

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

APRIL 15, 1992

The City Council of the City of Grand Junction, Colorado, convened in regular session the 15th day of April, 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 Acting City Clerk Teddy Martinez.

Council President Shepherd called the meeting to order and Councilman Bessinger led in the Pledge of Allegiance. The audience remained standing during the invocation by Pastor James Pierce, Vineyards Christian Fellowship Church.

PROCLAMATION DECLARING APRIL 21, 1992, AS "MESA STATE COLLEGE FOUNDERS DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE WEEK OF APRIL 26 THROUGH MAY 3, 1992, AS "DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 28, 1992, AS "NATIONAL YOUTH SERVICE DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE WEEK OF MAY 4, 1992, AS "NATIONAL NURSES WEEK 1992" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE MONTH OF APRIL, 1992, AS "CHILD ABUSE PREVENTION MONTH" IN THE CITY OF GRAND JUNCTION

MR. RON BIORN INTRODUCES FACT (FRIENDS ASSISTING COMRADES IN TROUBLE)

Mr. Ron Biorn, Rifle, Colorado, presented City Council with literature regarding the FACT (Friends Assisting Comrades in Trouble) organization. The organization offers transportation to the inebriated rather than allowing them to drive drunk on Colorado highways. Mr. Biorn emphasized that the organization does not condone drinking, it merely offers a ride as an alternative to driving while under the influence. There are membership fees and punch card charges. The organization has received support from other Colorado communities. Mr. Biorn requested support from the City of Grand Junction.

* * * CONSENT CALENDAR * * *

Upon motion by Councilman Nelson, seconded by Councilman McCurry and carried by roll call vote, the following Consent Items 1 through 3 were approved:

1. Approve minutes of the Regular Meeting April 1, 1992
2. *Resolution No. 36-92 - Alley Improvement District 1991, Phase A (See next page.)

The proposed resolution will report the completion of Alley Improvement District 1991, Phase A, approve and accept the improvements connected therewith, specify the assessable cost of the improvements, the share of the cost proposed to be apportioned to the lands within the District, and give Notice of a hearing. This improvement district was created for construction or reconstruction of the following four alleys:

1. East/West alley from 5th Street to 6th Street between Chipeta Avenue and Ouray Avenue;
2. East/West and North/South cross alley from 7th Street to 8th Street and from Grand Avenue to Ouray Avenue;
3. East/West alley from 14th Street to 15th Street between Grand Avenue and Ouray Avenue;
4. "L" shaped alley from 7th Street to Cannell Avenue between Texas Avenue and Elm Avenue.

3. *Resolution No. 37-92 - Alley Improvement District 1991, Phase B (See next page.)

The proposed resolution will report the completion of Alley Improvement District 1991, Phase B, approve and accept the improvements connected therewith, specify the assessable cost of the improvements, the share of the cost proposed to be apportioned to the lands within the District, and give Notice of a hearing. This improvement district was for construction of the East/West alley from 13th Street to 14th Street between Grand Avenue and Ouray Avenue.

* * * END CONSENT CALENDAR * * *

AWARD CONTRACT FOR SOLE-SOURCE PURCHASE OF CONVAULT ABOVEGROUND FUEL STORAGE VAULTS - CARDER CONCRETE PRODUCTS, ARVADA, COLORADO - FIRST PURCHASE FOR ORCHARD MESA CEMETERY - \$11,359.00

Purchasing Department is requesting sole source designation for the CONVAULT Aboveground Fuel Storage Vaults. All underground fuel storage tanks of 2,000 gallons or less will be replaced with the aboveground CONVAULT self-contained fuel storage vaults. Recommendation supported by City Fire Chief and Environmental Specialist. The first purchase requested immediately for Orchard Mesa Cemetery at a cost of \$11,359.00. Future sites are Tiara Rado and Fire Stations 3 and 4.

RESOLUTION NO. 36-92

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Alley Improvement District No. ST-91, Phase A; and

WHEREAS, the City Council has caused to be prepared a statement showing the assessable cost of the improvements of Alley Improvement District No. ST-91, Phase A, and apportioning the same upon each lot or tract of land to be assessed for the same.

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

1. That the improvements connected therewith in said District be, and the same are hereby, approved and accepted; that said statement be, and the same is hereby, approved and accepted as the statement of the assessable cost of the improvements of said Alley Improvement District No. ST-91, Phase A;

2. That the same be apportioned on each lot or tract of land to be assessed for the same;

3. That the City Clerk shall immediately advertise for three (3) days in the Daily Sentinel, a newspaper of general circulation published in said City, a Notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, which Notice shall be in substantially the form set forth in the attached 'NOTICE, that said improvements have been completed and accepted, specifying the assessable cost of the improvements and the share so apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice; that any objections may be heard and determined by the City Council at its first regular meeting after said thirty (30) days and before the passage of the ordinance assessing the cost of the improvements, all being in accordance with the terms and provisions of Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

NOTICE

NOTICE IS HEREBY GIVEN to the owners of the real estate hereinafter described, said real estate comprising the district of lands known as Improvement District No. ST-91, Phase A, and to all persons interested therein as follows:

That the improvements in and for said District, which are authorized by and in accordance with the terms and provisions of a resolution passed and adopted on the 6th day of March, 1991, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local alley improvement district to be known as Improvement District No. ST-91, Phase A, with the terms and provisions of a resolution passed and adopted on the

17th day of April, 1991 creating and establishing said District, all being in accordance with the terms and provisions of Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended, have been completed and have been accepted by the City Council of the City of Grand Junction, Colorado;

That the whole cost of the improvements has been definitely ascertained and is in the sum of \$146,158.85, and the whole cost of the improvements to be assessed has been definitely ascertained and is in the sum of \$43,962.56, said amount including six percent (6%) for cost of collection and other incidentals; that the part apportioned to and upon each lot or tract of land within said District and assessable for said improvements is hereinafter set forth; that payment may be made to the Finance Director of the City of Grand Junction at any time within thirty (30) days after the final publication of the assessing ordinance assessing the real estate in said District for the cost of said improvements, and that the owner(s) so paying should be entitled to an allowance of six percent (6%) for cost of collection and other incidentals;

That any complaints or objections that may be made in writing by the said owner or owners of land within the said District and assessable for said improvements, or by any person interested, may be made to the City Council and filed in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice will be heard and determined by the said City Council at its first regular meeting after said mentioned date and before the passage of any ordinance assessing the cost of said improvements against the real estate in said District, and against said owners respectively as by law provided;

That the sum of \$43,962.56 for improvements is to be apportioned against the real estate in said District and against the owners respectively as by law provided in the following proportions and amounts severally as follows, to wit:

"L" ALLEY TEXAS AVENUE TO ELM AVENUE WEST OF CANNELL STREET:

TAX SCHEDULE NO.: 2945-114-13-001 LEGAL DESCRIPTION: NORTH 50 FT. LOT 29, NELMS SUBDIVISION, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$636.00

TAX SCHEDULE NO.: 2945-114-13-002 LEGAL DESCRIPTION: NORTH 74.5 FT. OF S 126.5 FT. LOT 29, NELMS SUBDIVISION, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$473.82

TAX SCHEDULE NO.: 2945-114-13-003 LEGAL DESCRIPTION: SOUTH 52 FT. OF LOT 29, NELMS SUBDIVISION, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$661.44

TAX SCHEDULE NO.: 2945-114-13-004 LEGAL DESCRIPTION: LOTS 27 AND 28, NELMS SUBDIVISION, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$1,990.68

TAX SCHEDULE NO.: 2945-114-13-005 LEGAL DESCRIPTION: LOT 26, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION EXCEPT THE SOUTH 25 FT. OF THE
EAST 20 FT.

