every day thereafter. The parties agree that it would be difficult to establish the actual damages to the City in such event and that said \$15.00 is an appropriate liquidated damages amount.

14. In the event City engages an attorney to enforce the City's rights hereunder, Lessee agrees to pay for the value or cost of such attorney fees, plus costs including the costs of any experts.

15. The provisions of this Lease are binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

THE CITY OF GRAND JUNCTION, COLORADO

BY:

City Manager

ATTEST:

City Clerk

LESSEE:

Sally Smith

RESOLUTION NO. 29-92

DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY ALLEY IMPROVEMENT DISTRICT NO. ST-92, 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 an Alley Improvement District be created for the construction of improvements as follows:

Location of Improvements:

-- The cross alley running east and west from 7th Street to 8th Street and north and south between Gunnison Avenue and Hill Avenue;

-- The alley running east and west from 12th Street to 13th Street between Grand Avenue and Ouray Avenue;

-- The alley running east and west from 13th Street to 14th Street between Main Street and Rood Avenue;

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

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

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

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

Lots 1 through 29, inclusive, Block 40, City of Grand Junction;

Lots 1 through 32, inclusive, Block 6, Dundee Place, City of Grand Junction;

Lots 1 through 32, inclusive, Block H, Keith Addition, City of Grand Junction;

All in 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 for properties located within any single-family residential zone; all properties located within any residential zone other than single-family will be \$12.00 per abutting foot; provided, however, that existing owner-occupied single-family uses within a multi-family zone shall be assessed at \$6.00 per abutting foot. If the use of the excepted owner-occupied single-family use in a multi-family zone changes to non-owner occupied, or if the use of any property is altered any time prior to the second assessment hearing, the assessment shall reflect that change. Properties located within any residential zone which have a permit from the City of Grand Junction allowing a non-residential use within a residential zone shall be assessed the non-residential rate of \$22.50 per abutting foot. Properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only. The total amount of assessable footage at the single-family residential rate is

estimated to be 2,025 feet; the total amount of assessable footage at the multi-family rate is estimated to be 330 feet; and the total amount of assessable footage at the non-residential rate is 175 feet.

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 at the City's internal investment rate of return at the time the ordinance approving the assessments is adopted being charged to the declining balance, payable annually. The City's current internal investment rate of return is 8.0%.

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 Alley Improvement District No. ST-92, 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 ALLEY IMPROVEMENT DISTRICT NO. ST-92, 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 Alley Improvements District No. ST-92, 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 29, inclusive, Block 40, City of Grand Junction;

Lots 1 through 32, inclusive, Block 6, Dundee Place, City of Grand Junction;

Lots 1 through 32, inclusive, Block H, Keith Addition, City of Grand Junction;

All in Mesa County, Colorado.

Location of Improvements:

-- The cross alley running east and west from 7th Street to 8th Street and north and south between Gunnison Avenue and Hill Avenue;

-- The alley running east and west from 12th Street to 13th Street between Grand Avenue and Ouray Avenue;

-- The alley running east and west from 13th Street to 14th Street between Main Street and Rood 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 for properties located within any single-family residential zone; all properties located within any residential zone other than single-family will be \$12.00 per abutting foot; provided, however, that existing owner-occupied single-family uses within a multi-family zone shall be assessed at \$6.00 per abutting foot. If the use of the excepted owner-occupied single-family use in a multi-family zone changes to non-owner occupied, or if the use of any property is altered any time prior to the second assessment hearing, the assessment shall reflect that change. Properties located within any residential zone which have a permit from the City of Grand Junction allowing a non-residential use within a residential zone shall be assessed at the non-residential rate of \$22.50 per abutting foot. Properties having alley frontage on more than one side shall be assessed the applicable assessment rate for the frontage on the longest side only. The total amount of assessable footage at the single-family residential rate is estimated to be 2,025 feet; the total amount of assessable footage at the multi-family rate is estimated to be 330 feet; and the total amount of assessable footage at the non-residential rate is 175 feet. The total amount of assessments to be levied against the abutting properties shall be \$20,047.50.

The total assessable cost of \$ 20,047.50 to be borne by the property owners, there shall be added six (6) percent for costs of collection and incidentals, and also simple interest at the City's internal investment rate of return at the time the ordinance

approving the assessments is adopted 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 City's current internal investment rate of return is 8.0%. 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 laws of the State of Colorado, made payable. Simple interest at the City's internal investment rate of return at the time the ordinance approving the assessments is adopted shall be charged on unpaid installments. The City's current internal investment rate of return is 8.0%.

On May 6, 1992, at the hour of 7:30 o'clock P.M. in the City Council Chambers in City Hall located at 250 North 5th Street in 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 18th day of March, 1992.

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

By:

City Clerk

PASSED and ADOPTED this 18th day of March, 1992.

Attest:

President of the Council

City Clerk

connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, clear floor space and fixtures.

Exterior accessible routes may include parking, access aisles, curb ramps, cross walks at vehicular ways, walks, ramps, and lifts." A section explains architectural barriers and lists two examples: "(1) Installing ramps, (2) Making curb cuts in sidewalks and entrances."

Ms Jody Kole, Assistant to the City Manager, stated that she is working with the Mesa County Staff to create a citizens committee to help make some recommendations to Council regarding the handicap priorities.

Public Works Director Jim Shanks also emphasized his intent to maximize the benefit with the money available recognizing that later in the year contractors will be busier and the City could get a better contract price now.

Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried with Councilman BAUGHMAN voting NO, the Contract for Street Accessibility Improvements, Handicap Ramps, Phase A, was awarded to Mays Concrete, Inc., in the amount of \$110,689.00.

TEN-MINUTE RECESS

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

HEARING - IMPROVEMENT DISTRICT NO. ST-92 (I.D. ST-92 ALLEYS, PHASE A) - RESOLUTION NO. 30-92 CREATING AND ESTABLISHING DISTRICT; ADOPTING DETAILS, PLANS AND SPECS

A hearing was held after proper notice on Improvement District No. ST-92 Alleys, Phase A. The City has received petitions requesting an Improvement District to reconstruct four alleys. All petitions have been signed by more than 50% of the owners of the property to be assessed. The alleys being petitioned for reconstruction are as follows:

1. East/West alley from 11th Street to 12th Street between Gunnison Avenue and Hill Avenue
2. East/West alley from 12th Street to 13th Street between Chipeta Avenue and Gunnison Avenue
3. East/West alley from 13th Street to 14th Street between Chipeta Avenue and Gunnison Avenue
4. East/West alley from 14th Street to 15th Street between Ouray Avenue and Chipeta Avenue

All alleys would be recommended with concrete pavement. Some sewer lines may be replaced during construction. In addition, the Public Service Company usually replaces old gas pipelines in the alleys prior to construction at no cost to the City. City Realty Specialist Peggy Holquin reviewed this item. There were no

letters, opponents, or counterpetitions.

Upon motion by Councilman Bennett, seconded by Councilman Bessinger and carried by roll call vote, Resolution No. 30-92 Creating and Establishing District; Adopting Details, Plans and Specs was passed and adopted (see next page).

HEARING - PROPOSED ORDINANCE - REQUEST FOR A RIGHT-OF-WAY VACATION OF GRAND FALLS COURT NORTH OF VILLA WAY LOCATED SOUTHEAST OF F ROAD AND 28-1/4 ROAD

A hearing was held after proper notice on the request for a right-of way vacation of Grand Falls Court north of Villa Way located southeast of F Road and 28-1/4 Road. The petitioner is requesting that the platted but unbuilt portion of Grand Falls Court, north of Villa Way, be vacated so an existing improvements agreement and building permit hold guarantee can be released. To do that, Lots 12 and 14 of the Falls, Filing 3, must be replatted into one large flag lot with access onto the remainder of North Grand Falls Court and Villa Way. Petitioner is John Siegfried. Kathy Portner, Planner, Community Development Department, reviewed this item. There were no opponents, letters or counterpetitions.

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

HEARING - MOSS, INC., IS APPEALING A DECISION OF DENIAL BY PLANNING COMMISSION TO ALLOW CONDITIONAL USE PERMIT FOR A DRIVE-THRU TACO BELL RESTAURANT AT 736 HORIZON DRIVE

A hearing was held after proper notice on the request by Moss, In., for a Conditional Use Permit for a Drive-Thru Taco Bell Restaurant at 736 horizon Drive. Petitioner, Moss, Inc., is requesting approval of a Conditional Use Permit for a Drive-Thru Taco Bell Restaurant at 736 Horizon Drive. The request was denied by Planning Commission on March 3, 1992, for parking and traffic safety reasons. Dave Thornton, Planner, Community Development Department, reviewed this item stating that this is an appeal of the Planning Commission's decision. He stated that the petitioner will have to obtain a lease through the State Highway Department for the use of State land for landscaping purposes. The petitioner has agreed to re-build a median on Horizon Drive on the north end of the Taco Bell site to allow for a left-turn lane. Traffic issues were a real concern during the review process. The petitioner has agreed to contribute his portion up to \$15,000 for the future installation of the traffic signals on the Interstate along

RESOLUTION NO. 30-92

CREATING AND ESTABLISHING ALLEY IMPROVEMENT DISTRICT NO. ST-92, PHASE A, WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE RECONSTRUCTION OF CERTAIN

ALLEYS, ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE PAVING THEREON AND PROVIDING FOR THE PAYMENT THEREOF

WHEREAS, on the 5th day of February, 1992, the City Council of the City of Grand Junction, Colorado, passed a Resolution Stating its Intent to Create Alley Improvement District No. St-92, Phase A, Authorizing the City Engineer to prepare full details, plans and specifications for the paving thereon together with a map of the District to be assessed, and Authorizing Notice of Intention to Create said District; and

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

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

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

1. That said specifications and map be and the same are hereby approved and adopted.
2. That said Alley Improvement District No. ST-92, Phase A, be and the same is hereby created and established; and that the reconstruction of a certain alleys therein be, and the same are hereby authorized and directed, in accordance with the Ordinance No. 178, as amended, of the City of Grand Junction.
3. That the reconstruction of said alleys shall be made by contract let to the lowest reliable and responsible bidder after public advertisement, except that if it is determined by the City Council that the bids are too high, and that the proposed improvements can be efficiently made by the City, the City may provide that the construction shall be made under the direction and control of the City Manager by hiring labor by the day or otherwise, and by purchasing all necessary material, supplies and equipment.
4. That the improvements in said District were duly ordered, after notice duly given, and that all conditions precedent and all requirements of the laws of the State of Colorado, the Charter of the said City, and Ordinance No. 178, as amended, being Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, have been strictly complied with.
5. That the description of the improvements to be constructed, the boundaries of said Alley Improvement District No. ST-92, Phase A, the amounts to be assessed, the number of installments and assessments, the time in which the cost shall be payable, the rate of interest on unpaid installments, and the manner of apportioning and assessing such cost, shall be as prescribed in the Resolution

adopted for said District on the 5th day of February, 1992, and in accordance with the published Notice of Intention to Create said District.

PASSED and ADOPTED this 18th day of March, 1992.

President of the Council

Attest:

City Clerk

with a third signal on the State access road. Through re-striping the parking area the site now has 30 parking spaces, and 28 off-site spaces on the State right-of-way. The current minimum parking requirement is 30 (1 space per 3 seated customers).

Mark Relph, Public Works Manager, discussed signalization at I-70 and Horizon Drive. He stated that Moss, Inc., has offered to pay approximately one-fourth of the cost for a traffic signal in the area. Mr. Relph considered that a quite generous offer.

