

Grand Junction, Colorado

March 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 March, 1981, in Council Chambers at City Hall. Those present were Council members Louis Brach, Robert Holmes, Karl Johnson, Bill O'Dwyer, and Jane Quimby, a quorum. Councilman Dale Hollingsworth was absent. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

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

INVOCATION

Reverend Robert McClung, Northeast Christian Church.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilman Brach and carried, the minutes of the regular meeting March 4, 1981, were approved as written.

LIQUOR - HOWARD JOHNSON CO. CHANGE IN CORPORATE STRUCTURE APPROVED

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the application by Howard Johnson Company showing the change in corporate structure was approved.

BEER - RENEWAL OF LICENSES FOR PIZZA HUT NO. 3 AND BRACH'S MINI MARKET APPROVED

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the applications by Pizza Hut No. 3, 601 N. 1st Street, and Brach's Mini Market, 2516 Broadway, for the renewal of 3.2% beer licenses were approved.

HEARING - EASEMENT VACATION (RAILROAD) - PROPOSED ORDINANCE SW CORNER OF 12TH STREET AND WINTERS AVENUE

A hearing was held after due notice on the petition by Richard Sparkman to vacate a 20-foot railroad easement at the southwest corner of 12th Street and Winters Avenue. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING AN EASEMENT IN THE CITY. Upon motion by Councilman O'Dwyer, seconded by Councilman Brach and carried, the proposed ordinance was passed for publication.

HEARING - FINAL PLAT FOR INDEPENDENT AVENUE COMMERCIAL PARK

(MINOR), LOCATED BETWEEN INDEPENDENT AVENUE AND HIGHWAY 6 & 50,
WEST OF 25 1/2 ROAD LINE

A hearing was held after due notice upon the final plat by Trinity Associates, Ken Johnson and Bob Wilson, for the Independent Avenue Commercial Park (Minor). The development contains 5.26 acres designed for 2 lots in a Heavy Commercial Zone located between Independent Avenue and Highway 6 & 50, West of 25 1/2 Road Line. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried, the final plat for Independent Avenue Commercial Park (Minor) was approved.

HEARING - PROPOSED ORDINANCE UTILITY EASEMENT VACATION N OF RIDGE DRIVE (F 1/2 RD) E OF 27-3/4 LINE

A hearing was held after due notice on the petition by Discovery 76, Steve Heald, for utility easement vacation that will be relocated N of Ridge Drive (F 1/2 Road), E of 27-3/4 Line. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING EASEMENTS IN THE CITY. Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - RIGHT-OF-WAY VACATION, 2516 FORESIGHT CIRCLE SOUTH

A hearing was held after due notice on the petition by D. S. Dykstra for right-of-way vacation at 2516 Foresight Circle South. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING RIGHT OF WAY IN THE CITY. Upon motion by Councilman Brach, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - CONDITIONAL USE PERMITTING CHURCH AND DAY CARE CENTER, E OF 28 ROAD, S OF GRAND VALLEY CANAL

A hearing was held after due notice on the petition by Robert McClung for conditional use to permit church and day care center on 4.1 acres in Single-Family Residential Zone east of 28 Road, south of Grand Valley Canal. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE GRANTING A CONDITIONAL USE FOR ROBERT MC CLUNG. Upon motion by Councilman Dunn, seconded by Councilman Holmes and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - EASEMENT VACATION, LOT 20, HORIZON

PARK PLAZA

A hearing was held after due notice on the petition by Carl Roach for easement vacation of 5 feet at Lot 20, Horizon Park Plaza. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE VACATING AN EASEMENT IN THE CITY. Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - ZONING TEXT AMENDMENT DELETING CONDITIONAL USE 4.9 FROM THE R-3 ZONE

A hearing was held after due notice on the petition by the City Staff for Zoning Text Amendment to delete Conditional Use 4.9 from the R-3 Zone. On-Premise Consumption of Liquor or Fermented Malt Beverage Licensed Premises . . . Consists of Premises Licensed under Hotel/Restaurant License, Tavern License, Beer/Wine License, or Fermented Malt Beverage License for Consumption on the Premises. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AMENDING THE ZONING TEXT TO REMOVE ALL BUSINESS USES FROM THE R-3 MULTI-FAMILY RESIDENTIAL ZONE. Upon motion by Councilman O'Dwyer, seconded by Councilman Brach and carried, the proposed ordinance was passed for publication.