ASSESSMENT . . . \$188.89

;ELLIPSIS; LEGAL DESCRIPTION: SOUTH 25 FT. OF EAST 20 FEET LOT 26
NELMS SUBDIVISION, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$254.40

TAX SCHEDULE NO.: 2945-114-13-006 LEGAL DESCRIPTION: LOT 25, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$632.18

TAX SCHEDULE NO.: 2945-114-13-007 LEGAL DESCRIPTION: LOT 24, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$316.09

TAX SCHEDULE NO.: 2945-114-13-008 LEGAL DESCRIPTION: LOT 23, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$316.09

TAX SCHEDULE NO.: 2945-114-13-009 LEGAL DESCRIPTION: LOT 22, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$316.09

TAX SCHEDULE NO.: 2945-114-13-010 LEGAL DESCRIPTION: LOT 21, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$316.09

TAX SCHEDULE NO.: 2945-114-13-011 LEGAL DESCRIPTION: LOT 20, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$308.46

TAX SCHEDULE NO.: 2945-114-13-012 LEGAL DESCRIPTION: LOT 19, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$308.46

TAX SCHEDULE NO.: 2945-114-13-013 LEGAL DESCRIPTION: LOT 18, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$308.46

TAX SCHEDULE NO.: 2945-114-13-014 LEGAL DESCRIPTION: LOT 17, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$308.46

TAX SCHEDULE NO.: 2945-114-13-015 LEGAL DESCRIPTION: LOT 16, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$308.46

TAX SCHEDULE NO.: 2945-114-13-016 LEGAL DESCRIPTION: LOT 15, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$308.46

TAX SCHEDULE NO.: 2945-114-13-017 LEGAL DESCRIPTION: LOT 14, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$308.46

TAX SCHEDULE NO.: 2945-114-13-018 LEGAL DESCRIPTION: LOT 13, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION
ASSESSMENT . . . \$308.46

TAX SCHEDULE NO.: 2945-114-13-019 LEGAL DESCRIPTION: LOT 12, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$308.46

TAX SCHEDULE NO.: 2945-114-13-020 LEGAL DESCRIPTION: LOT 11, NELMS
SUBDIVISION, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$308.46

TAX SCHEDULE NO.: 2945-114-13-021 LEGAL DESCRIPTION: E 39 FT. OF W
80 FT. LOT 13, ELM AVENUE SUBDIVISION, CITY OF GRAND JUNCTION,
EXCEPT S 4 FT.
ASSESSMENT . . . \$248.04

TAX SCHEDULE NO.: 2945-114-13-022 LEGAL DESCRIPTION: W 41 FT. OF
LOT 13, ELM AVENUE SUBDIVISION, CITY OF GRAND JUNCTION, EXCEPT S 4
FT.
ASSESSMENT . . . \$260.76

TAX SCHEDULE NO.: 2945-114-13-023 LEGAL DESCRIPTION: E 65 FT. OF
LOT 12, ELM AVENUE SUBDIVISION, CITY OF GRAND JUNCTION, EXCEPT S 4
FT
ASSESSMENT . . . \$413.40

TAX SCHEDULE NO.: 2945-114-13-024 LEGAL DESCRIPTION: E 47.5 FT. OF
LOT 11 AND W 20 FT. LOT 12, ELM AVENUE SUBDIVISION, CITY OF GRAND
JUNCTION, EXCEPT S 4 FT.
ASSESSMENT . . . \$365.70

TAX SCHEDULE NO.: 2945-114-13-025 LEGAL DESCRIPTION: E 30 FT. OF
LOT 10 AND W 27.5 FT. LOT 11, ELM AVENUE SUBDIVISION, CITY OF
GRAND JUNCTION, EXCEPT S 4 FT.
ASSESSMENT . . . \$365.70

TAX SCHEDULE NO.: 2945-114-13-026 LEGAL DESCRIPTION: E 15 FT. OF
LOT 9 AND W 45 OF LOT 10, ELM AVENUE SUBDIVISION, CITY OF GRAND
JUNCTION, EXCEPT S 4 FT.
ASSESSMENT . . . \$381.60

TAX SCHEDULE NO.: 2945-114-13-027 LEGAL DESCRIPTION: W 60 FT. OF
LOT 9, ELM AVENUE SUBDIVISION, CITY OF GRAND JUNCTION, EXCEPT S 4
FT
ASSESSMENT . . . \$381.60

TAX SCHEDULE NO.: 2945-114-13-028 LEGAL DESCRIPTION: LOT 8, ELM
AVENUE SUBDIVISION, CITY OF GRAND JUNCTION, EXCEPT S 4 FT.

ASSESSMENT . . . \$477.00

TAX SCHEDULE NO.: 2945-114-13-029 LEGAL DESCRIPTION: LOT 7, ELM AVENUE SUBDIVISION, CITY OF GRAND JUNCTION, EXCEPT S 4 FT.
ASSESSMENT . . . \$477.00

TAX SCHEDULE NO.: 2945-114-13-030 LEGAL DESCRIPTION: LOT 6, ELM AVENUE SUBDIVISION, CITY OF GRAND JUNCTION, EXCEPT S 4 FT.
ASSESSMENT . . . \$477.00

TAX SCHEDULE NO.: 2945-114-13-031 LEGAL DESCRIPTION: E 50 FT. OF LOT 5 ELM AVENUE SUBDIVISION, CITY OF GRAND JUNCTION, EXCEPT S 4 FT.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-114-13-032 LEGAL DESCRIPTION: E 25 FT. OF LOT 4 AND W 25 FT. OF LOT 5 ELM AVENUE SUBDIVISION, CITY OF GRAND JUNCTION, EXCEPT S 4 FT.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-114-13-033 LEGAL DESCRIPTION: W 50 FT. OF LOT 4 ELM AVENUE SUBDIVISION EXCEPT S 4 FT.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-114-13-034 LEGAL DESCRIPTION: LOT 3 ELM AVENUE SUBDIVISION, CITY OF GRAND JUNCTION, EXCEPT S 4 FT.
ASSESSMENT . . . \$477.00

TAX SCHEDULE NO.: 2945-114-13-035 LEGAL DESCRIPTION: LOT 2 ELM AVENUE SUBDIVISION, CITY OF GRAND JUNCTION, EXCEPT S 4 FT.
ASSESSMENT . . . \$370.15

ALLEY 5TH STREET TO 6TH STREET, CHIPETA AVENUE TO OURAY AVENUE

TAX SCHEDULE NO.: 2945-142-32-001 LEGAL DESCRIPTION: N 75 FT. 6 IN OF LOTS 1 AND 2, BLOCK 60, CITY OF GRAND JUNCTION AND BEGINNING 35 FT. S OF NW COR LOT 3, BLOCK 60, THENCE E 5.5 FT, S 78 FT, E 32 FT, S 12 FT. TO ALLEY, W 28 FT, N 11 FT. 3 IN, W 7 FT. 6 IN, N 38 FT. 31 IN, W 2 FT, N 40 FT. 6 IN TO BEGINNING.
ASSESSMENT . . . \$356.16

TAX SCHEDULE NO.: 2945-142-32-002 LEGAL DESCRIPTION: BEG SW COR LOT 4, BLOCK 60, CITY OF GRAND JUNCTION, THENCE N 49 FT. 6 IN, E 52 FT, S 38 FT. 3 IN, E 7 FT. 6 IN, S TO ALLEY, W TO BEGINNING.
ASSESSMENT . . . \$378.42

TAX SCHEDULE NO.: 2945-142-32-003 LEGAL DESCRIPTION: BEG NE COR LOT 4, BLOCK 60, CITY OF GRAND JUNCTION, W 50 FT, S 35 FT, E 5.5 FT, S 78 FT, E 32 FT, S 12 FT. TO ALLEY, E TO SE COR LOT 4, N TO BEGINNING.
ASSESSMENT . . . \$159.00

TAX SCHEDULE NO.: 2945-142-32-004 LEGAL DESCRIPTION: LOT 5 AND 6, AND W 19 FT. LOT 7, BLOCK 60, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$438.84

TAX SCHEDULE NO.: 2945-142-32-005 LEGAL DESCRIPTION: E 6 FT. OF LOT 7 AND ALL OF LOT 8 AND W 5 FT. LOT 9, BLOCK 60, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$228.96