Mike Salens, representing Moss, Inc., dba Taco Bell, stated that Moss, Inc., was aware that increased traffic on Horizon Drive would be a concern to all parties involved. After several meetings between Dave Thornton, City Planner, Don Newton, City Engineer, and Dave Tontoli, Traffic Engineer, at least one was on-site at Taco Bell, it was concluded that if a median located on Horizon Drive was re-built to allow for a left-turn lane it would assist traffic coming from the north on Horizon Drive. Moss, Inc., has agreed to pay for this median located on the State's right-of-way at an approximate cost of \$4,000. It was also agreed to improve the State access road located on the north side of the proposed site. Moss, Inc. agreed to widen the road to 36 feet and add curb, gutter and sidewalk. The addition of widening the road to 36 feet would allow for three turning lanes for egress and ingress to Horizon Drive. Moss, Inc., then volunteered to give to the City of Grand Junction a letter stating that it give the City a sum of \$15,000 as its share of participation at time of installation of the traffic signal. The Colorado Department of Transportation told City Engineer Don Newton that the State was attempting to obtain funding to install two traffic signals on Horizon Drive at the on/off ramp location. Mr. Newton also informed that the State would not allow the City to install a third traffic signal until they could all be installed at the same time. The City Planning Staff, City Engineer, City Traffic Engineer and Moss, Inc., felt they had worked out a very equitable situation to help traffic flow on Horizon Drive. Traffic signals could not be installed right away without the State's approval, and the State will not give approval until they have funding to install three traffic

signals. This was explained to the Planning Commission members. For the Planning Commission to deny approval because of something the City of Grand Junction and Moss, Inc., has no control over creates a hardship on Moss, Inc., or anyone else who chose to develop this property.

Mr. Salens discussed on-site parking requirements. This property is a unique site because there is a large expanse of land that is State right-of-way located between the property and Horizon Drive. The State has agreed to lease this property to Taco Bell for five years with two five-year options for a sum to be determined by the State appraiser. Moss, Inc., would be allowed to use this tract of land for parking and would also do extensive landscaping on said property. Based on the computation of 1 parking space for every 3 seats of restaurant seating, Moss, Inc., would be required to provide 30 parking spaces. The site plan allows for a total of 52 parking spaces, an amount that the Planning Department and Moss, Inc., felt was more than sufficient. The Planning Commission felt that according to the Code all 30 parking spaces had to be located on-site. The Planning Commission also felt that it would be setting a precedent by allowing Moss, Inc., to use the State right-of-way for off-site parking. Bennett Boeschstein, Director of Community Development, Dave Thornton, City Planner, and Moss, Inc., agreed that according to their interpretation of the Code, Moss, Inc., is allowed in a commercial zoned area to have parking available within 200 feet of the property, but within a zone allowing a parking noose. State right-of-way property is adjacent to this site and is zoned for additional parking. Moss, Inc., felt the site had been designed according to the letter of the Code. Planning Commission remarks that Moss, Inc., would be setting a precedent by putting parking off-site is also new. There are presently many commercial sites located on North Avenue, Horizon Drive, and throughout the City of Grand Junction that use adjacent properties for required parking according to the City Code.

Mr. Salens stated that Moss, Inc., will close the open ditch, put pit run in it compacted, place light piping so that it works, do extensive paving on that part, and also put in extensive landscaping which will improve the visual appearance coming off the Interstate in that area. That project will cost approximately \$10,000. The median will help Moss, Inc., and the City. Moss, Inc., agreed to pay for that. Moss, Inc., has tried to work with everyone concerned to work out what might be a problem. This restaurant will employ 50 new people and will bring in tax revenues.

Mr. Greg Schaffer, 3350 Music Lane, Realtor representing the current owner of said property, Endland Oil Company, stated that Endland Oil Company wishes to go on record that now that the parking requirements have been met and the traffic signal situation is beyond the proponent's control, that their property should not be rendered unsalable due to that issue.

Kurt Steidley, 380 McFarland Court, constructed the Wendy's

Restaurant on Horizon Drive in 1987. He pointed out that when his development was presented to the Planning Commission he was not allowed to use the State right-of-way. Now Moss, Inc., is using State right-of-way to meet the parking requirements. He welcomes the business of Taco Bell on Horizon Drive, but expects the same level playing field for Taco Bell as he had when building Wendy's. He felt other developers should not be given special consideration because of their offer to pay toward the installation of a traffic signal or install medians, or any other offer. He felt the City should look at the plan as it is developed and as the Planning Department has reviewed it, and make its assessment based on that.

Scott Brown, representing the Planning Commission, stated that the City is getting a cluster of fast-food restaurants on Horizon Drive. He was concerned that young people in the area will be driving in the area and congregating in the parking area of Taco Bell, as well as the other restaurants, and that there are no pedestrian crosswalks in the area. He felt there is no safe way of crossing Horizon Drive for those staying in the hotels and motels, and Taco Bell will only increase the risk of traffic hazards in the area.

Steve Hilliard of the Hilton Hotel, was also concerned about pedestrian and motor traffic in the area.

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

Upon motion by Councilman Theobald, seconded by Councilman Bessinger and carried, the Conditional Use Permit for a Drive-Thru Taco Bell Restaurant at 736 Horizon Drive was approved subject to Staff comments with the additional stipulation that the \$15,000 letter of commitment from Moss, Inc., for the traffic signal (diamond signalization on-off ramps I-70 and Horizon Drive) be required only as a letter of agreement to be paid in the event the signal is put up within the next two years.

City Manager Mark Achen recommended that City Staff indicate what is the best approach for Council to make as strong a representation as possible to petition the State Highway Department for signalization in the area. He also requested that Council make its preference known regarding fairness in leasing State right-of-way for parking purposes.

RESOLUTION NO. 31-92 STATING COUNCIL'S INTENT TO CREATE STREET IMPROVEMENT DISTRICT NO. ST-92 (I.D. ST-92) FOR WEST MESA AVENUE FROM FIRST STREET TO THE WEST LINE OF BLUEGILL DRIVE, AND GIVING NOTICE OF HEARING

City Property Agent Tim Woodmansee explained that after the last Council meeting on March 4, 1992, Mr. Teed went out and re-circulated a petition for a shorter section of West Mesa Avenue. Mr. Woodmansee stated that 55% of the owners (16 of 29) signed the petition. A hearing will be held on May 6, 1992.

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried by roll call vote, Resolution No. 31-92 was passed and adopted (see next page).

REQUEST FOR A VARIANCE FEE WAIVER OR REDUCTION

Kathy Garoutte is requesting a fee waiver or fee reduction for a variance request to the Board of Appeals to allow her goat to be kept closer than the required minimum distance of 100 feet from a principal residential structure on an adjoining property. Kathy Portner, Planner for Community Development reviewed this item stating that the fee for a variance request is \$115.00. The Zoning and Development Code allows the City Council to waive fees required in cases of exceptional hardship or other good cause demonstrated by the applicant. City Council granted the applicant a fee reduction for the original Conditional Use Permit for the goat from \$420.00 to \$25.00. Staff feels that at this time the applicant has not demonstrated exceptional hardship or other good cause, and recommends denial.

Ms. Kathy Garoutte, 318 27-3/8 Road, stated that such a large amount (\$115.00) for the variance fee should not be required of her as the fee does not warrant the actual time spent by the Planning Staff. She also stated that out of the 10 property owners in her area, only one is objecting to her having a goat.

Upon motion by Councilman Theobold, seconded by Councilman Nelson and carried with Councilman BESSINGER voting NO, the request by Kathy Garoutte for a waiver of the variance fee or reduction was denied, a \$25.00 fee for a Conditional Use Permit request was allowed, and Staff was instructed to examine the current ordinance and give City Council some options on changing the Ordinance.

RESOLUTION NO. 32-92 CREATING A SALES AND USE TAX AMNESTY PROGRAM FOR DELINQUENT TAXES OWED THE CITY OF GRAND JUNCTION

City Administrative Services Director Ron Lappi explained that this Resolution would set a period of approximately four months from today (July 18, 1992) to accept payment of delinquent sales and use taxes as far back as 1988, 1989, 1990 and 1991 without the penalties being applied, and with only half of the otherwise due interest. This is an attempt to get some voluntary compliance by people who have not filed for various reasons during those years.

Upon motion by Councilman Bennett, seconded by Councilman Baughman and carried by roll call vote, Resolution No. 32-92 was passed and adopted (see next page).

ORDINANCE NO. 2565 - VACATING A PORTION OF FAITH STREET (SITE OF SAM'S CLUB STORE)

Upon motion by Councilman Theobold, seconded by Councilman Bennett and carried by roll call vote, Ordinance No. 2565 was passed and

adopted.

PROPOSED ORDINANCE - RATIFYING THE POLICE AND FIRE MONEY PURCHASE
DEFINED CONTRIBUTION PLANS

City Attorney Dan Wilson explained that the City Charter provides that pension matters must be adopted by ordinance. This ordinance will begin process of the formal adoption of Police and Fire Plans that were originally approved by the Council by Resolution in December of 1986. A hearing will be held on this item on April 1, 1992.

RESOLUTION NO. 31-92

DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY STREET IMPROVEMENT DISTRICT NO. ST-92 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 Street Improvement District be created for the construction of improvements as follows:

Location of Improvements:

West Mesa Avenue from 1st Street West to the West intersection of Bluegill Drive.

Type of Improvements - To include base course material under a mat of Hot Mix Bituminous or concrete paving, curb, gutter and sidewalk, and storm drainage facilities as deemed necessary by the City Engineer.

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

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

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

The NE 1/4 NE 1/4 SE 1/4 Section 10 T1S R1W except a tract 168 ft. by 222.3 ft. in SE corner thereof;

AND ALSO Lot 1 Block 3, West Lake Park Annex No. 2,

AND ALSO Lot 1 and the south 15 ft. Lot 2, Block 2, West Lake Park Annex No. 2,

AND ALSO Lot 11, Block 2, West Lake Park Annex No. 2,

AND ALSO Lot 8 and S 20 ft. Lot 7, Block 1, West Lake Park Annex No. 2,

AND ALSO Lots 1 through 9, Block 1, West Lake Park Subdivision,

AND ALSO Lots 1 through 4, inclusive, Block 3 West Lake Park Subdivision;

AND ALSO Lots 1 and 8 Block 2 West Lake Park Subdivision;

AND ALSO Lots 1 and 8 Block 5 West Lake Park Annex Second Amended Plat;

AND ALSO Lots 1 and 8 Block 4 West Lake Park Annex Second Amended Plat;

AND ALSO Lots 1 and 8 Block 3 West Lake Park Annex Second Amended Plat;

AND ALSO Lots 1 and 8 Block 2 West Lake Park Annex Second Amended Plat;

AND ALSO Block 1 West Lake Park Annex Second Amended Plat except E 10 ft. and also except N 7 1/2 ft. for right of way;

All in Mesa County, Colorado.

2. The assessable project cost shall be assessed against and upon the benefited property of the district according to abutting footage. The project is estimated to cost \$150.00 per running foot. The project cost to be assessed against each property zoned with a Residential Classification will not exceed \$50.00 per abutting foot. The project cost to be assessed against each property zoned with a Non-Residential Classification will not exceed \$75.00 per abutting foot. If the actual project cost is less than the estimated cost, the cost per foot will be decreased accordingly. The total amount of assessable footage for properties located within any residential zone is estimated to be 1,425.87 feet; the total amount of assessable footage for all properties located with any other zone than residential is estimated to be 622.20 feet.

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 due 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 at the City's internal investment rate of return at the time the ordinance approving the assessments is adopted being charged to the declining balance, payable annually. The City's current internal investment rate of return is 8.0%.

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 Street Improvement District No. ST-92, 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 STREET IMPROVEMENT DISTRICT NO. ST-92, 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 Street Improvement District No. ST-92, in said City for the purpose of reconstructing and paving West Mesa Avenue from 1st Street west to west intersection of Bluegill Drive to serve the property hereinafter described, which lands are to be assessed with the cost of the improvements, to wit:

The NE 1/4 NE 1/4 SE 1/4 Section 10 T1S R1W except a tract 168 ft. by 222.3 ft. in SE corner thereof;

AND ALSO Lot 1 Block 3, West Lake Park Annex No. 2,

AND ALSO Lot 1 and the south 15 ft. Lot 2, Block 2, West Lake Park Annex No. 2,

AND ALSO Lot 11, Block 2, West Lake Park Annex No. 2,

AND ALSO Lot 8 and S 20 ft. Lot 7, Block 1, West Lake Park Annex No. 2,

AND ALSO Lots 1 through 9, Block 1, West Lake Park Subdivision,

AND ALSO Lots 1 through 4, inclusive, Block 3 West Lake Park

Subdivision;

AND ALSO Lots 1 and 8 Block 2 West Lake Park Subdivision;

AND ALSO Lots 1 and 8 Block 5 West Lake Park Annex Second Amended Plat;

AND ALSO Lots 1 and 8 Block 4 West Lake Park Annex Second Amended Plat;

AND ALSO Lots 1 and 8 Block 3 West Lake Park Annex Second Amended Plat;

AND ALSO Lots 1 and 8 Block 2 West Lake Park Annex Second Amended Plat;

AND ALSO Block 1 West Lake Park Annex Second Amended Plat except E 10 ft. and also except N 7 1/2 ft. for right of way;

All in Mesa County, Colorado.

Location of Improvements:

West Mesa Avenue from 1st Street West to the West intersection of Bluegill Drive.

Type of Improvements - To include base course material under a mat of Hot Mix Bituminous or concrete paving, curb, gutter and sidewalk, and storm drainage facilities as deemed necessary by the City Engineer.

The assessable project cost shall be assessed against and upon the benefited property of the district according to abutting footage. The project is estimated to cost \$150.00 per running foot. The project cost to be assessed against each property zoned with a Residential Classification will not exceed \$50.00 per abutting foot. The project cost to be assessed against each property zoned with a Non-Residential Classification will not exceed \$75.00 per abutting foot. If the actual project cost is less than the estimated cost, the cost per foot will be decreased accordingly. The total amount of assessable footage for properties located within any residential zone is estimated to be 1,425.87 feet; the total amount of assessable footage for all properties located with any other zone than residential is estimated to be 622.20 feet. The total amount of assessments to be levied against the abutting properties shall be \$117,958.50.

To the total assessable cost of \$117,958.50 to be borne by the property owners, there shall be added six (6) percent for costs of collection and incidentals, and with simple interest at the City's internal investment rate of return at the time the ordinance approving the assessments is adopted 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 City's current internal investment rate of return is 8.0%. 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 laws of the State of Colorado, made payable. Simple interest at the City's internal investment rate of return at the time the ordinance approving the assessments is adopted shall be charged on unpaid installments. The City's current internal investment rate of return is 8.0%.

On May 6, 1992 at the hour of 7:30 o'clock P.M. in the City Council Chambers in City Hall located at 250 North 5th Street in 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 regular business hours prior to said hearing.

Dated at Grand Junction, Colorado, this 18th day of March, 1992.

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

By:

City Clerk

PASSED and ADOPTED this 18th day of March, 1992.

Attest:

President of the Council

City Clerk

PROPOSED STREET IMPROVEMENT DISTRICT WEST MESA AVENUE FROM 1ST STREET WEST TO THE WEST INTERSECTION OF BLUEGILL DRIVE

OWNER	FOOTAGE	COST/FOOT	ASSESSMENT
*SCHOOL DISTRICT 51	492.20	\$ 75.00	\$ 36,915.00
RODNEY & MARCIA KORTE	47.75	\$ 50.00	\$ 2,387.50
*SUSAN HARTMAN	41.50	\$ 50.00	\$ 2,075.00
GEORGE & MINNIE POPISH	5.00	\$ 50.00	\$ 250.00
*CHRISTOPHER & AMY PACKARD	12.00	\$ 50.00	\$ 600.00
*YOLANDA TREUDE	4.50	\$ 50.00	\$ 225.00
*CHARLES & L.A. TEED	45.50	\$ 50.00	\$ 2,275.00
*RALPH & BETTE THUL	75.00	\$ 50.00	\$ 3,750.00
*WANDA CAIRNS	75.00	\$ 50.00	\$ 3,750.00
VERLLYN ATHERTON & MAXINE BLAYLOCK	75.00	\$ 50.00	\$ 3,750.00
*DORENE & PHILLIP MCCREANOR	75.00	\$ 50.00	\$ 3,750.00
*JOHN CALDWELL	67.73	\$ 50.00	\$ 3,386.50
*WANDA MORFORD	90.84	\$ 50.00	\$ 4,542.00
SHERMAN & MARILYN MATNEY	93.79	\$ 50.00	\$ 4,689.50
*MARY WILLIAMS & TERRY MONSON	75.00	\$ 50.00	\$ 3,750.00
*HARVEY & ARLENE WILLOUGHBY	75.00	\$ 50.00	\$ 3,750.00

*V. JEAN DAVIS	95.57	\$ 50.00	\$ 4,778.50
ANTON CHRISTOFF	77.65	\$ 50.00	\$ 3,882.00
JOHN & MARY MARTINEZ	33.00	\$ 50.00	\$ 1,650.00
HELEN & JACOB KOESTNER	122.00	\$ 50.00	\$ 6,100.00
*BUD & L.A. BLANEY	29.00	\$ 50.00	\$ 1,450.00
*CHARLES & LOIS TEED	29.00	\$ 50.00	\$ 1,450.00
JOHN & JOSEPHINE SIGMON	32.52	\$ 50.00	\$ 1,626.00
EDMOND & JO ANN BARLEY	32.52	\$ 50.00	\$ 1,626.00
NICK & CLEO MOSCHETTI	29.00	\$ 50.00	\$ 1,450.00
*ROSE M. TURNBULL	29.00	\$ 50.00	\$ 1,450.00
EVELYN OWENS	29.00	\$ 50.00	\$ 1,450.00
NANCY BAILEY	29.00	\$ 50.00	\$ 1,450.00
JOHN DRAZEK	130.00	\$ 75.00	\$ 9,750.00
			\$117,958.50
TOTAL ASSESSABLE FOOTAGE	2,048.07		
ESTIMATED COST TO CONSTRUCT		\$ 301,050.00	
ABSOLUTE COST TO CITY		\$ 117,958.50	
ESTIMATED COST TO CITY		\$ 183,091.50	

*Signed in favor of improvement district = 16/29 = 55%

Assessable footage in favor of improvement district =
1,311.84/2048.07 = 64%

RESOLUTION NO. 32-92

A RESOLUTION CREATING A SALES AND USE TAX AMNESTY PROGRAM FOR DELINQUENT TAXES OWED THE CITY OF GRAND JUNCTION.

WHEREAS, To encourage the voluntary compliance with the City's Sales and Use Tax ordinance an amnesty period is appropriate; and

WHEREAS, It is in the City's and business community's best interest to waive all penalties and one-half of the interest on taxes due except when fraudulent circumstances are present, for a period of four months; and

WHEREAS, Taxpayers and collectors of Sales and Use Tax are encouraged to voluntarily comply with our ordinance under these favorable terms and conditions, which will not be available to them after the conclusion of the program.

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

- a) An amnesty program is hereby declared to run from the day following passage of this resolution through July 18, 1992,
- b) During this period delinquent taxes voluntarily paid that were otherwise due with respect to taxable transactions occurring from 1/1/88 through 12/31/91 will not be assessed penalties or one-half the interest, except when fraudulent circumstances are present,
- c) During this period of amnesty the audit activities of the City will continue.

Passed and approved this 18th day of March, 1992.

NAME

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

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

PROPOSED ORDINANCE - RATIFYING OTHER CITY EMPLOYEE(S) RETIREMENT AND SUPPLEMENTAL RETIREMENT PLANS

City Attorney Dan Wilson stated that this ordinance will formally adopt the following pension plans:

- a. City of Grand Junction "Old Hire" Police Officers Rank Escalation Pension Plan;
- b. City of Grand Junction "Old Hire" Firefighters Rank Escalation Pension Plan;
- c. City of Grand Junction's Executive Retirement Plan;
- d. Section 457 Deferred Compensation Plan;
- e. City of Grand Junction, Colorado Employees Retirement Plan.

A hearing will be held on this item on April 1, 1992.

Councilman McCurry has some benefits occurring from the "Old Hire" Firefighter Rank Escalation. Mr Wilson recommended that Councilman McCurry be allowed to vote regarding this matter because his interest is the same as all others.

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

CITY COUNCIL GOAL SETTING SESSION AND RETREAT

Upon motion by Councilman Bessinger, seconded by Councilman Theobold and carried, the City Council goal-setting session and retreat was scheduled for April 23, 24 and 25, 1992. The location of the retreat will be determined at a later date.

ADJOURN TO EXECUTIVE SESSION

The President adjourned the meeting to Executive Session to discuss pension plan litigation.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk