

Grand Junction, Colorado

February 18, 1981

The City Council of the City of Grand Junction, Colorado, convened in regular session at 7:30 p.m. the 18th day of February, 1981, in Council Chambers at City Hall. Those present were Council members Louis Brach, Frank Dunn, Robert Holmes, Dale Hollingsworth, Karl Johnson, Bill O'Dwyer, and Jane Quimby, a quorum. Also present were City Attorney Gerald Ashby, City Manager Jim Wysocki, and Deputy City Clerk Teddy Martinez

Council President Jane Quimby called the meeting to order and led in the Pledge of Allegiance.

INVOCATION

Reverend C. L. Thacker, Christian Life Center.

MINUTES

The Minutes of January 21, 1981, were corrected under the heading: VOTEK SCHOOL to read "CERI" people in lieu of "Seery" people. Upon motion by Councilman Brach, seconded by Councilman Holmes and carried, the minutes of the regular meeting January 7, 1981, January 21, 1981, special meeting January 27, 1981, and regular meeting February 4, 1981, were approved as written and corrected.

DISCUSSION OF IRB APPLICATIONS BY IRB COMMITTEE

Mr. King Clemons, Chairman of the IRB Committee, appeared before Council to discuss three applications for Industrial Revenue Bonds. The first application being Martin's & Enterprises, with insufficient information, was tabled by the Committee. This project is to be located west of Kenworth Motors which is just north of I-70, at 24 Road. The second application is Smith Energy, a subsidiary of Smith International, a \$9,000,000 project to go in just west of PABCO, between the river and the railroad, approximately 10 to 12 acre site. They plan to manufacture a heavy equipment drill rig for oil companies. This project was approved by the IRB Committee. The third project is Safeway Stores. Safeway plans to build a new store on Orchard Mesa east and adjacent to the present Safeway Store on Orchard Mesa. This project received a negative action by the IRB Committee.

Mr. Dennis Jones of George K. Baum & Company, members of the New York Stock Exchange, located in the Central Bank Building in Denver, Colorado, appeared representing Safeway Stores, Inc. Mr. Jones elaborated on Safeway's application for Industrial Revenue Bonds. Cost estimate for this project is \$2,500,000. It was reported that Safeway, Inc., plans to build ten new stores in Colorado during 1981, and ten additional stores in 1982. This company plans to submit an inducement resolution at the next meeting of the City Council.

YELLOW CAB COMPANY FILING OF AMENDED SCHEDULE OF RATES AND FARES
FOR GRAND JUNCTION AND VICINITY

Mr. Ross Willis, owner of Yellow Cab Company of Grand Junction, reported that he has two governing bodies - Public Utilities Commission of Colorado and the Grand Junction City Council. The amended schedule of rates and fares was before the Public Utilities Commission last week and approved. The area covered by Yellow Cab service is 20 Road to 34 Road, and A 1/2 Road to I Road.

ROSS WILLIS AND URSULA WILLIS
DBA
YELLOW CAB OF GRAND JUNCTION, COLORADO

COLORADO P.U.C. NO. 2102
TAXI TARIFF NO. 2

NAMING TAXICAB FARES, SIGHTSEEING, ETC.
ALSO
RULES AND REGULATIONS

ISSUED:

EFFECTIVE:

Issued in conformity with Decision No. C79-186 dated February 16, 1979, and under the authority of Rule 23 of the Rules of Procedure before the Public Utilities Commission of the State of Colorado.

ISSUED BY:

ROSS WILLIS AND URSULA WILLIS
549 Pitkin Avenue
P. O. Box 2132
Grand Junction, Colorado 81501

*Tariff will be symbolized where increases or changes occur. Otherwise no change in contemplated.

RULES AND REGULATIONS

Item No.

SCOPE OF OPERATIONS

Transportation by taxi, at taxi rates, of passengers, baggage and packages to, from and between all points within a 50 mile radius of Grand Junction, Colorado;

Transportation by taxi, at taxi rates, of passengers, baggage and packages from and to all points within a 15 mile radius of Grand Junction, Colorado, to all points within a 100 mile radius of

Grand Junction, Colorado, with the right to give round-trip service to identical passengers, originating in said 15 mile radius, with a waiting time not to exceed 10 hours, excluding round-trip service to an area within a radius of 5 miles of Delta, Colorado, and an area within a radius of 5 miles of Montrose, Colorado;

10 Transportation of airplane passengers, holding valid air tickets to destination, and of baggage and packages, by station wagon or airport limousine, between the Montrose Airport and Grand Junction, Colorado, and the Grand Junction Municipal Airport (Walker Field);

Transportation of air express and air freight from and to all points within a 5 mile radius of Grand Junction, Colorado, and to and from the Grand Junction Municipal Airport (Walker Field);

Transportation of passengers and baggage, in sight-seeing service, at sight-seeing rates, in station wagons having less than 12 passenger capacity, from Grand Junction, Colorado, excluding, however, any such service between Grand Junction, Colorado, and the Colorado National Monument;

Transportation by taxi, at taxi rates, of passengers, baggage and packages from Grand Junction, Colorado, to any points in the State of Colorado, for emergency purposes only;

Airport limousine service for passengers, baggage and packages, and air freight and air express between points in the City of Grand Junction and from all points within a 5 mile radius of Grand Junction, Colorado, from and to the Grand Junction Municipal Airport (Walker Field).

EXPLANATION OF SYMBOLS

Y Addition of wording

+ Increase in fares

- Decrease in fares

[Reductions] Reductions

[Eliminate] Eliminate

* Note

X No change

II Change in wording with no effect on charges

III Change in scope

Item No.

20 The right is reserved to refuse service to any passenger who may be in an offensive condition from drunkenness, drugs, or otherwise afflicted with any contagious disease.

30 The right is reserved to refuse the transportation of any animal or pet of any kind that is undesirable, obnoxious or unsanitary, except seeing eye dogs when accompanied by their

master.

40 All fares leaving the zoned area must be paid in advance.

50 II [Reductions] Three pieces of hand baggage normally carried by rail, bus and plane passengers and falling under classification of hand baggage will be transported at no additional charge. See Item 130 for additional charges.

60 The rates set forth hereinafter shall include any liability of the carrier for articles transported with passenger to and including \$1000. Any additional liability can be obtained at the rate of \$.50 for each \$100 liability.

70 II One baby (two years of age or younger) in arms per adult passenger will be transported free of charge.

80 II Five minute stops in transit between origin and destination (for the same passenger or passengers) will be charged for at an additional charge of \$.90 per stop. See Item No. 100 for additional charges.

100 When a passenger holds a cab for any reason in excess of 5 minutes, a charge of \$.25 per minute will be made for such excess time.

110 + The charge for hiring a cab by the hour will be \$15.00* per hours, subject to a mileage limitation of 10 miles. When more than 10 miles are covered, the charge shall be \$1.30 per each additional mile.

120 A charge of \$1.00 plus passenger fare will be assessed for each piece, package, or bag picked up and delivered without the passenger. No C.O.D. liquor deliveries will be made under any circumstances. On all other C.O.D. deliveries, a return charge will be made for returning the collection or merchandise, at passenger fare.

130 II [Reductions] All hand baggage and packages other than the three free pieces allowed, will be charged for at the rate of \$.25 each. Packages and baggage exceeding 50 pounds in weight will be accepted only at package rates.

140 Any toll or gate charges that are exacted will be added to the normal passenger fare.

150 The carrier shall not be responsible to meet the scheduled departures of land and air carriers.

* Note: This only reflects a correction to correspond with Item No. 100.

TAXICAB PASSENGER RATES

(Inside city limits of Grand Junction and contiguous area thereto as described in Item 160 III.) See attached map.

Item No.

Fares for one passenger or party shall be calculated by taximeter in plain view of the passenger at the following rates:

Between: 20 Road and 34 Road; and A 1/2 Road and I Road:

160 + Flag: for the first 1/2 mile or fraction thereof . . .
\$1.30

for each additional 1/10 mile or fraction thereof13

for waiting time each minute, in excess of 5 minutes or any fraction thereof25

for each additional passenger (over the age of 2 years) picked up and delivered at the same location50

Between: from all other areas beyond the above mentioned designations to points also outside the area, minimum charge of mileage from 5th and Main in Grand Junction to the point of pickup will be added to the fare.

EXTRAS

Excess baggage - see Item No. 130.

170 Dogs and pets - seeing-eye guide dogs and pets carried on passengers' lap will be transported without charge.

All other pets . . . \$.50

Toll or gate charges - see Item No. 140.

Night rates - see Item No. 180.

NIGHT RATES

180 II A charge of \$.50, in addition to the rates set forth in Item No. 160, shall be assessed between the hours of 9:00 P.M. and 6:00 A.M.

LIMOUSINE OR STATION WAGON PASSENGER AND BAGGAGE RATES

190 - A special limousine or station wagon car will operate between the post office, hotels in the business district and motels in Grand Junction serving the arrival and departure of all regularly scheduled aircraft carrying mail. The adult passenger fare on this vehicle will be \$3.00, except pickup or delivery of passengers between the Walker Field Airport and Horizon Drive and

G Road, the charge will be \$2,00 per passenger. One baby in arms will be carried free. Charges for baggage will be as provided in Item No. 130.

SIGHTSEEING FARES

200 \$1.30 per mile, or \$15.00 per hour applies to waiting time.

AIR FREIGHT AND AIR EXPRESS RATES

210 + See Item No. 130. All express unaccompanied by a passenger will be charged \$1.00 for delivery (under 25 pounds) plus mileage. Over 25 pounds, see chart:

POUNDS2 5-4041- 5051- 6061- 7071- 8081- 9091- 100							
CHARGE\$ 6.60\$7. 20\$7.60 \$8.00\$8 .30 \$8.90\$9 .80							

Mr. Willis reviewed the schedule reflecting an increase of 52.6% increase in the downtown area of Grand Junction, 56.6% increase in the surrounding area, and a 7.3% increase in the outer area.

Upon motion by Councilman Hollingsworth, seconded by Councilman Brach and carried, the amended schedule of fares for Yellow Cab of Grand Junction which were approved by PUC were approved.

APPLICATIONS APPROVED FOR LIQUOR LICENSES (CHANGES OF OWNERSHIP)

Upon motion by Councilman Dunn, seconded by Councilman Brach and carried with Councilman HOLMES voting NO, the applications by the following businesses were approved:

1. Dorothy F. Bennett dba Dallas Club, 2882 North Avenue, Tavern License - Presently owned by Lou Ann and Lou Ives.

2. M. C. Industries, Inc., dba Junct'n Square, 119 N. 7th Street, Hotel-Restaurant License - Presently owned by Raymond E. Stevenson and Eric E. Loeb.

LIQUOR AND BEER RENEWALS

Upon motion by Councilman Dunn, seconded by Councilman Brach and carried with Councilman HOLMES voting NO, the renewal applications by the following businesses were approved:

1. Ramada Inn, 718 Horizon Drive (Hotel-Restaurant)
2. Stop 'N Save No. 1, 213 N. 1st Street (3.2% Beer)
3. C & F Food Store No. 1, 859 Pitkin Avenue (3.2% Beer)
4. C & F Food Store No. 3, 2714 Highway 50 (3.2% Beer)

CHANGE IN CORPORATE OFFICERS ON RETAIL LIQUOR STORE LICENSE

Upon motion by Councilman Dunn, seconded by Councilman Brach and carried, the application by Fisher's Liquor Barn, Inc., dba Fisher's Liquor Barn, 2448 F Road, to drop William Studebaker from its license and add Frank M. Fisher as Vice-President and Director of the corporation was approved.

HEARING - FIRST ADDITION TO PHEASANT RUN AT SPRING VALLEY FILING NO. 6 AND REPLAT OF LOTS 1 THRU 4, BLOCK 17, PHEASANT RUN SPRING VALLEY FILING NO. 6 - APPROVED

A hearing was held after due notice on the First Addition to Pheasant Run at Spring Valley Filing No. 6 and Replat of Lots 1 through 4, Block 17, Pheasant Run Spring Valley Filing No. 6, located at 27.75 Line and Ridge Drive, containing 2.37 acres designed for 5 lots in a Single-Family Zone. The petitioner is Discovery 76 - Steve Heald. There were no opponents, letters or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Brach and carried, the first addition to Pheasant Run at Spring Valley Filing No. 6 and Replat of Lots 1 through 4, Block 17, Pheasant Run Spring Valley Filing No. 6 were approved.

HEARING - PROPOSED ORDINANCE - RIGHT-OF-WAY AND EASEMENT VACATION AT 27.75 LINE AND RIDGE DRIVE

A hearing was held after due notice on a right-of-way vacation at 27.75 Line and Ridge Drive. The petitioner is Discovery 76 - Steve Heald. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Brach and carried, the right-of-way vacation at 27.75 Line and Ridge Drive was approved.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING RIGHT-OF-WAY AND EASEMENT WITHIN THE CITY. Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried, the proposed ordinance was passed for publication.

HEARING - RESOLUTION AND REVOCABLE PERMIT TO PLACE A STEP IN CITY RIGHT-OF-WAY AT 222 N. 7TH ST

A hearing was held after due notice on an application for a Revocable Permit for a step in City right-of-way at 222 N. 7th Street. The petitioner is Mark Fenske. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Brach and carried, the application for a Revocable Permit to permit a step in City right-of-way at 222 N. 7th Street was approved.

The following Resolution was read:

RESOLUTION

WHEREAS, Mark Fenske has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable permit to allow a concrete step to be placed in the public right-of-way at the door of 222 North 7th Street which is a building located on Lots 6 through 10 of Block 93, City of Grand Junction; and

WHEREAS, such action would not be detrimental to the interest of 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, be and he is hereby authorized to grant such Revocable Permit to the above-named petitioner for the purpose above described upon the execution by the petitioner of an agreement to save and hold the City harmless from any claims arising out of the encroachment and use granted, and execution by the petitioner of an agreement that upon the revocation of such Permit, the Petitioner will remove said encroachment at his own expense, restoring the right-of-way to its original condition.

PASSED and ADOPTED this 18th day of February, 1981.

President of the Council

Attest:

Deputy City Clerk

REVOCABLE PERMIT

WHEREAS, Mark Fenske has petitioned the City Council of the City of Grand Junction, Colorado, for a Revocable Permit to allow a concrete step to be placed in the public right-of-way at the door of 222 North 7th Street which is a building located on Lots 6 through 10, Block 93, City of Grand Junction; and

WHEREAS, the City Council is of the opinion that such action would not be detrimental to the City or to any of the inhabitants thereof at this time and has directed the City Manager to issue a permit for such use;

NOW, THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF Grand Junction, COLORADO:

There is hereby granted to Mark Fenske a Revocable Permit to allow encroachment on the right-of-way for a concrete step at the door of 222 North 7th Street which is a building located on Lots 6 through 10 of Block 93, City of Grand Junction; provided, however, that said Permit may be revoked by the City Council at its pleasure at any time; provided, further that the above-named petitioner shall agree to indemnify the City and hold it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from the permitted use; and further provided that said petitioner shall agree that upon the revocation of such permit, he will, at his own expense, remove said encroachment and restore the right-of-way to its original condition.

DATED this 23rd day of February, 1981.

/s/ James E. Wysocki

City Manager

Attest:

/s/ Neva B. Lockhart, CMC

City Clerk

AGREEMENT

Mark Fenske, for himself, his heirs, executors, administrators and assigns, does hereby agree that he will abide by the conditions contained in the foregoing Permit and that he will indemnify the City of Grand Junction and hold it harmless from all claims as recited in said Permit, and further, on revocation of the Permit, he agrees to remove said encroachment and restore the right-of-way to its original condition, all at his own expense.

DATED at Grand Junction, Colorado, this _____ day of _____, 1981.

Mark Fenske

STATE OF COLORADO)		
) SS		
COUNTY OF MESA)		

The foregoing Agreement was acknowledged before me this _____ day of _____, 1981, by Mark Fenske the petitioner herein.

My Commission expires: _____

Witness my hand and official seal.

Notary Public

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

HEARING - APPLICATION BY SAL'S PIZZA INC., FOR CONDITIONAL USE AND BEER-WINE LICENSE AT 755 NORTH AVENUE

A hearing was held after proper notice on the application by Sal's Pizza, Inc., dba Sal's Pizza, 755 North Avenue, for a beer-wine license which permits the sale of fermented malt beverages and vinous liquor by the drink for on-premise consumption. Officers are:

President: Salvatore Sassano
Vice Pres: Kathleen Sassano
Sec/Treas: Nicholas Streza, II

The following report was read:

"On January 8, 1981, an application was filed by Sal's Pizza, Inc., for a Beer-Wine License to be located at 755 North Avenue. A 3.2% Beer License is presently at that location.

The sign giving Notice of Hearing was posted Friday, February 6, and the display ad giving Notice of Hearing was published in The Daily Sentinel on Friday, February 6, 1981.

The area from 5th Street on the west, Bunting Avenue on the north, 10th Street/Houston Avenue on the east, and Hill Avenue on the south was surveyed: Results:

1. Yes, I am in favor of the issuance of the license as I believe the needs of the neighborhood are not being met by existing outlets. 219

a. An owner of property in neighborhood 79

b. An employee or business lessee of property in the neighborhood 97

c. An inhabitant of the neighborhood 60

2. No, I am not in favor of the issuance of the license as I believe the needs of the neighborhood are being met by existing outlets. 102

a. An owner of property in neighborhood 58

b. An employee or business lessee of property in the neighborhood 24

c. An inhabitant of the neighborhood 37

Inspections by the Fire and Health Departments revealed no Fire Code or Health Code problems. The Police Department report advises that nothing of a derogatory nature was found regarding the officers, directors, and stockholders.

There have been no letters or counterpetitions filed against this application to date.

Similar type outlets: None."

The map showing similar type outlets was reviewed.

Kathleen Sassano and Robert Traylow, attorney representing the applicant, was present for the hearing.

There were no opponents, letters, or counterpetitions.

A Resolution of findings and decision is scheduled on the March 4, 1981, City Council agenda.

HEARING - CONSIDERATION OF DRAFT GOALS, OBJECTIVES, AND POLICIES, THE SECOND CHAPTER OF THE UPDATED COMPREHENSIVE PLAN FOR THE CITY OF GRAND JUNCTION

Mr. Daryl Shrum, Planning Director, appeared before Council and distributed copies of the draft of the updated Comprehensive Plan for the City of Grand Junction to Council and members of the

audience. He reviewed the draft stating that it covers geographically 19 Road to 33 Road, and A Road to J Road. The draft pertains to this area only. The draft covers 13 subject matters:

1. Overview of the Planning Process;
2. Economic and Social Factors;
3. Environmental Researches and Hazards;
4. General Land Use;
5. Residential Land Use;
6. Commercial Land Use;
7. Central Business District;
8. Industrial Land Use;
9. Agricultural Land Use;
10. Transportation;
11. Public Facilities and Services;
12. Parks and Recreation;
13. Energy.

A comprehensive plan is an official document adopted by a local governmental body which serves as a policy guide to the physical development of Grand Junction.

A letter of indorsement was submitted from Pat Gormley, Chairman of the Downtown Development Authority.

Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried, the proposed goals, objectives, and policies, the Second Chapter of the updated Comprehensive Plan for the City of Grand Junction were approved.

HEARING - REZONE FROM R-1-A TO PDB AND PRELIMINARY PLAN FOR CEDAR SQUARE OFFICES LOCATED AT 605 26 1/2 ROAD

A hearing was held after due notice on the rezone from R-1-A to PDB and Preliminary Plan for Cedar Square offices located at 605 26 1/2 Road, a request to change from Single-Family Residential Use to Planned Business Use on .738 acres. Petitioner is PDC Investments - Sam Haupt. This item was denied by the Planning Commission, and received objections from surrounding property owners.

Mr. Sam Haupt, 698 Roundhill Drive, was present and reviewed the

preliminary plan. Mr. Chris Grey also spoke in favor of the plan.

Opponents: Mr. Skip Mottram, 609 26 1/2 Road
Mr. Wes Edfast, 604 26 1/2 Road
Mr. Ray Davis, 606 26 1/2 Road
Mr. Dick Coakley, 150 Willowbrook Road

A Resolution of Findings and Decision will be given at the next meeting of the City Council on March 4, 1981.

HEARING - PROPOSED ORDINANCE - ZONING OF TAMERLANE ANNEXATION FROM COUNTY R-1-B TO CITY PR-11 AND TAMERLANE, INC., PRELIMINARY PLAN LOCATED ON NW CORNER OF F 1/4 ROAD AND 27 1/4 LINE

A hearing was held after due notice on the zoning of Tamerlane Annexation from County R-1-B to City PR-11 and Tamerlane, Inc., Preliminary Plan located on the northwest corner of F 1/4 Road and 27 1/4 Line, a request for Planned Development Zone with a maximum design density of 11 units per acre on 10 acres. Petitioner is Tamerlane, Ltd. - Dennis Baum.

The question of access was discussed. Nicholas Goluda and Fred Lundin of Glenwood Springs, partners of Tamerlane, Inc., were present and spoke on the preliminary plan, and access.

Henry Fausse spoke on the access problem, and exhorted Council to carefully decide on the access; in this instance there will be an estimated 500 or more trips of ingress and egress daily.

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried, the Preliminary Plan was approved and amended by extending the interior road to the south to F 1/4 Road and improving F 1/4 Road east to 15th Street.

The following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE ZONING MAP, A PART OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION BY ADDING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Johnson, seconded by Councilman O'Dwyer and carried, the proposed ordinance was passed for publication.

The President called for a five-minute recess. Upon reconvening, all members of Council were present.

ORDINANCE NO. 1944 - CONCERNING CONDITIONAL USES IN THE R-3 MULTI-FAMILY ZONE OF THE CITY

Upon motion by Councilman Holmes, seconded by Councilman O'Dwyer and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE REMOVING OFFICE AND RESTAURANT USES AS CONDITIONAL USES IN THE MULTI-FAMILY (R-3) RESIDENTIAL ZONE IN THE CITY.

Upon motion by Councilman O'Dwyer, seconded by Councilman Brach

and carried, the proposed ordinance was called up for final passage and read.

There were no comments. Upon motion by Councilman Dunn, seconded by Councilman Brach and carried by roll call vote, the Ordinance was passed, adopted, numbered 1944, and ordered published.

ORDINANCE NO. 1945 - BAUGHMAN ANNEXATION, S OF PATTERSON ROAD, E OF POMONA SCHOOL

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried, the Proof of Publication to the following entitled proposed ordinance was accepted for filing: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO.

Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried, the proposed ordinance was called up for final passage and read.

There were no comments. Upon motion by Councilman O'Dwyer, seconded by Councilman Brach and carried by roll call vote, the Ordinance was passed, adopted, numbered 1945, and ordered published.

PROPOSED ORDINANCE - CONCERNING BUILDERS OF HOMES FOR THEIR OWN USE OR FOR RENTAL USE FOR THEIR BENEFIT

The following entitled proposed ordinance was read: AN ORDINANCE CONCERNING BUILDERS OF HOMES FOR THEIR OWN USE OR FOR RENTAL USE FOR THEIR BENEFIT. Upon motion by Councilman Johnson, seconded by Councilman Brach and carried, the proposed ordinance was passed for publication.

PROPOSED ORDINANCE - ANNEXING LANDS TO DOWNTOWN DEVELOPMENT AUTHORITY

The following entitled proposed ordinance was read: AN ORDINANCE EXPANDING THE BOUNDARIES OF THE GRAND JUNCTION DOWNTOWN DEVELOPMENT AUTHORITY. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

RESOLUTION SETTING CHARTER AMENDMENTS - APPROVED

The following Resolution was read:

RESOLUTION

SUBMITTING TO THE ELECTORATE OF THE CITY OF GRAND JUNCTION CERTAIN PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY TO PROVIDE THAT REGISTERED ELECTORS OF THE CITY, RATHER THAN QUALIFIED ELECTORS, NOMINATE CANDIDATES, SIGN PETITIONS, AND VOTE IN THE VARIOUS ELECTIONS HELD WITHIN THE CITY; TO PROVIDE FOR THE NOMINATION OF JUDGES OF ELECTION BY CANDIDATES; TO CHANGE THE SUBMITTAL TIME FOR

CERTAIN PETITIONS AND TO PROVIDE FOR THE ESTABLISHMENT OF COUNCILMANIC DISTRICTS WITHIN THE CITY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That at the general election to be held in the City of Grand Junction on April 7, 1981, there be submitted to the electorate the following proposed charter amendments to amend the charter sections to read as they are hereinafter set out with the ballot titles to read as they are hereinafter set out, to wit:

1. That Article II Section 5 be amended to read as follows:

"5. Judges and Clerks. The judges and clerks of any election shall be selected from a list of persons, one each of whom may be proposed for each election precinct by each candidate. In case there are five candidates or more who present lists at any election, not more than one judge or clerk of election shall be chosen for each precinct from the names proposed by any one candidate. All such lists shall be proposed in writing at least THIRTY days before election. In case an insufficient number of names are so proposed, the city council may select such number as may be necessary in order to provide three judges and two clerks for each election precinct."

The ballot title shall read:

AN AMENDMENT TO ARTICLE II SECTION 5 OF THE CHARTER OF THE CITY OF GRAND JUNCTION CONCERNING THE PROVIDING OF NOMINEES FOR JUDGES AND CLERKS OF ELECTION BY CANDIDATES FOR ELECTION; PROVIDING THAT THE LISTS OF NOMINEES BE SUBMITTED THIRTY DAYS BEFORE THE ELECTION RATHER THAN FIFTEEN.

FOR THE AMENDMENT _____

AGAINST THE AMENDMENT _____

2. That Article XVI Section 135 be amended to read as follows:

"135. Five per Centum Petition. If the petition be signed by REGISTERED electors equal in number to at least five per centum but less than ten per centum of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, as shown in the manner hereinbefore provided, and said proposed ordinance be not passed without alteration by the council within FORTY days as provided in the preceding section, then such proposed ordinance, without alteration, shall be submitted by the council to electoral vote at the next general municipal election, if any, occurring within SIXTY days thereafter if filed before SIXTY days, or within FORTY of such election, such petition shall be invalid."

The ballot title shall read:

AN AMENDMENT TO ARTICLE XVI SECTION 135 OF THE CHARTER OF THE CITY OF GRAND JUNCTION CONCERNING THE LEGISLATIVE PETITION PROCESS; PROVIDING THAT A PETITION BE SIGNED BY REGISTERED RATHER THAN QUALIFIED ELECTORS AND THAT THE MATTER PETITIONED FOR BE SUBMITTED TO ANY GENERAL MUNICIPAL ELECTION OCCURRING WITHIN SIXTY, RATHER THAN FORTY, DAYS OF SUBMITTAL WITH THE PETITION BEING INVALID IF SUBMITTED BEFORE SIXTY DAYS OF THE ELECTION OR AFTER FORTY, RATHER THAN TWENTY, DAYS BEFORE THE ELECTION.

FOR THE AMENDMENT _____

AGAINST THE AMENDMENT _____

3. That Article III Section 36 be amended to read as follows:

"36. Membership. The council shall consist of seven members to be designated as councilmen, one of which councilmen shall be elected by the REGISTERED electors of the entire city from each of the districts hereinafter described, and two members to be elected from the city at large. The council shall be the judge of the election and qualification of its own members; shall determine its own rules; shall punish its own members for disorderly conduct, and may compel the attendance of its members. The council may from time to time, BY RESOLUTION, by two-thirds vote of all its members, change the boundaries of the districts," (There is not included as deleted material the Resolution of August 21, 1974, setting the present district boundaries.)

The ballot title shall read:

AN AMENDMENT TO ARTICLE III SECTION 36 CONCERNING THE MEMBERSHIP OF THE CITY COUNCIL AND THE ESTABLISHING OF COUNCILMANIC DISTRICTS; PROVIDING THAT COUNCILMEN SHALL BE ELECTED BY THE REGISTERED ELECTORS OF THE CITY RATHER THAN THE QUALIFIED ELECTORS AND THAT COUNCILMANIC DISTRICTS SHALL BE ESTABLISHED BY THE COUNCIL, FROM TIME TO TIME, BY RESOLUTION.

FOR THE AMENDMENT _____

AGAINST THE AMENDMENT _____

4. That Article XIV Sections 105, 106 and 119 be amended to read as follows:

"105. Franchise Granted upon Vote. No franchise relating to any street, alley or public place of the said city shall be granted except upon the vote of the REGISTERED electors, and the question of its being granted shall be submitted to such vote upon deposit with the treasurer of the expense (to be determined by said treasurer) of such submission by the applicant for said franchise, and no such franchise shall be granted unless a majority of such electors voting thereon vote in favor thereof."

"106. Contracts for Service. All contracts for service between the

City and the owner or manager of any such franchise shall be made by ordinance, the terms of which shall be agreed to in writing by said owner or manager prior to the passage of such ordinance. No contract for service shall be made by the city for a longer period than two years unless such contract be submitted to a vote of the REGISTERED electors of the city, and approved by a majority of those voting on said question."

"119. Amendment, Renewal, Extension or Enlargement of Franchise. No amendment, renewal, extension or enlargement of any franchise, or grant of rights or powers previously or heretofore granted to any corporation, persons or association of persons, shall be made except in the manner and subject to all conditions provided in this article for the making of original grants and franchises. The city shall require as a condition of any amendment, alteration or enlargement of a franchise or grant, unless otherwise expressly determined by a majority vote of the REGISTERED electors of the city, that the person, association or corporation owning the original franchise or grant, shall, as a prior condition to, and in consideration for such amendment, alteration or enlargement, covenant and agree, as a part thereof, that such original franchise shall be brought within all the conditions provided in this article for the exercise and enjoyment of franchises hereafter granted, including the right of the city to purchase the plant and physical property, whether within or without the city limits, or both, at a fair valuation, which valuation shall not include any franchise value, or any earning power of such property."

The ballot title shall read:

AN AMENDMENT TO ARTICLE XIV SECTIONS 105, 106 AND 119 OF THE CHARTER OF THE CITY OF GRAND JUNCTION CONCERNING THE GRANTING OF FRANCHISES WITHIN THE CITY; PROVIDING THAT ONLY REGISTERED ELECTORS SHALL VOTE IN FRANCHISE ELECTIONS RATHER THAN QUALIFIED TAXPAYING ELECTORS.

FOR THE AMENDMENT _____

AGAINST THE AMENDMENT _____

5. That Article II Section 6, Article III Sections 27, 28, 29 and 35 and Article XVI Sections 133, 134, 136 and 139 be amended to read as follows:

"6. Nominations. All nominations for elective offices shall be made by petition signed by not less than fifty REGISTERED electors of the city, and except as herein provided, the manner of nominations and acceptances shall be governed by the state laws applicable thereto, unless otherwise provided by ordinance. No petition of nomination, however, shall contain the name of a political party or organization or other like designation."

ARTICLE III

"Section 27. Applied to All Elective Officers. Any holder of an elective office may be recalled and removed therefrom by the REGISTERED electors of the city as provided in this article."

"28. Petition for Recall. Any REGISTERED electors of the city may make and file with the city clerk an affidavit containing the name of the officer sought to be removed, and a specific statement of the grounds of removal. The clerk shall thereupon deliver to the elector making such affidavit, a sufficient number of copies of petitions for such recall and removal, printed forms of which he shall keep on hand. Such petitions shall be issued by the clerk with his signature and official seal thereto attached; they shall be dated and addressed to the city council, shall contain the name of the person to whom issued, the number of forms so issued, the name of the person sought to be removed, the office from which such removal is sought, the grounds of such removal as stated in said affidavit, and shall demand the election of the successor to such office, a copy of which petition shall be entered in a record book to be kept in the office of said clerk. Any defect in said form or record shall not invalidate the same. Said recall petition must be returned and filed with said clerk within thirty days of its issuance. Said petitions before being returned and filed, shall be signed by REGISTERED electors equal in number to at least twenty percentum of the last preceding vote cast for all the candidates for Governor of the State of Colorado by the electors of the city, and to each such signature shall be attached his place of residence, giving the street and number. Such signatures need not all be on one paper. One of the signers of each such paper shall make an affidavit thereto that the statements therein contained are true, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be. All such papers for the recall of any one officer shall be fastened together and filed as one instrument with the indorsements thereon of the names and addresses of three persons designated as filing the same."

"29. Petition May Be Amended or New Petition Made. Within ten days from the filing of said petition, the clerk shall ascertain by examination thereof and of the registration books and election returns, whether the petition is signed by the requisite number of REGISTERED electors, and shall attach thereto his certificate showing the result of such examination. He shall, if necessary, be allowed extra help by the council.

If his certificate shows the petition to be insufficient, he shall within said ten days so notify in writing one or more of the persons designated on the petition as filing the same; and the petition may be amended at any time within ten days from the filing of the certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and attach thereto his certificate of the result. If still insufficient, or if no amendment is made, he shall return the petition to one of the persons designated thereon as filing it,

without prejudice, however, to the filing of a new petition for the same purpose."

"35. Officers-Terms. That the elective officers under the Charter of Grand Junction shall be members of the council as hereinafter provided, all of whom shall be nominated and elected by the REGISTERED electors of the city as herein provided. The terms of all elective officers shall commence at ten o'clock a.m. on the first Monday in May following the election and shall be for a term of four years each and until ten o'clock a.m. on the first Monday following the election and qualification of their successors; provided, however, that the office of one of the councilmen elected from the city at large and two councilmen elected from districts at the general municipal election in April, 1925, shall be for two years only, so that their successors shall be elected at the general municipal election in April, 1927, and every four years thereafter. The term of the remaining four members of the city council elected at the general municipal election held in April, 1925, shall be for four years. The determination of which terms of the city council shall be for four years and which terms shall be for two years shall be fixed by lot under the direction of the county judge of Mesa County, Colorado, within sixty days after the April, 1925 election."

ARTICLE XVI

"133. Direct Legislation. Any proposed ordinance may be submitted to the council by petition signed by REGISTERED electors of the city, equal in number to the percentage hereinafter required. The procedure in respect to such petition shall be the same as provided in Sections 28 and 29, Article III, of this Charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made.

"134. Ten Per Centum Petition. If the petition accompanying the proposed ordinance be signed by REGISTERED electors equal in number to at least ten per centum of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, and contains a request that said proposed ordinance be submitted to a vote of the people, if not passed by the council, the clerk shall thereupon ascertain and certify its number of qualified signers; whereupon, if such certificate shows the required number of qualified signers, the council shall within twenty days thereafter, either -

(a) Pass said ordinance without alteration (subject to the referendum vote provided in this article); or

(b) Call a special election, unless a general or special municipal election is to be held within ninety days thereafter; and at such general or municipal election said proposed ordinance shall be submitted without alteration to the vote of the REGISTERED electors of the city."

"136. Mode of Protesting Against Ordinances. No ordinance passed by the council shall take effect before thirty days after its final passage and final publication, except an emergency ordinance, as provided in Article VI of this Charter. If, within said thirty days, a petition signed by REGISTERED electors of the city equal in number to at least ten per centum of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, be presented to the council protesting against such ordinance taking effect, the same shall thereupon and thereby be suspended from taking effect, the council shall immediately reconsider such ordinance, and if the same be not entirely repealed, the council shall submit it, by the method provided in this article, to a vote of the REGISTERED electors of the City, either at the next general municipal election, or at a special election, which may, in their discretion, be called by them for that purpose, and such ordinance shall not take effect unless a majority of the REGISTERED electors voting on the same at such election shall vote in favor thereof.

The procedure in respect of such referendum petition shall be the same as provided in Sections 28 and 29 of Article III of the Charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made."

"139. Election. The ballots used when voting upon such proposed ordinance shall state the nature of the ordinance in terms sufficient to identify it, and, on separate lines, the words, 'For the Ordinance', and 'Against the Ordinance'. If a majority of the REGISTERED electors voting on said proposed ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the city."

The ballot title shall read as follows:

AN AMENDMENT TO ARTICLE II SECTION 6, ARTICLE III SECTIONS 27, 28, 29 AND 35, AND ARTICLE XVI, SECTIONS 133, 134, 136 AND 139 CONCERNING NOMINATION FOR OFFICE IN THE CITY, RECALL ELECTIONS AND DIRECT LEGISLATION BY THE PEOPLE; PROVIDING THAT PETITIONS OF NOMINATION FOR RECALL AND INITIATING OR REFERRING LEGISLATION ALL BE SIGNED BY REGISTERED ELECTORS OF THE CITY RATHER THAN BY QUALIFIED ELECTORS AND PROVIDING THAT ELECTIONS HELD ON THOSE CANDIDATES AND ISSUES WITHIN THE CITY ARE TO BE VOTED UPON BY REGISTERED ELECTORS RATHER THAN QUALIFIED ELECTORS.

FOR THE AMENDMENT _____

AGAINST THE AMENDMENT _____

The material in capital letters is new material. The material lined through is material being deleted.

PASSED and ADOPTED this 18th day of February, 1981.

President of the Council

Attest:

Deputy City Clerk

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

RESOLUTION REQUESTING COLORADO DIVISION OF HIGHWAYS COMMISSION TO VACATE A PORTION OF FRONTAGE ROAD (S ADJACENT TO GRAND VALLEY RURAL POWER LINES - REA ON I-70 BUSINESS LOOP) - APPROVED

The following Resolution was read:

RESOLUTION

REQUESTING THE VACATION OF A CERTAIN STATE ROADWAY SECTION AND COMMITTING TO THE PROVIDING OF ALTERNATE ROADWAY.

WHEREAS, the City of Grand Junction wishes to extend 28 Road in the City to the south to connect with I-70 Business Loop to provide a better traffic circulation in the area; and

WHEREAS, this project requires the vacation of certain State of Colorado highway right-of-way;

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

That the Colorado Division of Highways be requested, by this Resolution, to secure the vacation of the section of State highway right-of-way, situate in the County of Mesa, State of Colorado, and described as:

A tract of land lying within the NW Quarter (NW4) of the SW Quarter (SW4) of Section 18, T1S, R1E of the Ute Meridian, in Mesa County, Colorado, more particularly described as follows:

Commencing at the NW Corner (NW Cor) of the SW Quarter (SW4) of said Section 18; thence S 89 deg. 54 min. 10 sec. E along the N line of the SW Quarter (SW4) of said Section 18, a distance of 596.69 ft to the NE Corner of Tract B of Grand Valley Rural Power Lines, Inc., as described in Book 687 Pages 24 and 25, filed with the Mesa County Clerk and Recorder's office; thence S 00 deg. 06 min. 04 sec. W, a distance of 30.00 to the True Point of Beginning on the S right-of-way line of Grand Avenue (Feb. 1981); thence S 55 deg. 06 min. 11 sec. W, along the Southern boundary of said Tract B, a distance of 236.30 ft; thence S 72 deg. 52 min. 11 sec.

W, continuing along the S boundary of said Tract B and extending along the S boundary of Tract A as described in said Book 687, Pages 24 and 25; thence S 51 deg. 27 min. 01 sec. E, a distance of 52.67 ft; thence N 72 deg. 52 min. 11 sec. E, a distance of 634.98 ft; thence N 17 deg. 07 min. 49 sec. W, a distance of 79.95 ft to a point on the S right-of-way line of Grand Avenue (Feb. 1981); thence N 89 deg. 54 min. 10 sec. W, along said S right-of-way line, a distance of 120.37 ft to the True Point of Beginning.

FURTHER BE IT RESOLVED that the City of Grand Junction commits itself to the construction and maintenance of a roadway extending 28 Road south to connect with I-70 Business Loop at no cost to the State of Colorado or its Division of Highways.

PASSED and ADOPTED this 18th day of February, 1981.

President of the Council

Attest:

Deputy City Clerk

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

RESOLUTION AUTHORIZING CITY MANAGER TO CONVEY LOT 5, BLOCK 2, IN MILLDALE SUBDIVISION (BETWEEN 8TH AND 9TH STREET ON 1ST STREET) TO JOHN AND AVIS KROFT - \$9500 - APPROVED

The following Resolution was read:

RESOLUTION

AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF GRAND JUNCTION.

WHEREAS, John Kroft and Avis Kroft have offered to purchase from the City of Grand Junction lots owned by the City and situate in the County of Mesa, State of Colorado, and described as: Lot 5, Block 2, in the MILLDALE SUBDIVISION; and

WHEREAS, the purchase price offered is fair and up to the appraisal obtained for the value of the land, and the land is not held or used for park or governmental purpose and its sale would be in the best interest of the citizens of Grand Junction;

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

That the City Manager, James E. Wysocki, be authorized and directed, as the act of the City and on behalf of the City, to convey to the Krofts, as they may direct, by warranty deed the property described upon payment by them of the purchase price of \$9,500.00.

PASSED and ADOPTED this 18th day of February, 1981.

President of the Council

Attest:

Deputy City Clerk

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

TAXICAB RATE STRUCTURE

Councilman Johnson commented that it is unfortunate that the Council has little control over rate structures approved by the PUC. The only alternative would be to protest said rates at a hearing before the PUC.

COG

Councilman Brach reported that the OADP was adopted at the last meeting with minor changes. Senate Bill 128, Severance Tax, was not approved by COG, and a meeting with Senator Tilman Bishop is to be scheduled in the near future to discuss some changes regarding said Bill.

AIRPORT AUTHORITY

It was noted that it has been recommended by the Airport Authority that \$25,000 be budgeted to hire a consultant or someone with expertise in Airport functions, to assist at the Airport.

APRIL 7 MUNICIPAL ELECTION

President Quimby asked that Tom Lundstrom get with the news media to get some good coverage on petitions for City Council seats from District A, District D, District E, and City at Large.

LAND USE COMMISSION

Meetings are to be held by the Land Use Commission on February 19 and 20 in Grand Junction.

CIVIL RIGHTS HEARINGS

President Quimby presented a letter from Dorothy J. Porter, Director of Civil Rights Division, commending Grand Junction for its cooperation and support in the recent Civil Rights hearings conducted in the Civic Auditorium.

APPOINTMENT TO PERFORMING ARTS COMMITTEE

Upon motion by Councilman O'Dwyer, seconded by Councilman Johnson and carried, Leland Schmidt was appointed to the Performing Arts Committee.

POLICE DEPARTMENT COMMENDED

Councilman O'Dwyer commended the actions of a local police officer after having called the Police Department for assistance for his neighbor. Mr. O'Dwyer did not get the name of the officer, but stated that he was very helpful and courteous during the entire ordeal.

COMACT HOUSING

Councilman Dunn made a brief report of ComAct Housing - Assets \$453,784.92; Liabilities \$50,015.83; Net Assets \$403,769. During the past year ComAct Housing has built three new houses, and it is letting contracts now for two new houses to build this year.

DOWNTOWN RETAILERS ASSOCIATION

Mr. Dunn attended today's Downtown Retailers Association meeting. The name has been changed back from Uptown Retailers Association to Downtown Retailers Association. Mr. Dunn elaborated on some of the new businesses that will be moving into the downtown area. They are also posting a directory of downtown businesses and addresses on the public bulletin board downtown.

MEETINGS

February 23, 7:00 a.m. - Air Quality Meeting

February 26, 10:30 a.m. to 2:30 p.m. - Meeting with Ron Schuyler and luncheon to tour the Wastewater Treatment Plant.

March 2, 7:00 p.m. - Council Workshop with Daryl Shrum to review the re-write of the Zoning Ordinance.

ADJOURNMENT

The President adjourned the meeting.

Teddy Martinez

Teddy Martinez

Deputy City Clerk