TAX SCHEDULE NO.: 2945-142-32-016 LEGAL DESCRIPTION: LOTS 29 AND 30, BLOCK 60, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$636.00

TAX SCHEDULE NO.: 2945-142-32-017 LEGAL DESCRIPTION: LOTS 31 AND 32, BLOCK 60, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$636.00

TAX SCHEDULE NO.: 2945-142-32-019 LEGAL DESCRIPTION: LOTS 23 THROUGH 28 INCLUSIVE, BLOCK 60, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$3,577.50

TAX SCHEDULE NO.: 2945-142-32-020 LEGAL DESCRIPTION: LOTS 21 AND 22, BLOCK 60, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$1,192.50

TAX SCHEDULE NO.: 2945-142-32-930 LEGAL DESCRIPTION: EAST 3/4 OF LOT 11 AND ALL LOTS 12 THROUGH 14, INCLUSIVE, BLOCK 60, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$2,235.94

TAX SCHEDULE NO.: 2945-142-32-932 LEGAL DESCRIPTION: EAST 20 FEET LOT 9 AND ALL OF LOT 10 AND WEST 1/4 LOT 11, BLOCK 60, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$1,222.32

TAX SCHEDULE NO.: 2945-142-32-941 LEGAL DESCRIPTION: LOTS 17 THROUGH 20, INCLUSIVE, BLOCK 60, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$2,385.00

TAX SCHEDULE NO.: 2945-142-32-948 LEGAL DESCRIPTION: LOTS 15 AND 16, BLOCK 60, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$1,192.50

"CROSS" ALLEY 7TH STREET TO 8TH STREET, GRAND AVENUE TO OURAY AVENUE

TAX SCHEDULE NO.: 2945-141-38-001 LEGAL DESCRIPTION: N HALF OF LOT 9 AND ALL OF LOTS 10 AND 11, BLOCK 71, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$795.00

TAX SCHEDULE NO.: 2945-141-38-002 LEGAL DESCRIPTION: LOTS 7 AND 8 AND S HALF OF LOT 9, BLOCK 71, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$890.40

TAX SCHEDULE NO.: 2945-141-38-004 LEGAL DESCRIPTION: E 6 FEET OF LOT 13 AND ALL OF LOT 14, BLOCK 71, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$197.16

TAX SCHEDULE NO.: 2945-141-38-005 LEGAL DESCRIPTION: LOTS 15, 16
AND W 18 FEET OF LOT 17, BLOCK 71, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$432.48

TAX SCHEDULE NO.: 2945-141-38-007 LEGAL DESCRIPTION: BEG SE COR
LOT 20, BLOCK 71, CITY OF GRAND JUNCTION, THENCE W 82.7 FEET,
NORTH 45.1, EAST 82.7 FEET, SOUTH TO POB.
ASSESSMENT . . . \$1,043.04

TAX SCHEDULE NO.: 2945-141-38-008 LEGAL DESCRIPTION: LOTS 27, 28
AND 29, BLOCK 71, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$1,908.00

TAX SCHEDULE NO.: 2945-141-38-009 LEGAL DESCRIPTION: LOTS 25 AND
26, BLOCK 71, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$636.00

TAX SCHEDULE NO.: 2945-141-38-010 LEGAL DESCRIPTION: LOTS 23 AND
24, BLOCK 71, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-141-38-011 LEGAL DESCRIPTION: LOTS 21 AND
22, BLOCK 71, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$636.00

TAX SCHEDULE NO.: 2945-141-38-951 LEGAL DESCRIPTION: LOTS 1
THROUGH 6, BLOCK 71, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$3,498.00

ALLEY 14TH STREET TO 15TH STREET, GRAND AVENUE TO OURAY AVENUE

TAX SCHEDULE NO.: 2945-132-20-001 LEGAL DESCRIPTION: LOTS 1 & 2,
BLOCK 4, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-20-002 LEGAL DESCRIPTION: LOTS 3 & 4,
BLOCK 4, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-20-003 LEGAL DESCRIPTION: LOTS 5 & 6,
BLOCK 4, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-20-004 LEGAL DESCRIPTION: LOTS 7 & 8,
BLOCK 4, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-20-005 LEGAL DESCRIPTION: LOTS 9 & 10 &
W HALF OF LOT 11, BLOCK 4, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$397.50

TAX SCHEDULE NO.: 2945-132-20-006 LEGAL DESCRIPTION: EAST HALF LOT

11 AND ALL OF LOTS 12 & 13, BLOCK 4, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$397.50

TAX SCHEDULE NO.: 2945-132-20-007 LEGAL DESCRIPTION: LOT 14 AND E HALF LOT 15, BLOCK 4, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$238.50

TAX SCHEDULE NO.: 2945-132-20-008 LEGAL DESCRIPTION: W HALF LOT 15 AND ALL OF LOT 16, BLOCK 4, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$238.50

TAX SCHEDULE NO.: 2945-132-20-009 LEGAL DESCRIPTION: LOTS 17 AND 18, BLOCK 4, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-20-010 LEGAL DESCRIPTION: LOTS 19 AND 20, BLOCK 4, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-20-011 LEGAL DESCRIPTION: LOTS 21 AND 22, BLOCK 4, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-20-012 LEGAL DESCRIPTION: LOTS 23 AND 24, BLOCK 4, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-20-013 LEGAL DESCRIPTION: LOTS 25 AND 26, BLOCK 4, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$318.00

Dated at Grand Junction, Colorado, this 15th day of April, 1992.

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

By: Theresa F. Martinez

City Clerk

PASSED and ADOPTED this 15th day of April, 1992.

Attest:

NAME

President of the Council

Theresa F. Martinez

Acting City Clerk

RESOLUTION NO. 37-92

WHEREAS, the City Council of the City of Grand Junction, Colorado, has reported the completion of Alley Improvement District No. ST-91, Phase B; and

WHEREAS, the City Council has caused to be prepared a statement showing the assessable cost of the improvements of Alley Improvement District No. ST-91, Phase B, and apportioning the same upon each lot or tract of land to be assessed for the same.

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

1. That the improvements connected therewith in said District be, and the same are hereby, approved and accepted; that said statement be, and the same is hereby, approved and accepted as the statement of the assessable cost of the improvements of said Alley Improvement District No. ST-91, Phase B;

2. That the same be apportioned on each lot or tract of land to be assessed for the same;

3. That the City Clerk shall immediately advertise for three (3) days in the Daily Sentinel, a newspaper of general circulation published in said City, a Notice to the owners of the real estate to be assessed, and all persons interested generally without naming such owner or owners, which Notice shall be in substantially the form set forth in the attached "NOTICE", that said improvements have been completed and accepted, specifying the assessable cost of the improvements and the share so apportioned to each lot or tract of land; that any complaints or objections that may be made in writing by such owners or persons shall be made to the Council and filed with the City Clerk within thirty (30) days from the first publication of said Notice; that any objections may be heard and determined by the City Council at its first regular meeting after said thirty (30) days and before the passage of the ordinance assessing the cost of the improvements, all being in accordance with the terms and provisions of Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended.

NOTICE

NOTICE IS HEREBY GIVEN to the owners of the real estate hereinafter described, said real estate comprising the district of lands known as Improvement District No. ST-91, Phase B, and to all persons interested therein as follows:

That the improvements in and for said District, which are authorized by and in accordance with the terms and provisions of a resolution passed and adopted on the 5th day of June, 1991, declaring the intention of the City Council of the City of Grand Junction, Colorado, to create a local alley improvement district to be known as Improvement District No. ST-91, Phase B, with the terms and provisions of a resolution passed and adopted on the

17th day of July, 1991 creating and establishing said District, all being in accordance with the terms and provisions of Chapter 18 of the Code of Ordinances of the City of Grand Junction, Colorado, being Ordinance No. 178, as amended, have been completed and have been accepted by the City Council of the City of Grand Junction, Colorado;

That the whole cost of the improvements has been definitely ascertained and is in the sum of \$22,392.21, and the whole cost of the improvements to be assessed has been definitely ascertained and is in the sum of \$5,088.00, said amount including six percent (6%) for cost of collection and other incidentals; that the part apportioned to and upon each lot or tract of land within said District and assessable for said improvements is hereinafter set forth; that payment may be made to the Finance Director of the City of Grand Junction at any time within thirty (30) days after the final publication of the assessing ordinance assessing the real estate in said District for the cost of said improvements ,and that the owner(s) so paying should be entitled to an allowance of six percent (6%) for cost of collection and other incidentals;

That any complaints or objections that may be made in writing by the said owner or owners of land within the said District and assessable for said improvements, or by any person interested, may be made to the City Council and file in the office of the City Clerk of said City within thirty (30) days from the first publication of this Notice will be heard and determined by the said City Council at its first regular meeting after said mentioned date and before the passage of any ordinance assessing the cost of said improvements against the real estate in said District, and against said owners respectively as by law provided;

That the sum of \$5,088.00 for improvements is to be apportioned against the real estate in said District and against the owners respectively as by law provided in the following proportions and amounts severally as follows, to wit:

EAST/WEST ALLEY 13TH STREET TO 14TH STREET, GRAND AVENUE TO OURAY AVENUE

TAX SCHEDULE NO.: 2945-132-21-001 LEGAL DESCRIPTION: LOTS 1 AND 2, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-002 LEGAL DESCRIPTION: LOTS 3 AND 4, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-003 LEGAL DESCRIPTION: LOTS 5 AND 6, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.
ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-004 LEGAL DESCRIPTION: LOTS 7 AND 8,

BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-005 LEGAL DESCRIPTION: LOTS 9 AND 10, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-006 LEGAL DESCRIPTION: LOTS 11 AND 12, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-007 LEGAL DESCRIPTION: LOTS 13 AND 14, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-008 LEGAL DESCRIPTION: LOTS 15 AND 16, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-009 LEGAL DESCRIPTION: LOTS 31 AND 32, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-010 LEGAL DESCRIPTION: LOTS 29 AND 30, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-011 LEGAL DESCRIPTION: LOTS 27 AND 28, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-012 LEGAL DESCRIPTION: LOTS 25 AND 26, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-013 LEGAL DESCRIPTION: LOTS 23 AND 24, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-014 LEGAL DESCRIPTION: LOTS 21 AND 22, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-015 LEGAL DESCRIPTION: LOTS 19 AND 20, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$318.00

TAX SCHEDULE NO.: 2945-132-21-016 LEGAL DESCRIPTION: LOTS 17 AND 18, BLOCK 5, DUNDEE PLACE, CITY OF GRAND JUNCTION.

ASSESSMENT . . . \$318.00

Dated at Grand Junction, Colorado, this 15th day of April, 1992.

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

By: Theresa F. Martinez

Acting City Clerk

PASSED and ADOPTED this 15th day of April, 1992.

Attest:

NAME

President of the Council

Theresa F. Martinez

Acting City Clerk

Grand Junction Fire Department Environmental Specialist Drew Reekie was present to answer questions of Councilman Baughman. He explained that the most efficient and well-built tanks are provided by Carder Concrete Products in that the system is the only system that has a vapor recovery system built into the tank. It has a 7 gallon overspill protection feature. It is a 6" monolithical core poly membrane wrap, double walled tank. It is a single unit. There is no underground piping, no pump. The pump is mounted on top of the tanks. It meets all the criteria in the Uniform Fire Code 1991 for secondary containment. It is the top of the technology in its field.

Upon motion by Councilman Baughman, seconded by Councilman Bessinger and carried, the sole-source purchase of CONVAULT Aboveground Fuel Storage Vaults for Orchard Mesa Cemetery in the amount of \$11,359.00 was approved.

PUBLIC HEARING - APPLICATION BY THE GRAND JUNCTION AREA CHAMBER OF COMMERCE FOR TWO MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMITS TO BE HELD ON MAY 15, 1992 AND JUNE 12, 1992, AT THE WALKER FIELD AIRPORT TOWER BUILDING RAMP FOR FULL MOON RAMP DANCES

A hearing was held after proper notice on the application by the Grand Junction Area chamber of Commerce for two Malt, Vinous and Spirituous Liquor Special Events permits to be held on Friday, May 15, 1992, from 6:00 p.m. to 12:00 a.m., and on Friday, June 12, 1992, from 6:00 p.m. to 12:00 a.m., at the Walker Field Airport Tower Building Ramp, for Full Moon Ramp Dances. Jan Matticks, Event Manager for the organization, was present. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Bennett, seconded by Councilman Nelson and carried, the application was approved.

RESOLUTION NO. 38-92 EXPRESSING SUPPORT OF GRAND VALLEY AIR QUALITY PLANNING COMMITTEE (GVAQPC) AND NAMING A CITY REPRESENTATIVE - COUNCILMAN JIM BAUGHMAN NAMED CITY'S REPRESENTATIVE

Upon motion by Councilman Theobald, seconded by Councilman McCurry and carried by roll call vote, Resolution No. 38-92 was passed and adopted (see next page).

CONSIDERATION OF PURDY MESA LIVESTOCK COMPANY PROPOSAL FOR THE CITY TO CONSTRUCT WATER TREATMENT PLANT

Utilities Director Greg Trainor stated that on April 1, 1992, the Purdy Mesa Livestock Water Company and the Reeder Mesa Livestock Water Company presented a proposal to the City of Grand Junction for the purpose of resolving long standing problems concerning water treatment on Kannah Creek. Their proposal to the City was as follows: The companies would provide \$101,400 toward the construction of a water treatment plant on Kannah Creek. In exchange for that, the City of Grand Junction would construct a transmission line from the Purdy Mesa Livestock Water company system to the Reeder Mesa Livestock Water Company system. The City would charge customers at two times the in-City rate, as the rates stood February 1, 1992. All raises in water rates to City customers would be charged on a dollar basis to the Reeder Mesa and Purdy Mesa Livestock Water Company customers. The City would agree that all water taps not in use at the time the plant was constructed, would be allowed to tap onto the system for \$1,000, and that the City would agree not to sell or put into operation any additional water taps until the taps that were not in use, and held by individuals within these companies, has an opportunity to sell those taps. An alternative was discussed at the Monday, April 13 Council workshop held at Two Rivers Plaza. Mr. Bud Bradbury, representative for Purdy Mesa Livestock Water Company, stated that no action had been taken by the company's members in response to the April 13 workshop discussions.

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried, the City of Grand Junction was authorized to lease a 5.51 acre site on Kannah Creek to Purdy Mesa Livestock Water Company for the construction of a water treatment plant, that the Purdy Mesa Livestock Water Company be allowed to commence with building its own plant, and that the plant meet State and Federal standards as may be applicable (the Clean Drinking Water Act), and wished them well in the operation.

ORDINANCE NO. 2569 - AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, THE RIDGES ANNEXATION NO. 1, 2, AND 3, 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

Community Development Planner Karl Metzner reviewed this item. He stated that the annexation is comprised of approximately three square miles. It contains 843 parcels of land. Of this area, the Ridges Metropolitan District consists of 946 acres and 820 parcels. The owners of one additional parcel of 330 acres have

also signed the petition. The total area petitioned is 1276 acres with 921 parcels. The area included in the annexation which has not signed the petition consists of 644 acres containing 22 parcels.

Councilman Baughman stated that when this annexation was proposed on first reading, Council left the impression with all property owners that had not signed the annexation petition in the majority area, that at the time of annexation the Council will consider de-annexing anyone that had not signed the petition. Councilman Baughman responded that Council had voted to consider de-annexing them after they had been annexed, which would be a separate action to be initiated. Councilman Baughman clarified that Council would vote on it, according to Councilman Bennett's motion at the April 1, 1992, Council meeting.

RESOLUTION NO. 38-92

WHEREAS, the Grand Valley airshed is subject to frequent and intense poor air quality episodes during the winter months, potentially exceeding federal air quality standards, and

WHEREAS, Grand Valley residents have expressed concern about limited visibility and increased respiratory problems as a result of air quality problems, and

WHEREAS, future residential, commercial, and industrial growth within the Grand Valley has the potential to exacerbate the current problem, and

WHEREAS, Grand Valley residents, who are most directly affected by the problem, have a strong interest in developing strategies to protect and preserve air quality values, and

WHEREAS, the Mesa County Board of Health has proposed creation of a broad-based Grand Valley Air Quality Planning Committee (GVAQPC), and is actively seeking participation by representatives of all local governments, businesses, the health care community, educators, and other interested parties,

WHEREAS, the purpose of the GVAQPC is:

- to provide a forum to discuss and evaluate air quality impacts, processes, and planning in the Grand Valley airshed;
- to act as the lead air quality planning agency for this area;
- to make air quality protection recommendations to local elected officials.

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

1. The City of Grand Junction supports the creation of the Grand

Valley Air Quality Planning Committee, and

2. The City of Grand Junction hereby appoints Jim Baughman as its representative to the Committee.

PASSED and ADOPTED this 15th day of April, 1992.

Attest:

NAME

President of the Council

Theresa F. Martinez

Acting City Clerk

The following persons spoke in opposition of the annexation:

Ms. Tery Dixon, 423 Wildwood Drive, stated that on April 3, 1992, she left a questionnaire with City Council. She had asked council to answer those questions and return it to their administrative offices. Councilman Nelson returned his questionnaire. Ms. Dixon polled the remaining Councilmembers asking if they would cooperate by answering the questionnaire no later than April 22, 1992. She was hesitant to leave this meeting without securing some assurance from City Council other than "We will discuss this at another Council meeting, Ms. Dixon, regarding the de-annexation of those who did not sign the petition" that she will be allowed the opportunity to petition for de-annexation. If she waits and trusts Council to de-annex her property, or allow her and others to re-petition Council, even though they did not petition Council to begin with, she was not comfortable in Council granting her that because Council is so pro-growth. She does not want to take legal action regarding this matter.

Ms. Ila Mae Keithley, 2211 Broadway, filed a petition signed by landowners on the Redlands who are opposed to annexation to the City of Grand Junction. She stated that these landowners are stringently objecting to the manner of annexation.

Mrs. Betty Jarvis, 2491 S. Broadway, stated that before the City annexes her area, she wished to file a petition opposing possible future annexation of her property.

Mr. Joe Martinez, 432 Wildwood Drive, owns property located between Tiara Rado Golf Course and Tery Dixon. He was opposed to future annexation of his property.

Mr. Bruce Isaacson, 429 S. Camp Road, stated that there are 974 acres of property outside the Ridges Metropolitan District as compared to 946 acres within the area. According to the 8 criteria that was made a part of the ordinance was one item that states the determination of whether the territory is urban or will be

urbanized in the near future. He suggested that the blue area on the plat is not urban, and he saw no indication of any evidence that it is going to be urbanized. He stated that he is opposed to annexation.

Ms. Gail Fogg, 2457 Broadway, filed a petition from her neighborhood in opposition to this annexation. She stated that additional signatures from residents in the Panorama and Redlands Village area on the Redlands will be submitted on April 16, 1992.

Mr. Udell Williams, 449 E. Scenic Drive, stated his opposition to future annexation of his property. He has signed a petition opposing annexation.

Mr. Dave Fletcher, 2220 Rimrock Drive, Monument Valley, developer for Monument Valley Subdivision, felt that at this time annexation of this area is very premature.

Councilman Baughman requested assurance from Council that the property owners in the majority annexation that did not sign the petition for annexation, that a vote will be taken by Council regarding those properties after the annexation is completed. Council restated that Councilman Bennett's motion from the April 1, 1992, meeting stands.

Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried by roll call vote with Councilman BAUGHMAN voting NO, Ordinance No. 2569 was passed and adopted.

Councilman Baughman moved that Council go on record as the Council of the City of Grand Junction to guarantee a vote of the non-signators of the majority area of the Ridges Annexation. Motion lost for lack of a second.

President of the Council Shepherd read the following excerpt from the April 1, 1992, City Council minutes quoting Councilman Bennett's motion: "I would move that we go ahead with the annexation, but also immediately upon annexation, Staff is to start de-annexing all properties that did not sign the petition, that did not sign petitions and request annexation to the City."

It was ruled by President of the Council Shepherd that the motion by Councilman Bennett stands from the April 1, 1992, City Council meeting, and that no additional motion is required.

ORDINANCE NO. 2570 - AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, AMENDING AND CORRECTING THE LEGAL DESCRIPTION FOR WILSON RANCH ANNEXATIONS NO. 1, 2, AND 3, WHICH SHALL BE ACCOMPLISHED IN A SERIES, APPROXIMATELY 25.4 ACRES, LOCATED AT 25-1/2 ROAD AND G-3/8 ROAD.

There were no comments. Upon motion by Councilman Bessinger, seconded by Councilman McCurry, and carried by roll call vote with Councilman BAUGHMAN voting NO, Ordinance No. 2570 was passed and

adopted.

ORDINANCE NO. 2571 - AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR 1992

There were no comments. Upon motion by Councilman McCurry, seconded by Councilman Bessinger and carried by roll call vote, Ordinance No. 2571 was passed and adopted as amended.

TEN-MINUTE RECESS

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

EMERGENCY ORDINANCE NO. 2566 - ESTABLISHING A NEW HIRE POLICE MONEY PURCHASE DEFINED CONTRIBUTION PLAN AND A NEW HIRE FIRE MONEY PURCHASE DEFINED CONTRIBUTION PLAN (AS AMENDED)

City Attorney Dan Wilson reviewed the amendments with Council, most of which were typographical.

Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, Council suspended any rule which would disallow the reconsideration of this item for second reading by title only.

Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, the vote on April 1, 1992, on Ordinance No. 2566 was reconsidered.

Councilman Theobold commented that this ordinance is for a long term benefit of the City to have this type of control over pension plans.

Councilman Nelson was concerned that it may appear to outsiders that Council is taking this action because there is pending litigation. He stated that simply is not so.

Councilman Theobold commented that just as the pension plan boards have filed the lawsuit because they feel that they are legally obligated to defend their position, it is equally obligatory on the part of City Council that it make its best defense with the same feeling. The courts will decide, or everyone will get together and settle the matter. He hopes to see it solved amicably before a suit is filed. Council concurred.

Ms. Susan Corle, 200 N. 6th Street, attorney representing the Police and Fire Pension Boards, stated that the amendments to the proposed ordinance still leave much of the same objections by her clients. Ms. Corle stated that a copy of the emergency ordinance was handed to her as she entered the building this evening. She was frankly quite surprised, and found it difficult to understand why an emergency exists tonight that did not exist when this process was first started. Ms. Corle suggested to Council that if this ordinance is passed as an emergency this evening she felt it

could force her clients into a second court action to enjoin its enforcement. She felt it is not an emergency under the terms of the City's Charter.

City Manager Mark Achen stated that he detects a threat substantially different than the tone involved in the discussions he has had with the participants. Ms. Corle stated that she has had discussions with the Board members of the Fire Plan as well. She stated that she has not had an opportunity to contact the participants and discuss this emergency ordinance with all of them. She felt certain she could speak on behalf of the four members who are present tonight, and was quite certain that the Boards will generally still oppose this ordinance, and felt that when they find out what the City has tried to accomplish tonight in terms of an emergency ordinance, they are not going to be very happy.

Mr. Achen responded that this may alter the City's approach to the whole process because before tonight this has not been communicated to him.

Ms. Corle stated that this ordinance will be effective tonight meaning that with the next paycheck the City makes its next deposit to some unknown trustee. Mr. Achen stated that it will go to the same trustee that it goes to at present. Ms. Corle stated that she does not know where the funds are deposited as the Ordinance does not state an appointment of a trustee. Mr. Achen believed that if Ms. Corle has told the participants this, he felt that she was certainly misinforming the participants, and actually obstructing negotiations, in his estimation. Mr. Achen stated that he has told the participants before and he will tell them gain that the funds will go to the same trustee as before.

City Attorney Wilson explained that the effect of an emergency ordinance is the timing issue of that only. It does not change at all the Plan and the Ordinance adopting the Plan that has been on first reading for several weeks.

Ms. Corle felt that her clients are being deprived of three very important rights: (1) the opportunity to take time to consider their options; (2) the 30-day period; (3) the possibility of a referendum.

Ms. Corle was happy to hear Mr. Achen go on record and state that deposits will continue to be made to the same custodian. She stated that if this ordinance is passed the City has the option, at its discretion, to change that at its will. The City has represented to her clients that they will remain in control of the investments to the Plan. That is what her clients have communicated to her. But as a lawyer she must inform her clients that they are subject to the City's discretion. She must advise her clients that if the City decides to change that, legally her clients are not going to be in a position to say much about it.

Mr. Achen responded that if there had been an opportunity to provide the City additional time, the positions would have been just reversed. He understood that Ms. Corle and her clients indicated strongly that they did not want to postpone the court date. That, to some extent, effects the whole issue.

Ms. Corle stated she has been waiting for a written proposal from the City, and received it yesterday afternoon (April 14, 1992). City Attorney Wilson explained that the delay has been federal tax issues. It has been unavoidable. The impacts of a win, on their part, of a lawsuit had not been fully appreciated by the City in the sense of tax impacts on the participants. The City has spent a great deal of money on outside pension counsel over the past two weeks. The City now understands the risks and non-risks of the situation more fully.

Councilman Baughman questioned Ms. Corle as to why she has been unwilling to move the court date for filing the lawsuit to allow more time for negotiation. Ms. Corle responded that when checking with the Court Clerk, the earliest next date would be the end of September, 1992. The reaction of her clients was "that is too long." The participants in the plan are uneasy, they want to get this over with, they want it behind them. To delay it until September was unacceptable to them.

Councilman Baughman stated that if Ms. Corle and her clients would be willing to move the court date back he would be willing to not vote for an emergency ordinance, and give more time for negotiation. Ms. Corle stated that she could not make such a representation without consulting her clients, and obviously that was not going to happen tonight.

City Attorney Wilson stated that Council does want to settle. City Manager Mark Achen has authority. The offer that has been made has full Council authority. The City is optimistic that the discussions that have been had in the past have been agreed upon in concept. Both sides have said "we can work with this." The City, in the authority that Council has given the City Manager, has given some things up that have been fairly debatable among Council. Council felt that that was worthwhile. Mr. Wilson requested that Ms. Corle please communicate to her clients the honest desire to try and settle the matter short of litigation. Please communicate that it is not Council's intent that this be a threat, or that it be taken as counter-productive to a settlement. There really is legitimate concern about control, about using Ron Lappi, City Finance Director, who is an expert in investments, to give advice, to be able to better protect the assets. That is the purpose behind this ordinance.

There were no other comments. Upon motion by Councilman Nelson, seconded by Councilman Bessinger and carried by unanimous roll call vote, Ordinance No. 2566 was passed and adopted, as amended, as an emergency ordinance.

PROPOSED ORDINANCE AMENDING SECTION 19-25(2) OF THE CODE OF ORDINANCES REGARDING TRESPASS

Assistant City Attorney John Shaver reviewed this item stating that Section 19-25 of the Code of Ordinances prohibits trespass. Subsection 2 presently requires that persons charged with trespass be afforded notice immediately before they enter or refuse to leave.

The proposed amendment to Subsection 2 establishes a more reasonable and legally appropriate standard requiring only that a person has been afforded some notice that his/her entry or presence is unwelcome or constitutes trespass.

The present text of the ordinance does not adequately address the significant problem of persons who habitually return to premises where they are not welcome or do not belong. The current ordinance obligates the owner or person in charge to advise the trespasser each and every time he/she enters the premises that his or her presence is not welcome. The current ordinance encourages confrontation and requires that premises be continually monitored by the owner or person in charge.

The proposed ordinance clearly defines that notice is required but also defines reasonable legal limits of that notice.

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

HEARING - EL POSO STORM SEWER PROJECT AND APPLICATION BEFORE THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR CDBG GRANT FUNDING - GRANT AMOUNT: \$60,000 - TOTAL COST: \$176,847

A hearing was held after proper notice on the El Poso Storm Sewer Project and application before the Colorado Department of Local Affairs for CDBG Grant funding. Public Works Manager Mark Relph reviewed this item stated that El Poso storm drainage project is a cooperative effort between the City and the Grand Junction Drainage District to seek CDBG funds for constructing drainage improvements in the low and moderate income area known as the El Poso neighborhood. This project is a direct objective of the City's comprehensive South Downtown/Riverside development plan. The Grand Junction Drainage District has committed to paying approximately 1/3 of the cost, the City of Grand Junction will pay 1/3, and hopefully the Department of Local Affairs will pay the other 1/3 of the cost. The CDBG Grant amount is \$60,000.00. The total cost is \$176,847.00. Mr. Relph stated that Council has appropriated the funds for the City's share of the project.

There were no opponents, letters or counterpetitions. Upon motion by Councilman Bennett, seconded by Councilman McCurry and carried, the City Manager was authorized to execute the application before the Colorado Department of Local Affairs for CDBG Grant funding in the amount of \$60,000.00 for the El Poso Storm Sewer Project.

CONSIDERATION OF A LETTER TO MESA COUNTY AND THE ORCHARD MESA SEWER DISTRICT CONCERNING AMENDMENT OF THE 201 SEWER PLANNING AREA

A letter to Mesa County and the Orchard Mesa Sewer District concerning amendment of the 201 Sewer Planning Area was read by President of the Council Shepherd. (full copy in P.R.).

City Manager Mark Achen stated that the City is very mindful of the dilemma that Mesa County feels that it is in, in trying to deal with the problem of Valle Vista, and the cost of their obtaining adequate sewer service, and what appear to be conflicting messages from the Colorado Department of Health about how that might occur, and with the dilemma between the City and Orchard Mesa Sanitation District with regard to their ability to expand. The intent of the letter ought to say that whatever is done, the City must be a part to, if the City is going to be put on to the plant, as much as saying it can or cannot be done. From a Staff perspective, the City is no more desirous than Mesa County to tell Valle Vista that the only solution to their problem is to rebuild their sewer lagoons at a very high cost. The City believes that to bring Valle Vista onto the sewer system, since they are such a great distance outside of the management area now, that would normally drain to Persigo, that the City is potentially taking on a substantial burden for providing sewer service to an area that was not anticipated to be sewerred. The assurances of preventing that to the City, at this point, have seemed modest, if not negligible, and the point of the letter is to say that somehow the City needs to resolve this problem. The City cannot arbitrarily add customers and areas outside of the wastewater drainage plant area without planning for how the City will service all of the area currently within that at its future buildup. The City is in the awkward position of being the one who will bear the burden of responsibility if the plant capacity is insufficient.

City Attorney Wilson stated there are practical solutions from an engineering perspective. The letter is not intended to say that the City does not mean to continue considering those solutions, but it is intended to say that those solutions need to be considered by the other parties. At least one of the solutions does require County consent in order to provide for Orchard Mesa Sanitation District in accepting the effluent from the force main. That consent is as a function of the 1980 agreement.

Regarding the City bearing the burden, Mr. Achen elaborated that as manager of the sewer system, everyone is going to turn to the City at some point if the treatment plant does not have the capacity to handle new growth. The City puts itself back in the same situation the Valley was in during the 1970's when there were explicit threats by federal and state agencies to limit growth in the valley because of the inadequacy of the public health treatment of raw sewage. There is still raw sewage leaking out of the Colorado River bottom. There are still a number of properties in this Valley with raw sewage being discharged. There are no

solutions to those problems even within the 201 boundary. There is obviously potential for considerable additional development in the 201 area, all of which was intended by the Plan for Persigo to drain to Persigo for treatment and public health purposes. If areas are added beyond those boundaries, the demand upon the system is being expanded, and the system was not designed to even handle the original full buildup. It was designed to handle capacity up to a certain point, and then additional investments were going to have to be made. The City needs to work toward finding an answer to assure that the City is not unwittingly putting itself in a spot where at some point we will say "there is not capacity to handle all of the 201 area in Persigo, and there's not the political will nor the taxpayer receptiveness for expanding it." People are going to say to the City, as manager, "Why did you let this happen? We've been in 201, we've owned property in there for years and years. We expected to be able to get sewer when we wanted it. And now you're telling us we can't." Presumably, the City is the one that is going to be assaulted by everyone for dereliction of duty.

City Manager Mark Achen stated that the plant was built to handle 15 million gallons per day. It is currently flowing at approximately 58% of that. The capacity is about the equivalent of 45,000 single-family housing units. Currently, we are using a capacity of approximately 26,000 single-family housing units. The area under consideration of approximately three square miles, at least that Orchard Mesa Sanitation District has proposed, if it was zoned just R-2 by the County, could add a number that is at least half of that capacity available in the system. The County has indicated that it does not intend to do that. We have the same problem inside the 201 as well have outside, that is, what the zoning is today, how will be assure that that's the land use in the future. From experience, once you begin providing urban infrastructure to an area, such as areas where Ute Water has provided water funds, you encourage tremendous pressure on the governing bodies to allow the land uses to increase to provide a higher rate of return to the owners of those lands, whether those owners are really speculators and developers, or whether they are merely families that have tired of an aggregarian way of life, or whose one generation of general people is leaving and the next generation does not desire to be agricultural. The dilemma is trying to balance all of that so that you fulfill whatever commitment there is that Persigo has to the Valley. Mr. Achen stated he did not believe that Persigo is capable of taking all the flow upstream in this Valley. The Colorado Department of Health's position on Valle Vista seems to stand for the proposition that if Clifton Sanitation District 1 and 2 ever had problems with their lagoons, that the Colorado Department of Health would want to force them on Persigo because they don't like lagoons. That would totally blow the capacity of Persigo to handle such growth at all. While these are speculations about the future, the plant was built on a basis of a Plan, and we are arguing that any changes in the Plan should be conscious and willful, and obtain the City's consent as well as the County's and whatever

special districts may be involved.

Mr. Achen continued that the plant can be expanded. A financial analysis has not been done by the City. The availability of federal grants to fund that expansion are, in Mr. Achen's mind, highly questionable at the point when it will be needed. The current plant was built with 75% federal money. He doubted that it would have been built if this Valley had to pay that 75%. At some point development may force the value of the price up sufficiently that it cannot be financed, but it would certainly be a shock to all the sewer customers that are on Persigo now if rates had to be increased by multiples of whole numbers in order to expand the Plant, without expectation of it.

We may have to do that. We ought to be planning for it, and the City's argument is, that by adding additional potential demand on the system, we hasten the day that that will happen, rather than manage it.

Upon motion by Councilman Bessinger, seconded by Councilman Nelson and carried, the subject letter was approved.

COMPLAINT BY MRS. PEARL MOORE ON CHEYENNE DRIVE ON ORCHARD MESA

Councilman Bessinger discussed a complaint lodged by Mrs. Pearl Moore who lives on Cheyenne Drive on Orchard Mesa regarding a "T" box on her irrigation line. The line runs from the head gate across the street. There is a splitter box there, and then down to her property. The splitter box is there to split the water according to the Sale Agreement that went with that property if she sold it. Details were discussed by Council, Public Works Director Jim Shanks, and City Attorney Dan Wilson.

Councilman Bennett suggested that the City take the "T" off and put the pipe back to the box, and consider it finished. City Staff was directed to resolve the situation.

COUNTY COMMISSIONER JIM SPEHAR DISCUSSES A RECENT PROPOSAL BY THE CITY TO USE THE SEWER FUND AS A LOAN FUND TO FINANCE SEWER SERVICE TO INDEPENDENCE VALLEY

County Commissioner Jim Spehar made a presentation to City Council regarding the County's formal request to the City of Grand Junction, as operators of the Persigo Sewer Plant under the current Agreement, to specifically direct its Staff to come up with a proposed long range policy for use of the Sewer fund as a Revolving Loan Fund if Council, as the City's policy makers, see that as an appropriate use of the Fund. (Full copy in P.R.).

Mr. Spehar concurred with much of the previous discussion tonight regarding sewer service for the Valley. He stated that what the County is concerned with is creating long range policy on the run in the context of a specific instance, which may be appropriate in that instance, but sets a precedent, long range, and opens this up

to further questions if they were denied in the future. To add on to the existing system, this issue directly relates to that in that the loan outstanding from that fund is an asset, but it is not cash in hand if the County would ever want to use a portion of that fund to expand the system. That is the policy concern that Mr. Spehar has in creating a loan fund out of the sewer fund.

City Manager Mark Achen agreed with Mr. Spehar's concern. The City's concern is that the County was planning to authorize development with dry line sewers which the City feels places a tremendous financial burden on the sewer system and current sewer customers. If a developer is required to install only dry lines in his subdivision, the County and City or someone else has to pay to get the sewer to them. Somehow the issue of allowing urban development to occur without the adequate infrastructure needs to be resolved, balanced with the need and demand to solve the public health problem.

Mr. Achen apologized for the last minute proposal made to the County by the City. Mr. Spehar reaffirmed that the County will not make a hasty decision again in the absence of a policy.

CANCELLATION OF JUNE 17, 1992, CITY COUNCIL MEETING

Upon motion by Councilman Theobald, seconded by Councilman Bessinger and carried, the June 17, 1992, City Council meeting was cancelled due to CML Meeting being scheduled that week.

"NEIGHBORHOOD OF YEAR" AWARD

President of the Council Shepherd reported that he received a request from Neighborhood's U.S.A. to nominate projects of worthiness for awards. Mr. Shepherd sent the award nomination to the Friends of Williams Park, and encouraged them to apply for the award of "Neighborhood of the Year." The award process is now down to the finals and the City has been notified that its entry is one of four selected to make a formal presentation to judges at the Neighborhoods, U.S.A. Conference to be held in Anchorage, Alaska, on May 13-17, 1992. The cost is \$5,428 to send two representatives from the Friends of Williams Park, one representative from the Parks and Recreation Staff, and Mayor Shepherd. Mayor Shepherd felt that this project is worthy of recognition and recommended that the City send one representative from the Friends of Williams Park and Don Hobbs as the Staff representative.

Consensus of Council was that this would be setting a precedent. It was suggested that the \$5,428 could be used locally for another self-help project. The request was denied.

ADJOURNMENT

The President adjourned the meeting.

Theresa F. Martinez

Theresa F. Martinez, CMC
Acting City Clerk

MR. MAYOR, MEMBERS OF THE COUNCIL, I'M JIM SPEHAR, CHAIRMAN OF THE MESA COUNTY BOARD OF COMMISSIONERS.

I FELT THE NEED TO APPEAR BEFORE YOU IN THIS PUBLIC SETTING THIS EVENING TO APPRISE YOU OF A PROBLEM WHICH HAS SURFACED THIS WEEK IN REGARD TO THE SEWER SYSTEM AND ASK FOR YOUR ASSISTANCE IN HELPING ASSURE THAT THE PROBLEM DOES NOT REPEAT ITSELF.

THE PROBLEM AROSE YESTERDAY MORNING AT THE REGULAR PUBLIC HEARING OF THE COMMISSIONERS AS WE DISCUSSED A PROPOSED NEW DEVELOPMENT ON THE REDLANDS KNOWN AS INDEPENDENCE VALLEY. AS COMMISSIONERS DISCUSSED LAND USE ISSUES RELATED TO THAT DEVELOPMENT, MEMBERS OF YOUR STAFF APPEARED BEFORE US TO REQUEST THAT WE USE THE PERSIGO SEWER FUND IN A MANNER IN WHICH IT HAS NOT BE USED BEFORE -- AND IN A MANNER OUR TWO POLICY MAKING BODIES HAVE NOT DISCUSSED. THAT PROPOSAL WAS TO USE THE SEWER FUND AS A LOAN FUND TO FINANCE SEWER SERVICE TO INDEPENDENCE VALLEY.

THAT PROPOSAL WAS PRESENTED TO OUR PLANNING DEPARTMENT AT THE CLOSE OF BUSINESS THE PREVIOUS DAY AND WAS NOT SEEN BY OUR PLANNING DIRECTOR UNTIL MINUTES BEFORE OUR PUBLIC HEARING. THE FIRST COMMISSIONERS HAD HEARD OF THE PROPOSAL WAS WHEN MR. SHANKS AND MR. CHENEY PRESENTED IT AT THE PUBLIC HEARING. MR. BOECHENSTEIN WAS ALSO IN ATTENDANCE AND APPARENTLY PARTICIPATED IN THE DEVELOPMENT OF THE PLAN. A SIMILAR PROPOSAL HAD BEEN PRESENTED TO COMMISSIONERS BY YOUR STAFF LAST YEAR TO FINANCE SEWER IMPROVEMENTS IN THE CITY'S ONAN SUBDIVISION USING THE SEWER FUND. AT THAT TIME, WE REJECTED THAT REQUEST, TELLING YOUR STAFF WE DID NOT FEEL COMFORTABLE CREATING POLICY IN THE CONTEXT OF A SINGLE INSTANCE AND ASKED THAT THEY, AS REPRESENTATIVES OF THE OPERATOR OF THE SYSTEM UNDER THE CURRENT CONTRACT BETWEEN THE CITY AND COUNTY, RETURN WITH A PROPOSED POLICY WE COULD DISCUSS AND THEN PERHAPS ARRIVE AT A MUTUALLY AGREEABLE LONG RANGE POLICY. WE HAD NO FURTHER CONTACT WITH YOU OR YOUR STAFF REGARDING THAT ISSUE UNTIL THIS WEEK'S SURPRISE PROPOSAL.

MY PURPOSE HERE TONIGHT IS TWOFOLD. FIRST, I WOULD ASK FORMALLY ON BEHALF OF THE BOARD OF COMMISSIONERS THAT, AS OPERATORS OF THE PERSIGO PLANT UNDER THE CURRENT AGREEMENT, YOU SPECIFICALLY DIRECT YOUR STAFF TO COME UP WITH A PROPOSED LONG RANGE POLICY FOR USE OF THE SEWER FUND AS A REVOLVING LOAN FUND IF YOU, AS THE CITY'S POLICY MAKERS, SEE THAT AS AN APPROPRIATE USE OF THE FUND.

SECONDLY, I WOULD LIKE TO USE THIS PUBLIC FORUM TO NOTIFY BOTH THE COUNCIL AND THE DEVELOPMENT COMMUNITY THAT A MAJORITY OF THE BOARD BELIEVES WE ACTED IN HASTE IN APPROVING THE PROPOSAL REGARDING USE OF THE SEWER FUND YESTERDAY. WHILE WE CAN BLAME NO ONE BUT OURSELVES FOR THAT SPECIFIC ACTION, WE WANT IT KNOWN THAT WE WILL NOT APPROVE ANY FURTHER REQUESTS FOR LOANS FROM THE FUND IN THE ABSENCE OF A POLICY ON SUCH USES THAT THE CITY AND COUNTY CAN

AGREE ON AFTER APPROPRIATE COMMENT FROM THE PUBLIC, INCLUDING OTHER ENTITIES INVOLVED IN THE PERSIGO SYSTEM. WE DO NOT INTEND TO COMPOUND YESTERDAY'S MISTAKE BY APPROVING ANY SIMILAR REQUESTS, WHETHER THEY ARE TIMED AT THE LAST MINUTE OR PRESENTED IN ADVANCE, IN THE ABSENCE OF A MUTUAL DECISION ON THE OVERALL POLICY ISSUE.

YOUR STAFF WAS SPECIFICALLY ASKED YESTERDAY WHY THERE HAD BEEN NO RESPONSE TO OUR REQUEST FOR A PROPOSED POLICY. THE RESPONSE, TO PARAPHRASE, WAS THAT A BASIN STUDY WAS BEING UNDERTAKEN TO SET PRIORITIES FOR EXPANSION OF THE SYSTEM AND TO CREATE A POLICY IN THE ABSENCE OF DATA FROM THAT STUDY WOULD NOT BE WISE. I WOULD SUGGEST THAT TO ASK US AT THE LAST MINUTE, WITH NO PRIOR DISCUSSION, TO APPROVE A LOAN FROM THE FUND IN THE MANNER THAT WAS DONE YESTERDAY DOES NOT FOLLOW THAT PARTICULAR LINE OF LOGIC.

I WOULD ALSO NOTE THAT BOTH OF US, AS PARTNERS IN THE PERSIGO SYSTEM, SPENT NEARLY 100 THOUSAND DOLLARS ON A RATE STUDY PRESENTED LATE LAST YEAR IN WHICH A RESPECTED CONSULTING FIRM WITH MUCH EXPERIENCE IN SEWER RATE MATTERS BROUGHT FORWARD A SERIES OF RECOMMENDATIONS ON CHANGES IN SEWER RATES. TO DATE, THE CITY AS OPERATOR OF THE SYSTEM UNDER THE CONTRACT, HAS PRESENTED NO PROPOSAL FOR IMPLEMENTATION OF THAT STUDY AND WE WOULD FORMALLY REQUEST THAT YOU DO SO.

IN SHORT, THE BOARD OF COMMISSIONERS ACCEPTS THE BLAME FOR A HASTY DECISION YESTERDAY BUT I REPEAT THAT WE WILL NOT COMPOUND THAT MISTAKE BY GRANTING SIMILAR REQUESTS IN THE ABSENCE OF A LONG RANGE POLICY. WE ASK FORMALLY THAT YOU DIRECT YOUR STAFF TO PREPARE SUCH A PROPOSED POLICY AND OFFER THE COUNTY'S STAFF RESOURCES IN THAT EFFORT. AS POLICY MAKING BOARDS, I WOULD ASK THAT WE BOTH AGREE THAT SUCH SIGNIFICANT REQUESTS BE MADE IN ADVANCE WITH THE PROPER OPPORTUNITY FOR REVIEW BEFORE ACTION NEEDS TO BE TAKEN. AND WE ALSO ASK THAT YOU PRESENT US WITH A PLAN FOR IMPLEMENTATION OF THE RATE STUDY IN THE NEAR FUTURE.

SINCE WE ARE DISCUSSING SEWER ISSUES, I WOULD ALSO REMIND YOU THAT WE HAVE FORMALLY NOTIFIED THE CITY THAT IT IS THE INTENTION OF THE COMMISSIONERS NOT TO CONTINUE PAST THE END OF 1992 UNDER THE PRESENT OPERATING CONTRACT. YOU HAVE BEEN INVITED ON SEVERAL OCCASIONS TO JOIN IN DISCUSSIONS NOW UNDERWAY REGARDING HOW BEST TO PROVIDE SEWER SERVICE IN THE PERSIGO 201 AREA OVER THE LONG TERM. WHILE OTHER USERS OF THE SYSTEM HAVE JOINED IN DISCUSSIONS TO DATE, THE CITY HAS FORMALLY DECLINED TO PARTICIPATE -- AN ACTION I DO NOT FEEL SERVES MESA COUNTY CITIZENS WHO ALSO HAPPEN TO BE RESIDENTS OF GRAND JUNCTION WELL. I WOULD AGAIN URGE YOU PUBLICLY TO RECONSIDER YOUR POSITION AND PARTICIPATE IN THOSE ONGOING DISCUSSIONS, WHICH WILL INCLUDE YOUR PROPOSAL TO TAKE OVER THE PERSIGO SYSTEM.