HEARING - NORTHWOOD CONDOMINIUMS FINAL PLAN AND PLAT APPROVED - 655 12TH STREET

A hearing was held after due notice on the petition by Destination Properties, Inc., Skip Behrhorst, for the Northwood Condominiums Final Plan and Plat. There are 3.5 acres designed for 90 units in a Planned Residential Zone at 655 12th Street. There were no opponents, letters, or counterpetitions.

Upon motion by Councilman Brach, seconded by Councilman Johnson and carried, the Final Plan and Plat for Northwood Condominiums were approved.

HEARING - PROPOSED ORDINANCE - DEVELOPMENT IN H.O. AND ZONING PHIPPS ANNEXATION NO. 2 TO H.O. ZONE - ORCHARD MESA CENTER - LOCATED BETWEEN B 1/2 ROAD AND HIGHWAY 50 W OF 27-3/4 LINE

A hearing was held after due notice on the petition by Dillon Real Estate, Richard Dillon, for development in H.O. Zone for the Orchard Mesa Center requested by City Market, Inc., and to zone Phipps Annexation No. 2 to the H.O. Zone. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Brach, seconded by Councilman Johnson and carried, the development in H.O. Zone for the Orchard Mesa Center was approved.

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 Dunn, seconded by Councilman Brach and carried, the proposed ordinance was passed for publication.

RESOLUTION OF DECISION ON APPLICATION FOR A HOTEL-RESTAURANT LIQUOR LICENSE BY LOMA JAY, INC., DBA HUNGRY MINER TO BE LOCATED AT 2424 U.S. HIGHWAY 6 & 50, SUITE 300, IN MESA MALL, GRAND JUNCTION - APPROVED

RESOLUTION

OF DECISION ON APPLICATION FOR A HOTEL-RESTAURANT LIQUOR LICENSE BY LOMA JAY, INC. DBA HUNGRY MINER TO BE LOCATED AT 2424 U.S. HIGHWAY 6 & 50, SUITE 300 IN MESA MALL, GRAND JUNCTION.

A public hearing having been held on March 4, 1981 on the application by Loma Jay, Inc., dba Hungry Miner for a hotel-restaurant liquor license at 2424 U.S. Highway 6 & 50, Suite 300, in Mesa Mall, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was held on March 4, 1981 on the application after proper notice thereof under the Liquor Code.
2. That the survey conducted by the City indicated that the needs of the neighborhood were not being met by other outlets within the neighborhood and there was a need for this outlet in that 268 persons so stated while 26 felt the needs were being met by the other outlets.
3. That no one appeared at the hearing in opposition to the granting of the license and no petitions or letters of disapproval were received by the City Council.
4. That the characters of the applicants are good as determined by checking done by the Police Department and by letters attesting to their good characters, the applicants being the officers of said corporation making application.
5. The evidence supports the position that the license should issue both under the Liquor Code and the previous practice of the City Council.

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

That a hotel-restaurant liquor license issue to Loma Jay, Inc., dba Hungry Miner, to be located at 2424 U.S. Highway 6 & 50, Suite 300, in Mesa Mall, Grand Junction.

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

President of the Council

Attest:

City Clerk

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried by roll call vote with Council members HOLMES and O'DWYER voting NO, the Resolution was passed and adopted as read.

BIDS - AWARD OF CONTRACT FOR THE ORCHARD MESA SANITARY SEWER RIVER CROSSING - BRENNAN GROUP, LTD. - \$36,075

Bids were received and opened March 17, 1981, for the proposed Orchard Mesa Sanitary Sewer River Crossing Project. Bidders were:

Dye Construction \$98,650

Cone Construction, Inc. \$48,025

Brennan Group, Ltd. \$36,075

Engineer's Estimate \$66,750

The Staff recommended accepting the bids and awarding the contract to Brennan Group Ltd., for its low bid. Brennan Group, Ltd., plans to complete the river crossing in ten (10) working days beginning Tuesday, March 24. All required permits and certifications from the Army Corps of Engineers, Department of Health, and the D&RGW Railroad Company.

Upon motion by Councilman O'Dwyer, seconded by Councilman Holmes and carried, the contract for the Orchard Mesa Sanitary Sewer River Crossing Project was awarded Brennan Group, Ltd., for its low bid of \$36,075.

HEARING - REVISED PDB - FINAL PLAN, 1320 NORTH AVENUE, BIG CHEESE PIZZA

A hearing was held after due notice on the petition by Richard Scareano to revise a plan in a PDB Zone for Big Cheese Pizza, 1320 North Avenue. The Final Plan was reviewed by Don Warner, Planning Analyst. He noted that the Planning Department does have a copy of the written lease between Big Cheese Pizza and adjacent properties for parking purposes which meets parking requirements. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried, the revised PDB Final Plan for Big Cheese Pizza, 1320 North Avenue, was approved.

HEARING - REZONE FROM R-1-C TO PB AND VICTORIA WEST PRELIMINARY PLAN FOR THE NW CORNER OF FIRST STREET AND WEST MESA AVENUE - RESOLUTION OF DECISION SCHEDULED APRIL 1, 1981

A hearing was held after due notice on the petition by Carl Vostatek for rezone from R-1-C to PB and Victoria West Preliminary Plan. The request is to change from Single-Family Residential Use to Planned Business Use for an office complex on 1.66 acres located on the northwest corner of First Street and West Mesa Avenue. The Planning Commission recommended denial as the proposal does not reflect First Street Corridor Policy and the fact that the office buildings do not seem to be an appropriate use abutting on two sides by a school. Carl Vostatek appeared before the Council and noted the uses that do exist in the near proximity which was a part of his argument that this in fact is not a use that would be detrimental near a school. Directly across from the school in the little First Street and Orchard Avenue retail area there is a B-2 zoning. Prior to the instigation of the planned development classification, one would be asking for a business zoning to put this particular type of project in. Therefore, a business zone already does exist across the street from the school both to the north as well as to the east. Going down First Street immediately across Mesa Avenue is an approved planned development for a townhouse project. Mr. Vostatek stated his proposed building is approximately 110 feet long and the total height of his building including the tower, which is not necessary, is 35 feet. Mr. Vostatek stated that if the rezone requested is granted and if the design of the building is felt to be too massive, its style is not felt to be appropriate, its design is not appropriate, he would be more than willing to redesign according to Council's dictate. He stated that one reason he selected this site or any site, as it were, in the City was that after completing the project at 12th Street and Gunnison Avenue, he found an overwhelming not only interest but also demand for this sort of building.

According to Mr. Vostatek there is a bit of a revival now in the City throughout to come in contact again with our heritage. There is both quite an interest by the buying public as well as the viewing public. Based on the interest in that type of design as well as the need for office buildings in the core area, Mr. Vostatek began a search for an appropriate parcel of ground and for six or seven months he put contracts down on two or three different parcels of land that was already zoned. Some were on Main Street, the 800 block, and others were on First Street, but he was never able to acquire a piece of land upon which he could do a building of this sort. Consequently, this property was the one he finally settled upon with the contingencies of a zone change and construction financing. Mr. Vostatek noted the B-2 zoning one block south for Arcieri Nursery, and an office building two blocks south which is now under construction. To rebut the Planning Commission's main contention that it is not an appropriate use abutting a school, Mr. Vostatek contends there are similar uses nearby. In respect to the First Street Corridor

Policy, he sees office buildings two blocks down as well as other business use. He presented a petition with 26 signatures of neighborhood residents in favor of this use. He found that people in the neighborhood would much rather see an office use as opposed to multi-family use.

Tim Hafey, 130 Orchard, appeared in favor of the business use.

Opponents: Alex Candelaria, 1616 Balsam Court. Mr. Candelaria presented a map showing other tracts of ground around the City that are already zoned for business uses. He does not feel offices should intrude into residential uses.

There were no other opponents, letters, or counterpetitions.

A Resolution of findings and decision is scheduled on April 1, 1981, City Council agenda.

ORDINANCE NO. 1950 - CURRIER ANNEXATION, NW SIDE OF HORIZON DRIVE, NORTHERN BOUNDARY H ROAD, SOUTHERN BOUNDARY HIGHLINE CANAL

Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer 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 Johnson, 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 Brach, seconded by Councilman O'Dwyer and carried by roll call vote, the Ordinance was passed, adopted, numbered 1950, and ordered published.

PROPOSED ORDINANCE CONCERNING LOS LUNEROS INDUSTRIAL REVENUE BONDS

The title only to the following proposed ordinance was read: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF AN INDUSTRIAL DEVELOPMENT REVENUE BOND (LOS LUNEROS PROJECT), SERIES 1981, IN THE PRINCIPAL AMOUNT OF \$3,500,000; AND APPROVING THE FORM OF CERTAIN DOCUMENTS RELATING THERETO AND AUTHORIZING THE EXECUTION THEREOF. Upon motion by Councilman O'Dwyer, seconded by Councilman Johnson and carried with Councilman HOLMES voting NO, the proposed ordinance was passed for publication.

RESOLUTION GIVING NOTICE OF ELECTION ON APRIL 7, 1981

The following Resolution was read:

RESOLUTION

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

That the election notice hereinafter set out be the Notice of the General Municipal Election to be held in the City on Tuesday, April 7, 1981, and further that the same be published in accordance with election procedures:

ELECTION NOTICE

CITY OF GRAND JUNCTION, COLORADO

NOTICE OF GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 7TH DAY OF APRIL, 1981

PUBLIC NOTICE IS HEREBY GIVEN THAT A GENERAL MUNICIPAL ELECTION WILL BE HELD ON TUESDAY, THE 7TH DAY OF APRIL, 1981, IN THE POLLING PLACES HEREINAFTER DESIGNATED IN THE CITY OF GRAND JUNCTION, COLORADO.

That said General Municipal Election will be held at the several polling places in the several districts of the City of Grand Junction, Colorado, as follows:

DISTRICT "A", PRECINCT I

St. Joseph's Catholic Church, 314 White Avenue

DISTRICT "A", PRECINCT II

Columbus School, 2660 UnawEEP

DISTRICT "B"

Grand Junction High School, 1400 North 5th Street

DISTRICT "C"

Orchard Avenue School, 1800 Orchard Avenue

DISTRICT "D"

Mesa College Physical Education Center, 12th and Orchard

DISTRICT "E"

Lincoln Park School, 600 North 14th Street

Upon the date and at the places designated, the polls will open from the hour of 7:00 A.M. to and including and will be closed at the hour of 7:00 P.M. Voting devices will be provided in each polling place for the election. The ballots to be used in voting will be prepared and furnished by the City Clerk to the Judges of Election, to be by them furnished to the voters. The election will be held and conducted as nearly as may be as prescribed by law.

Registration for the said election will take place in the manner

now provided by Ordinance and law.

That at said election a member of the City Council will be elected from each of three election districts (i.e. Districts "A", "D", and "E") and one from the City at Large to serve four-year terms. Candidates are:

DISTRICT "A"

Robert W. Holmes

Paul W. Nelson

DISTRICT "D"

Frank M. Dunn

James W. (Jim) Spelman

DISTRICT "E"

Gary A. Lucero

CITY AT LARGE

Delmore A. (Del) Beaver

Elizabeth M. (Betsy) Clark

Bobby E. Wilson

BE IT FURTHER RESOLVED BY THE CITY COUNCIL THAT AT THE SAID GENERAL ELECTION 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, said 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 DISTRICT 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 of 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

"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 per centum 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 endorsements 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.

Neva B. Lockhart, City Clerk

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

President of the Council

Attest:

City Clerk

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

RESOLUTION APPOINTING JUDGES OF ELECTION AND ALTERNATES

The following Resolution was read:

RESOLUTION

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

That the following persons be, and they are hereby appointed as

Judges of Election and Alternates for the General Municipal Election to be held in the City on Tuesday, April 7, 1981:

DISTRICT A, Precinct 1

Judges:

Josephine Manzanares
644 W. Colorado Avenue

Mildred Sawyer
249 Grand Avenue

Julia Maldonado
402 West Grand

Alma Melton
539 Highway 50

Alternates:

Clarence Melton
539 Highway 50

Margaret Marvel
961 Road

DISTRICT A, Precinct 2

Judges:

Margaret Kunz
1015 UnawEEP

Glenna Barger
230 26 1/4 Road

Patricia Parrish
310 E. Highland

Alice Arcieri
2690 B-3/4 Road

Alternates:

Joy Seibert
314 Cherry Lane

Lois L. Geary
2704 C Road

Pearl Kovacic
1710 Laveta

DISTRICT B

Judges:

Elsie Woldruff
306 Ridgewood Lane

Helen Kephart
435 North Avenue

Maxine Daniels
230 Mesa Avenue

Barbara Gale
308 Willowbrook Road

Charles Teed
510 West Mesa Avenue

Alternates:

Helen Dixon
2562 F Road

Jean Mumby
321 McFarland

Patricia Mehs
455 Mesa Court

DISTRICT C

Judges:

Helen Johnston
1920 N. 17th Street

Berdine Colescott
2236 N. 17th Street

Hazel Hurd
1931 N. 17th Street

Ethel Sutrina
2012 N. 22nd Street

Aura Moon
564 Normandy Drive

Alternates:

Delbert Mueller
2002 N. 21st Street

R. J. (Jack) Gidney
1705 N. 21st Street

Lenore Ellis
2042 N. 22nd Street

Gwendoline Bush
2005 N. 17th Street

DISTRICT D

Judges:

Nora Peterson
2540 N. 12th Street

Marjorie Green
1320 Elm

Frances H. Mark
1330 Elm

Mae Uhlemann
1234 Texas

Basil Knight
1110 Gunnison

Alternates:

Ester Granat
1055 Chipeta

Alice Norgaard
1131 Grand Avenue

Mary Colosimo
1032 Lakeside Drive

Flavio R. (Bob) Romero
748 Teller Avenue

DISTRICT E

Judges:

Helen Youngerman
535 N. 17th Street

Irene Abbey
1805 Grand Avenue

Pauline Bynum
2022 Gunnison Avenue

Marie Nowlan
1220 Main Street

Mary Ann Warner
1340 N. 21st Street

Alternates:

Kathryn Harper
518 N. 22nd Street

Margie Lopas
1261 Colorado Avenue

Shirlee Roth
2837 Elm

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

That each Judge of Election serving on the day of election be
compensated for his/her time by the payment of fifty dollars
(\$50).

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

President of the Council

Attest:

City Clerk

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

RESOLUTION CONCERNING THE CONSTRUCTION OF A STATE OFFICE BUILDING
IN THE CITY OF GRAND JUNCTION

The following Resolution was read:

RESOLUTION

CONCERNING THE CONSTRUCTION OF A STATE OFFICE BUILDING IN THE CITY
OF GRAND JUNCTION

WHEREAS, the City of Grand Junction has previously expressed its
support for construction of a state office building in the
downtown area of the City; and

WHEREAS, the City has also expressed its desire to work with the State to coordinate the development of needed City and State facilities; and

WHEREAS, it is the City's understanding that the State is considering alternative options for financing the State facility;

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

That the City Council inform the State of Colorado of the willingness of the City to work with the State to evaluate development and financing alternatives for a facility to be used jointly by the State, the City, and, possibly, other governmental entities.

Further, the City asserts its willingness to share a role in the design, construction and permanent financing of a facility to accommodate the needs of the State on mutually agreeable terms. The structure of such a financing would likely involve a lease arrangement to cover construction and operation costs with the possible opportunity of sharing ownership of the facility.

Further, toward the end of cooperation with the State, the City Council and the City Administrator are prepared to meet with representatives of the State to pursue the evaluation of alternative options.

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

President of the Council

Attest:

City Clerk

Upon motion by Councilman Dunn, seconded by Councilman Brach and carried with Councilman HOLMES and O'DWYER voting NO, the Resolution was passed and adopted as amended.

APPOINTMENT OF ROBERT L. QUIMBY TO THE DOWNTOWN DEVELOPMENT AUTHORITY TO FILL THE VACANCY OF KEN JOHNSON - TERM EXPIRES 6-30-81

Upon motion by Councilman Johnson, seconded by Councilman O'Dwyer and carried with President Quimby abstaining Robert L. Quimby was appointed to the Downtown Development Authority to fill the vacancy left by Ken Johnson, term to expire June 30, 1981.

YELLOW CAB TAXI RATES

Mr. Ross Willis of Yellow Cab Company was present and Council directed questions to him regarding the proposed rate increase that is before the Public Utilities Commission.

Upon motion by Councilman Holmes, seconded by Councilman Brach and carried, the action taken by Council February 18, 1981, was rescinded until the decision of the Public Utilities Commission is known.

CITY JOINS GRAND JUNCTION DOWNTOWN ASSOCIATION - MEMBERSHIP DUES \$500 - PAYMENT AUTHORIZED

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried, the City has joined the Grand Junction Downtown Association for the revitalization of downtown and authorized payment of membership dues of \$500.00.

FIRE HYDRANTS

Councilman Holmes noted the fire at the top of the Fifth Street hill today, and pointed out the lack of a fire hydrant and he recommended making provision for a fire hydrant on the west side.

LEGISLATIVE ITEMS

Councilman Johnson filed a report on the items facing the State Legislature.

RECREATION BOARD

Councilman Dunn field a report on Wavetek Pools.

ORDINANCE CONTROLLING THE LOCATION OF ADULT BOOK STORES, THEATERS, ETC.

Councilman O'Dwyer pointed out that the emergency ordinance adopted by Council on December 17 controlling the location of adult book stores, theaters, and so forth, is due to expire on May 17, and he moved to direct the Staff to get busy on a permanent ordinance that can be considered by Council by the first meeting in May prior to the expiration date of the present ordinance, which motion was seconded by Councilman Holmes and said motion carried.

AIRPORT

Councilman Brach noted the Airport Board meeting scheduled for March 19, 1981. He reminded Council that the Airport Board members have reached the point where some decision must be made regarding the choice as to who will be selected to build the hotel complex on the Airport land, and the Board members need some guidance from Council now as to what the Board members should do.

During the discussion both Councilman Johnson and President Quimby stated that the petition for annexation of the Airport needs to be implemented. After considerable discussion, it was moved by Councilman Johnson, seconded by Councilman Dunn and carried with Councilman HOLMES voting NO, that the Airport Authority members express the consensus of the Council and that they go ahead and name a name tomorrow and that when it comes time for the details of the contract that the Council be permitted an opportunity for input as to its concerns about the various issues.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk