

Grand Junction, Colorado

April 15, 1981

The City Council of the City of Grand Junction, Colorado, convened in regular session at 7:30 p.m. the 15th day of April, 1981, in City Council Chambers at City Hall. Those present were Council members Louis Brach, Frank Dunn, Dale Hollingsworth, Robert Holmes, Karl Johnson, Bill O'Dwyer, and Jane Quimby, a quorum. Also present were City Manager Jim Wysocki, City Attorney Gerald Ashby, and City Clerk Neva Lockhart.

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

INVOCATION

Reverend David Slottje, Valley Bible Church.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilman O'Dwyer and carried, the minutes of the special meeting March 16, 1981, and the regular meeting March 18, 1981, were approved as written.

LIQUOR - BEER

Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried with Councilman HOLMES voting NO, the applications by the following businesses to renew liquor and beer licenses were approved:

1. Grand Junction Athletic Club, 2515 Foresight Circle (Tavern)
2. City Market, 2830 North Avenue (3.2% Beer)
3. The Sandwich Factory, 541 Main Street (Hotel-Restaurant)
4. This Is It Grocery, 215 S. 11th Street (3.2% Beer)

HEARING - REQUEST FOR HEIGHT VARIANCE FOR CHURCH BUILDING 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 height variance for church building and day care center east of 28 Road, south of Grand Valley Canal. The request was to vary the height for 25-foot requirement in a residential zone to 36 feet. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried, the request for height variance to 36 feet was approved.

HEARING - ROADWAY INN DEVELOPMENT IN H.O. ZONE - NW CORNER OF HORIZON DRIVE AND CROSSROADS BLVD.

A hearing was held after due notice on the petition by Environmental Developers, Inc., William Ash, III, for Roadway Inn development in an H.O. zone. The request was for a hotel on 2.93 acres on the northwest corner of Horizon Drive and Crossroads Boulevard. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried, the Roadway Inn hotel development in H.O. Zone was approved.

HEARING - OFFICE BUILDING DEVELOPMENT IN H.O. ZONE - S OF HIGHLINE CANAL, N OF NORTH CROSSROADS COURT

A hearing was held after due notice on the petition by Environmental Developers, Inc., William Ash, III, for office building development on five acres south of the Highline Canal, north of North Crossroads Court in an H.O. zone. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried, the office building development in H.O. zone was approved.

HEARING - FINAL PLAN AND PLAT OF FORESIGHT VILLAGE SUBDIVISION SE CORNER 25 1/2 ROAD AND F 1/4 ROAD

A hearing was held after due notice on the petition by Colorado Land & Exploration Company, Ken Shrum, for the final plan and plat of Foresight Village Subdivision containing 10.16 acres designed for 180 units in planned residential zone on the southeast corner of 25 1/2 Road and F 1/4 Road. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried, the Final Plan and Plat of Foresight Village Subdivision was approved.

HEARING - PROPOSED ORDINANCE - REZONE FROM R-1-A TO PR-9.5 AND THE FALLS SUBDIVISION FIRST ADDITION PRELIMINARY PLAN - SW CORNER PATTERSON ROAD AND GRAND CASCADE ROAD

A hearing was held after due notice on the petition by Robert Rewinkle to rezone from R-1-A to PR-9.5 and the Falls Subdivision First Addition Preliminary Plan for the southwest corner of Patterson Road and Grand Cascade Road. The petition is to change from single-family residential use at approximately 4 units per acre to planned residential use with design density of 9.5 units per acre on 2.2 acres. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried, the Falls Subdivision First Addition Preliminary Plan 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 CHANGING 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.

HEARING - PROPOSED ORDINANCE - RIGHT-OF-WAY VACATION AT 28 ROAD LINE BETWEEN H ROAD AND HORIZON DR

A hearing was held after due notice on the petition by Bruce Currier to vacate right-of-way at 28 Road Line between H Road and Horizon Drive. 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 O'Dwyer, seconded by Councilman Brach and carried, the proposed ordinance was passed for publication.

HEARING - DEVELOPMENT IN H.O. ZONE FOR NURSERY ON .86 ACRES N OF HIGHWAY 50, W OF LINDEN AVENUE

A hearing was held after due notice on the petition by Robert Mayhew, Evergreen Nursery, for a nursery development in H.O. zone on .86 acres north of Highway 50, west of Linden Avenue. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried, the nursery development in H.O. zone was approved.

HEARING - HOUSTON HEIGHTS SUBDIVISION PRELIMINARY PLAN APPROVED, NE CORNER OF 15TH STREET AND WELLINGTON AVENUE

A hearing was held after due notice on the petition by Ken Shrum, Exploration Company, for approval of the preliminary plan for Houston Heights Subdivision located on the northeast corner of 15th Street and Wellington Avenue. The subdivision contains 4.1 acres designed for two lots in a single-family residential zone. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried, the preliminary plan for Houston Heights Subdivision was approved.

HEARING - CONDITIONAL USE FOR ADDITION TO EXISTING CHURCH ON 4 ACRES IN SINGLE-FAMILY RESIDENTIAL ZONE, W OF 12TH STREET, S OF F 1/2 ROAD LINE

A hearing was held after due notice on the petition by Montine Counts, Unity of Grand Junction, for conditional use to add to existing church on four acres in a single-family residential zone west of 12th Street, south of F 1/2 Road Line. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried, the conditional use to add to existing church at 12th Street in single-family residential zone was approved.

HEARING - PROPOSED ORDINANCE - ZONING OF BAUGHMAN ANNEXATION TO PR-10 AND COLONY PARK SUBDIVISION OUTLINE DEVELOPMENT PLAN, E OF POMONA SCHOOL

A hearing was held after due notice on the petition by Robert Baughman to zone Baughman Annexation to PR-10 and the outline development plan for Colony Park Subdivision located on 19.96 acres with design density of ten units per acre east of Pomona School. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried, the outline development plan for Colony Park Subdivision 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 CHANGING THE ZONING OF CERTAIN LANDS WITHIN THE CITY. Upon motion by Councilman Holmes, seconded by Councilman Hollingsworth and carried, the proposed ordinance was passed for publication.

HEARING - DEVELOPMENT IN H.O. ZONE FOR CERAMIC SHOP ON .14 ACRES S OF HIGHWAY 50, E OF ASPEN AVENUE

A hearing was held after due notice on the petition by John Raff for development in H.O. zone for ceramic shop on .14 acres south of Highway 50, east of Aspen Avenue. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Hollingsworth and carried, the ceramic shop development in an H.O. zone was approved.

HEARING - PROPOSED ORDINANCE - GRAND JUNCTION ZONING ORDINANCE TEXT AMENDMENT TO SUPPLEMENTARY REGULATIONS SECTION 6, PARAGRAPH F BUILDING HEIGHTS (1) TO ADD 3.4 USE GROUP, HUMAN TREATMENT, UNRESTRAINED

A hearing was held after due notice on the petition by the Development Department for Grand Junction Zoning Ordinance Text Amendment to Supplementary Regulations Section 6, Paragraph F Building Heights (1) to add 3.4 Use Group, Human Treatment, Unrestrained. There were no opponents, letters, or counterpetitions.

The following entitled proposed ordinance was read: AN ORDINANCE PERMITTING A VARIANCE IN THE HEIGHT OF HOSPITALS AND SIMILAR BUILDINGS. Upon motion by Councilman Dunn, seconded by Councilman Brach and carried, the proposed ordinance was passed for publication.

3.2% BEER - RESOLUTION OF DECISION REGARDING APPLICATION BY SCHILLING-ZUGMIER, INC. FOR 3.2% BEER LICENSE PERMITTING SALES FOR CONSUMPTION ON THE PREMISES AT BIG CHEESE PIZZA, 1320 NORTH AVENUE - APPROVED

The following Resolution was read:

RESOLUTION

OF DECISION ON APPLICATION FOR A 3.2% BEER ON-PREMISE LICENSE BY

SCHILLING-ZUGMIER, INC., DBA BIG CHEESE PIZZA TO BE LOCATED AT 1320 NORTH AVENUE, GRAND JUNCTION.

A public hearing having been held on April 1, 1981, on the application by Schilling/Zugmier, Inc. dba Big Cheese Pizza for a 3.2% beer on-premise license at 1320 North Avenue, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was held on April 1, 1981, on the application after proper notice thereof under the Beer 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 327 persons so stated while 141 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 Beer 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 3.2% Beer On-Premise License issue to Schilling-Zugmier, Inc., dba Big Cheese Pizza, to be located at 1320 North Avenue, Grand Junction.

PASSED and ADOPTED this 15th day of April, 1981.

President of the Council

Attest:

City Clerk

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

HEARING - APPLICATION BY MESA COLLEGE FOR 3.2% BEER SPECIAL EVENTS PERMIT ON APRIL 24, 1981, FROM 2:00 P.M. TO 6:00 P.M. - 2ND AND 3RD PERMITS - APPROVED

A hearing was held after due posting of notice on the application by Mesa College for 3.2% beer special events permits for outdoor activities on April 24, 1981, from 2:00 p.m. to 6:00 p.m. and on April 25, 1981, from 12:00 noon to 6:00 p.m. Jim Eby, Vice President of Student Affairs, was present to support the issuance of the permits. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Hollingsworth, seconded by Councilman Brach and carried with Council members HOLMES and O'DWYER voting NO, the applications by Mesa College for the 3.2% beer special events permit were approved.

HEARING - APPLICATION BY MESA COUNTY DEMOCRATIC CENTRAL COMMITTEE FOR MALT, VINOUS AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT MAY 9, 1981, AT TWO RIVERS PLAZA, 159 MAIN STREET, FROM 5:00 P.M. TO 2:00 P.M. MAY 10, 1981 - APPROVED 1ST PERMIT

A hearing was held after due posting of notice on the application by the Mesa County Democratic Central Committee for malt, vinous and spirituous liquor special events permit at Two Rivers Plaza on May 9, 1981, from 5:00 p.m. to 2:00 a.m. May 10. Audrey Berry was present representing the Mesa County Democratic Central Committee to support the granting of the permit. There were no opponents, letters, or counterpetitions. Upon motion by COUNCILMAN JOHNSON, SECONDED BY COUNCILMAN HOLLINGSWORTH AND CARRIED WITH Council members HOLMES and O'DWYER voting NO, the application was approved.

HEARING - APPLICATION BY THE SOUTHLAND CORPORATION FOR 3.2% BEER LICENSE TO PERMIT SALES IN SEALED CONTAINERS FOR OFF-PREMISE CONSUMPTION AT 7-ELEVEN FOOD STORE, 445 NORTH AVENUE

A hearing was held after due posting and publication of notice on the application by The Southland Corporation for a 3.2% beer license which permits the sales in sealed containers for off-premise consumption at 7-Eleven Food Store, 445 North Avenue. Officers are:

President: Jere W. Thompson

Vice Pres: J. S. Hardin

Sec/Treas: R. G. Smith

Manager: Ken Braden

The following report was read:

"On February 26, 1981, an application for a 3.2% fermented malt beverage license was filed by The Southland Corporation dba 7-Eleven Food Store, to be located at 445 North Avenue.

The sign giving notice of hearing was posted on the property April 3, 1981, and the display ad giving notice of hearing was published in The Daily Sentinel April 3, 1981.

HEARING - APPLICATION BY GRAND JUNCTION DOWNTOWN ASSOCIATION, INC., FOR MALT, VINOUS, AND SPIRITUOUS LIQUOR SPECIAL EVENTS PERMIT AT TWO RIVERS PLAZA, 159 MAIN STREET, MAY 1, 1981, FROM 5:00 P.M. TO 2:00 A.M. MAY 2, 1981 - APPROVED - FIRST PERMIT

A hearing was held after due posting of notice on the application by the Grand Junction Downtown Association, Inc., for a malt, vinous and spirituous liquor special events permit at Two Rivers Plaza, 159 Main Street, on May 1, 1981, from 5:00 p.m. to 2:00 a.m. May 2. Mike Shannon was present to support the granting of the permit. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Dunn, seconded by Councilman Brach and carried with Council members HOLMES and O'DWYER voting NO, the application was approved.

The area from Second Street on the west, to Kennedy Avenue on the north, to 8th Street on the east, to 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. 146

a. Owner of property in neighborhood 21

b. An employee or business lessee of property in the neighborhood 110

c. Inhabitant of neighborhood 16

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. 167

a. Owner of property in neighborhood 35

b. An employee or business lessee of property in the neighborhood 130

c. Inhabitant of neighborhood 23

The Police Department has not filed a background investigation report on the officers as of this date.

A letter from Richard A. Gourley opposing the issuance of the license was submitted. No other letters or counterpetitions were filed.

Similar type outlets within one mile: 13.

Similar type outlets within survey area: 2."

The map showing similar type outlets was reviewed.

Southland's attorney, Donald La Mora, was present and submitted a petition with 109 signatures from the neighborhood and a petition signed by customers in the Store containing some 460 signatures. Mr. La Mora had testimony from Gale Fagan, 1441 Patterson Road, Assistant Manager of the 7-Eleven Store, 445 North Avenue; Frank Cole, 2845 Newport Circle, Store Manager of 7-Eleven, 445 North Avenue, William S. Fluke, 619 Horton, Olathe, Colorado, District Supervisors for Southland Corporation. There were no opponents present, no other letters of opposition, and no counterpetitions.

Dave Slottje, 519 Delicious Drive, Clifton, asked how well this store is doing. He was aware that it opened in February. According to Mr. La Mora the store is 40 percent under projection.

The hearing was closed. A Resolution of Findings and Decision is scheduled on the Special City Council agenda May 4, 1981.

RESOLUTION AGREEING TO ISSUE INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE A PROJECT FOR MESA BEVERAGE, A COLORADO CORPORATION - \$16,000,000 - APPROVED

The following Resolution was read:

A RESOLUTION AGREEING TO ISSUE INDUSTRIAL DEVELOPMENT REVENUE BONDS TO FINANCE A PROJECT FOR MESA BEVERAGE, A COLORADO CORPORATION.

WHEREAS, the City of Grand Junction, in the State of Colorado (the "City"), is authorized by the County and Municipality Development Revenue Bond Act, Title 29, Article 3, Part 1, C.R.S. 1973, as amended (the "Act"), for the benefit of the inhabitants of the State and for the promotion of their health, safety, welfare, convenience, and prosperity, to finance one or more projects, including any land, building or other improvements and all necessary and appurtenant real or personal properties suitable for commercial facilities, upon such conditions as the City Council of the City may deem advisable; and

WHEREAS, the City is further authorized by the Act to issue its revenue bonds or other obligations for the purpose of defraying the cost of financing any such projects; and

WHEREAS, representatives of Mesa Beverage, a corporation duly organized under the laws of the State of Colorado (the "User"), have met with officials of the City and have advised the City of the User's interest in the acquisition and improvement of land and the construction and equipment of a bottling and distribution facility located within the City (the "Project") subject to the willingness of the City to finance the Project by the issuance of

industrial development revenue bonds or other obligations pursuant to the Act; and

WHEREAS, the User has represented to the City that the Project has been designed to qualify as a "project" within the meaning of the Act; and

WHEREAS, the City has considered the User's proposal and has concluded that the economic benefit to the City will be substantial due to an increase in employment and the promotion of industry and development of trade and other economic activity within the City; and

WHEREAS, the City has hereby determined that issuing its industrial revenue bonds for the Project will benefit the health, welfare, safety, convenience, and prosperity of the inhabitants of the City; and

WHEREAS, the City wishes to proceed with the financing of the Project; and

WHEREAS, the proposed issuance of the industrial development revenue bonds and the execution of related financing documents are not prohibited by any ordinances or rules of the City;

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

Section 1. In order to induce the User to complete the Project within the City, the City shall take all steps necessary or advisable to effect the issuance of industrial development revenue bonds or other obligations (the "Bonds") in a maximum aggregate principal amount of \$6,000,000. This Resolution is and constitutes the taking of affirmative official action by the City toward the issuance of the Bonds. The Bonds and the financing documents relating to said Bonds shall be subject to the terms and conditions of the Memorandum of Agreement between the City and the User attached hereto as Exhibit "A" and incorporated herein by specific reference. No costs are to be borne by the City in connection with the issuance of the Bonds.

Section 2. The terms and conditions of the Bonds and of the financing documents relating to said Bonds or other obligations will be mutually agreed upon by the City and the User, and prior to their execution, such documents will be subject to authorization by Ordinance of the City Council pursuant to law and any ordinance or rules of the City.

Section 3. The User has agreed to provide for reimbursement of all expenses incurred or to be incurred by the City related to the User's Project pursuant to the Memorandum of Agreement attached hereto as Exhibit "A".

Section 4. Neither the Bonds, including interest and any premiums

thereon, nor anything contained in this Resolution shall constitute a debt or indebtedness of the City within the meaning of the Constitution or statutes of the State of Colorado, nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers. The Bonds shall be payable solely from and secured by a pledge of the revenues derived from the payable pursuant to the financing documents referred to in Section 2 hereof.

Section 5. All commitments by the City made herein are subject to the condition that on or before two years from the date hereof, the City and the User shall have agreed to mutually acceptable terms for the Bonds or other obligations provided for hereunder, in an amount not to exceed \$6,000,000, and for the sale and delivery thereof.

Section 6. The form of Memorandum of Agreement presented to the City Council is approved and the Mayor of the City and the City Clerk are authorized to execute the Memorandum of Agreement, with such changes as the City Attorney may approve, on behalf of the City. The Mayor, City Clerk, City Attorney, and other officers and agents of the City are hereby authorized to initiate and assist in the preparation of such documents as may be appropriate to the Bonds.

The above and foregoing Resolution was adopted by the City Council on this 15th day of April, 1981.

(S E A L)

Mayor

Attest:

City Clerk

EXHIBIT "A"

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is between the City of Grand Junction, Colorado (the "City") and Mesa Beverage, a corporation duly formed and existing under the laws of the State of Colorado (the "User").

1. Preliminary Statement. Among the matters of mutual inducement which have resulted in the execution of this Agreement are the following:

(a) The City is a city in the State of Colorado, a body politic

and corporate, authorized and empowered by Title 29, Article 3, of the Colorado Revised Statutes 1973, as amended (the "Act"), to issue development revenue bonds to finance one or more projects, including any land, building or other improvement and all real or personal properties suitable or used for Commercial facilities upon such terms and conditions as the City Council of the City of Grand Junction (the "Council") deems advisable.

(b) In order to increase employment and in order to promote industry and develop trade and other economic activity within the City of Grand Junction, State of Colorado: (1) the User proposes to acquire and improve land for and construct and equip a bottling and distribution facility thereon located within the City and to acquire all necessary and appurtenant real and personal properties, whether or not now in existence (the "Project"), (2) pursuant to a Loan Agreement between City and User (the "Loan Agreement"), City will loan the proceeds of its industrial development revenue bonds or other obligations not to exceed \$6,000,000 (the "Bonds") to the User for such acquisition, improvement, construction, and equipment, and (3) the User will make loan repayments under said Loan Agreement sufficient to pay the principal of, premiums, if any, and interest on the Bonds or other obligations.

(c) The City has indicated its willingness to proceed with the issuance of its Bonds or other obligations as provided by the Act to finance the Project and has advised the User that, subject to due compliance with all requirements of law, the obtaining of all necessary consents and approvals, and the happening of all acts, conditions and things required precedent to such financing, the City, pursuant to the Act, will issue the Bonds in a principal amount sufficient to pay the costs of such acquisition, improvements, construction, and equipment of the Project, the funding of any necessary reserves and the expenses of issuance and sale of the Bonds, not to exceed an aggregate principal amount of \$6,000,000.

(d) The City considers that financing the Project and entering into the Loan Agreement with the User with respect to the Project will promote economic activity within the City, a public purpose as described in section 29-3-102(1), C.R.S. 1973.

2. Undertakings by the City. The City agrees as follows:

(a) The City will issue the Bonds or other obligations pursuant to the terms of the Act in a principal amount not to exceed \$6,000,000 to complete the Project, the funding of any necessary reserves and the expenses incident to the authorization, sale and issuance of the Bonds.

(b) The City will adopt such proceedings and authorize: (i) the execution and delivery of such documents as may be reasonably necessary or advisable for the authorization, issuance and sale of the Bonds, (ii) the financing, acquisition, improvements,

construction and equipment of the Project and (iii) the execution of the Loan Agreement with the User and such other documents relating to the Bonds as shall be authorized by the Act or other law and as shall be mutually satisfactory to the City and the User.

(c) The aggregate sums to be paid by the User under the Loan Agreement shall be sufficient to pay the principal of, redemption premiums, if any, and interest on the Bonds as and when the same shall become due.

(d) The City will take such other acts and adopt such further proceedings as may be reasonably required to implement the aforesaid undertakings and as it may deem appropriate in pursuance thereof.

(e) The Bonds shall provide that they shall be payable solely from and secured by a pledge of the revenues derived from and payable pursuant to the provisions of the Loan Agreement, that they shall never constitute the general obligations of the City within the meaning of any provision or limitation of the Constitution or statutes of the State, and that they shall not constitute nor give rise to a pecuniary liability or a charge against the general credit or taxing powers of the City, the State of Colorado or any political subdivision thereof.

(f) In authorizing the issuance of the Bonds pursuant to this Agreement, the City will make no warranty, either expressed or implied, that the proceeds of the Bonds will be sufficient to pay all costs of the Project.

3. Undertakings on the Part of the User. The User agrees as follows:

(a) The User will enter into a contract or contracts for the acquisition, improvements, construction, and equipment of the Project.

(b) Prior to the delivery of the Bonds, the User will enter into the Loan Agreement with the City under the terms of which the User will obligate itself to complete the acquisition, construction, development and equipment of the Project and, to the extent not payable out of proceeds of the Bonds, to pay to the City sums sufficient in the aggregate to pay or reimburse the City for all reasonable expenses incurred by it in connection with the authorization, issuance and sale of the Bonds, including without limitation the reasonable expenses that the City deems necessary for attorneys', accountants', and auditors' fees and expenses, and to make loan repayments sufficient to pay the principal of, premiums, if any, and interest on the Bonds as and when the same shall become due and payable, all utility charges, taxes, assessments, casualty and liability insurance premiums, and any other expenses or charges relating to the ownership, use, operation, maintenance, occupancy and upkeep of the Project, such

Loan Agreement to contain such other provisions as may be required by law and as shall be mutually acceptable to the Town and the User.

(c) The User will take such further action and adopt such further proceedings as may be required to implement its aforesaid undertakings or as it may deem appropriate in pursuance thereof.

4. General Provisions.

(a) Prior to the issuance of the Bonds, there shall be a reasonable showing to the City Council that the User is capable and will remain capable of carrying out its financial obligations under the Loan Agreement.

(b) All commitments with respect to the Bonds in a principal amount not to exceed \$6,000,000 of the City under Section 2 hereof and of the User under Section 3 are subject to the condition that, on or before two years from the date of this Agreement, the City and the User shall have agreed to mutually acceptable terms for the Bonds and for the issuance, sale and delivery thereof, and mutually acceptable terms and conditions for the Loan Agreement, and such other documents referred to in Section 2 and the proceedings referred to in Sections 2 and 3 hereof, and the City and the User shall have complied with all of the provisions of the Act applicable to the issuance, sale and delivery of the Bonds and the financing of the Project.

(c) If the events set forth in Section 4(a) and (b) above do not take place within the time set forth or any extension thereof, and if the Bonds are not issued and sold within that time, the User agrees that it will reimburse the City for all reasonable and necessary direct out-of-pocket expenses which the City may incur arising from the execution of this Agreement, including without limitation the reasonable expenses that the City deems necessary for attorneys', accountants', and auditors' fees and expenses, and the performance of the City's obligations hereunder, whereupon this Agreement shall terminate.

IN WITNESS WHEREOF, the parties have entered into this Agreement by their duly authorized officers on this 15th day of April, 1981.

(S E A L)

CITY OF GRAND JUNCTION, COLORADO

By

Mayor

Attest:

City Clerk

MESA BEVERAGE, A COLORADO CORPORATION

By

President

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

HEARING - PROPOSED ORDINANCE ZONING CURRIER ANNEXATION H.O. AND C.H. FOUR COMMERCIAL PARK PRELIMINARY PLAN, S OF H ROAD, NW OF HORIZON DRIVE

A hearing was held after due notice on the petition by Bruce Currier to zone the Currier Annexation to the H.O. zone and to consider the preliminary plan for C.H. Four Commercial Park. The request is to zone 77.7 acres to Highway-Oriented uses and a design for two lots on 14.72 acres of land located south of H Road, northwest of Horizon Drive. The proposal was reviewed by Alex Candelaria of the Planning Department. The Planning Commission recommended approval of both the zoning and the preliminary plan. Mr. Bruce Currier addressed the Council, and Dave Jensen and Clay Wade of HOH Associates of Denver presented detailed plans and explained some of the concepts proposed for this development. Gary Burum of Occidental Oil Shale appeared in support of the proposed development. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Holmes, seconded by Councilman Dunn and carried, the preliminary plan for the C.H. Four Commercial Park 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 CERATIN LANDS WITHIN THE CITY. Upon motion by Councilman Holmes, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

HEARING - REVISED FINAL PLAN OF THE WILLIAM BUILDING, NW CORNER OF 11TH STREET AND BELFORD AVENUE - TABLED

A hearing was held after due notice on the revised final plan of the William Building on .43 acres designed for two office buildings in a planned business zone on the northwest corner of 11th Street and Belford Avenue petitioned by Bernard Brodak. The revised plan was reviewed by Alex Candelaria. Chris Gray was present representing the petitioner and the developers in Phase A. The revision to the plan at the request of the Planning Commission was for the area shown as right-of-way will be grassed. The position of Mr. Gray was that most of the businesses on North Avenue ??? do have access to the alley, and this development would not create any undue hardship with an access to the alley. The

planned office uses are not high in traffic. THEREFORE, THIS PROPOSAL WOULD BE CONSISTENT WITH ADJACENT USES. There were no opponents, letters, or counterpetitions.

Both Councilman O'Dwyer and Councilman Johnson expressed concern about the use of the alley. Councilman Johnson stated that he does not believe alleys were ever intended as the principal means of ingress and egress to property. They are designed primarily for service.

Upon motion by Councilman Johnson, seconded by Councilman O'Dwyer and carried, this item was tabled so the petitioner can meet with the Engineering Department to work out the problem of the exit.

HEARING - PETITION BY MARVIN AND MARGARET DICKEY TO REZONE FROM R-3 TO B-1 THE NE CORNER OF 11TH AND MAIN STREETS - RESOLUTION OF FINDINGS SCHEDULED MAY 4, 1981

A hearing was held after due notice on the petition by Marvin and Margaret Dickey to rezone the northeast corner of 11th Street and Main Street from R-3 (single-family/multi-family residential use) to B-1 (light business uses) on .14 acres. The proposal was outlined by Alex Candelaria. The Planning Commission recommended denial. Ken Hunt, Dillon & Hunt, was present representing the petitioner. Council accepted the petition signed by 29 people from the adjacent properties favoring the zoning change. Mr. Hunt requested a decision tonight, and stated that if it is denied, they want some guidelines from Council as to what would be permitted. Ken Barnes, 1110 Main Street, favors the rezone. There were no others present to speak to this petition, letters, or counterpetitions.

A Resolution of findings and decision are scheduled on the agenda for the special meeting of the City Council on May 4, 1981.

HEARING - THE FALLS SUBDIVISION FILING #2 REPLAT OF LOT 8, BLOCK 2, FINAL PLAN W OF GRAND CASCADE ROAD, N OF GRAND FALLS DRIVE

A hearing was held after due notice on the petition by Robert Rewinkle for the Falls Subdivision Filing #2 Replat of Lot 8, Block 2, Final Plan. The property contains 2.11 acres designed for 23 units in a planned residential zone located west of Grand Cascade Road, north of Grand Falls Drive. Tom Logue of Paragon Engineering was present representing the petitioner. Mr. Logue stated that petitioner would have no problem dedicating the street to the City. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Brach, seconded by Councilman Holmes and carried, the Falls Subdivision Filing #2 Replat of Lot 8, Block 2, Final Plan was approved with the condition that the street be developed to the City's specification of 26-foot mat and dedicate the street to the City.

PHIPPS #3 ANNEXATION - PETITION, RESOLUTION, PROPOSED ORDINANCE - BETWEEN B 1/2 ROAD AND HIGHWAY 50, E OF 27-3/4 ROAD

The petition for annexation of Phipps #3 was accepted for filing:

PETITION

WE, THE UNDERSIGNED, do hereby petition the City Council of the City of Grand Junction, State of Colorado, to annex the following described property to the said City:

A tract of land located in a part of the SE4 of Section 25, T1S, R1W of the Ute Meridian, Mesa County, Colorado, being more particularly described as follows:

Commencing at the NW Corner of the SE4 of said Section 25; thence S 89 deg. 57 min. 00 sec. E along the N line of the SE4 of said Section 25 a distance of 1299.29 feet to the TRUE POINT OF BEGINNING; thence continuing S 89 deg. 57 min. 00 sec. E along said N line of the SE4 of Section 25 a distance of 1343.81 feet to the NE Corner of the SE4 of said Section 25; thence S 00 deg. 03 min. 00 sec. E along the E line of the SE4 of said Section 25 a distance of 579.12 feet; thence S 89 deg. 57 min. 00 sec. W 449.19 feet; thence S 00 deg. 03 min. 00 sec. E 549.00 feet, more or less, to the N right of way line of U.S. Highway 6 & 50; thence N 69 deg. 29 min. 00 sec. W along said N right of way line 956.24 feet; thence N 00 deg. 00 min. 00 sec. E 794.73 feet to the TRUE POINT OF BEGINNING, containing 25.74 acres, together with B 1/2 Road ROW on N.

As ground therefor, the petitioners respectfully state that annexation to the City of Grand Junction, Colorado, is both necessary and desirable and that the said territory is eligible for annexation in that the provisions of the Municipal Annexation Act of 1965, Sections 31-12-104 and 31-12-105 CRS 1973 have been met.

This petition is accompanied by four copies of a map or plat of the said territory, showing its boundary and its relation to established city limit lines, and said map is prepared upon a material suitable for filing.

Your petitioners further state that they are the owners of one hundred percent of the area of such territory to be annexed, exclusive of streets and alleys; that the mailing address of each signer and the date of signature are set forth hereafter opposite the name of each signer, and that the legal description of the property owned by each signer of said petition is attached hereto.

WHEREFORE, these petitioners pray that this petition be accepted and that the said annexation be approved and accepted by ordinance.

DATE

SIGNATURE

Orchard Mesa Development, Inc. /s/ Raymond G. Phipps President /s/
Geraldine M. Phipps Secretary

ADDRESS

PROPERTY DESCRIPTION

A tract of land located in a part of the SE4 of Section 25, T1S,
R1W of the Ute Meridian, Mesa County, Colorado, being more
particularly described as follows:

Commencing at the NW Corner of the SE4 of said Section 25; thence
S 89 deg. 57 min. 00 sec. E along the N line of the SE4 of said
Section 25 a distance of 1299.29 feet to the TRUE POINT OF
BEGINNING; thence continuing S 89 deg. 57 min. 00 sec. E along
said N line of the SE4 of Section 25 a distance of 1343.81 feet to
the NE Corner of the SE4 of said Section 25; thence S 00 deg. 03
min. 00 sec. E along the E line of the SE4 of said Section 25 a
distance of 579.12 feet; thence S 89 deg. 57 min. 00 sec. W 449.19
feet; thence S 00 deg. 03 min. 00 sec. E 549.00 feet, more or
less, to the N right of way line of U.S. Hwy 6 & 50; thence N 69
deg. 29 min. 00 sec. W along said N right of way line 956.24 feet;
thence N 00 deg. 00 min. 00 sec. E 794.73 feet to the TRUE POINT
OF BEGINNING, containing 25.74 acres.

STATE OF COLORADO)			
) SSAFFIDAVIT			
COUNTY OF MESA)			

I, Raymond G. Phipps, of lawful age, being first duly sworn, upon
oath, deposes and says:

That he is the circulator of the foregoing petition;

That each signature on the said petition is the signature of the
person whose name it purports to be.

;sigl;
/s/ Raymond G. Phipps

Subscribed and sworn to before me this 7th day of April, 1981.

Witness my hand and official seal.

;sigl;
/s/ Theodore E. Leonard
Notary Public

My Commission expires: July 10, 1984

The following Resolution of Intent to Annex was read:

RESOLUTION

WHEREAS, on the 15th day of April, 1981, a petition was submitted to the City Council of the City of Grand Junction, Colorado, for annexation to said City of the following property situate in Mesa County, Colorado, and described as follows:

A tract of land located in a part of the SE Quarter of Section 25, T1S, R1W of the Ute Meridian, being more particularly described as follows: Commencing at the NW Corner of the SE Quarter of said Section 25, thence S 89 deg. 57 min. 00 sec. E along the N line of the SE Quarter of said Section 25;

a distance of 1299.29 feet to the TRUE POINT OF BEGINNING; thence continuing S 89 deg. 57 min. 00 sec. E along said N line of the SE Quarter of Section 25 a distance of 1343.81 feet to the NE Corner of the SE Quarter of said Section 25; thence S 00 deg. 03 min. 00 sec. E along the E line of the SE Quarter of said Section 25 a distance of 579.12 feet; thence S 89 deg. 57 min. 00 sec. W 449.19 feet; thence S 00 deg. 03 min. 00 sec. E 549.00 feet, more or less, to the N right of way line of U.S. Highway 6 & 50; thence N 69 deg. 29 min. 00 sec. W along said N right of way line 956.24 feet; thence N 00 deg. 00 min. 00 sec. E 794.73 feet to the TRUE POINT OF BEGINNING; together with B 1/2 Road right of way on the N;

and

WHEREAS, the Council has found and determined and does hereby find and determine that said petition is in substantial compliance with statutory requirements therefor; that one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City; that a community of interest exists between the territory and the City; that the territory proposed to be annexed is urban or will be urbanized in the near future; that the said territory is integrated or is capable of being integrated with said City, and that no election is required under the Municipal Annexation Act of 1965 as the owner of one hundred percent of the property has petitioned for annexation;

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

That the said territory is eligible for annexation to the City of Grand Junction, Colorado, and should be so annexed by Ordinance.

PASSED and ADOPTED this 15th day of April, 1981.

President of the Council

Attest:

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.

The following entitled proposed ordinance was read: AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. Upon motion by Councilman Brach, seconded by Councilman Dunn and carried, the proposed ordinance was passed for publication.

RESOLUTION AUTHORIZING PUBLICATION AND FILING WITH SECRETARY OF STATE THE FULL TEXT OF CHARTER AMENDMENTS APPROVED BY THE ELECTORATE APRIL 7, 1981

The following Resolution was read:

WHEREAS, there was submitted to the qualified electors of the City of Grand Junction at a general municipal election held on the 7th day of April, 1981, in the City of Grand Junction, Colorado, the question of adopting amendments to the Charter of the City of Grand Junction, as follows:

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

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.

WHEREAS, at said election 2,069 votes were cast FOR THE AMENDMENT while 379 votes were cast AGAINST THE AMENDMENT, the majority were FOR 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 THE 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.

WHEREAS, at said election 1,922 votes were cast FOR THE AMENDMENT while 505 votes were cast AGAINST THE AMENDMENT, the majority were FOR 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.

WHEREAS, at said election 1,905 votes were cast FOR THE AMENDMENT while 518 votes were cast AGAINST THE AMENDMENT, the majority were FOR THE AMENDMENT.

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

"10. 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.

WHEREAS, at said election 1,621 votes were cast FOR THE AMENDMENT while 669 votes were cast AGAINST THE AMENDMENT, the majority were FOR 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 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, which 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 to 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 OR 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.

WHEREAS, at said election 1,779 votes were cast FOR THE AMENDMENT while 504 votes were cast AGAINST THE AMENDMENT, the majority were FOR THE AMENDMENT.

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

That the City Clerk be, and she is hereby, authorized and instructed to publish once in The Daily Sentinel of Grand Junction, Colorado, the full text of said Charter Amendments, and she is further authorized and instructed to file with the Secretary of State two copies officially certified by her within ten days after April 7, 1981.

PASSED and ADOPTED this 15th day of April, 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 URGING THE PASSAGE OF HOUSE BILL 1090 INCREASING THE STATE GAS TAX - APPROVED

The following Resolution was read:

RESOLUTION

URGING THE PASSAGE OF HOUSE BILL 1090 INCREASING THE STATE GAS TAX

WHEREAS, municipal street systems have undergone considerable increase in mileage over the recent years and the cost of building and maintaining those streets has risen sharply; and

WHEREAS, the use of general fund monies for road construction and maintenance has markedly increased as highway users monies have not kept pace with the demands to provide any proper ratio between general fund and highway user monies; and

WHEREAS, primary emphasis should be toward users of the streets paying for their construction and maintenance rather than the general taxpayer being forced to do so;

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

That the City Council of the City of Grand Junction express its strong support for the passage of House Bill 1090 in the Colorado legislature to the end that a better balance between general fund monies and highway users monies may occur in the cities in providing the extra monies needed because of increases in costs and demands.

PASSED and ADOPTED this 15th day of April, 1981.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Brach, seconded by Councilman Hollingsworth and carried by roll call vote with Councilman HOLMES voting NO, the Resolution was passed and adopted as read.

MEMORANDUM OF SUPPORT FOR THE COLORADO UTE POWER PROJECT BY MESA COUNTY, TOWN OF FRUITA, CITY OF GRAND JUNCTION, AND SCHOOL DISTRICT #51

Upon motion by Councilman Hollingsworth, seconded by Councilman Johnson and carried, the memorandum of support for the Colorado Ute Project was approved.

MEMORANDUM OF SUPPORT COLORADO UTE POWER PROJECT FROM MESA COUNTY, TOWN OF FRUITA, CITY OF GRAND JUNCTION AND SCHOOL DISTRICT #51

This Memorandum of Support for a new Colorado Ute Power Plant was

considered and discussed by each of the endorsing Bodies Politic at a regularly scheduled, public meeting (as specified on the attached signature sheet), witnesseth that:

WHEREAS, the above Bodies Politic (hereafter referred to as the Parties) are knowledgeable about Colorado Ute's (hereafter referred to as Ute) proposal for a new power plant to be sited at either Mack or Delta, Colorado, and

WHEREAS, energy resource development of western Colorado necessitates additional power generation to sustain not only resource development, but also the concomitant power requirements needed to support municipal and domestic power needs, and

WHEREAS, the coal to fuel the Ute plant, regardless of whether the plant is situated in Mack or Delta, will be mined in Mesa and Garfield Counties, and

WHEREAS, 100 car unit coal trains will traverse and bisect the Valley daily, provided the Ute plant is located in Delta, thus creating severe problems, impacts on the transportation corridors and public safety of the Parties; and

WHEREAS, the Parties will bear the bulk of the socioeconomic, educational and public infrastructure cost impacts, regardless of where Ute builds the plant, due to the Grand Valley serving the Ute project as the logistical, wholesale, retail, medical, transportation and supply service center, and

WHEREAS, none of the advalorem tax base derived from the power plant will enure to the Parties if the project is constructed in Delta, and

WHEREAS, the Parties agree that a new power plant is of public necessity,

NOW, THEREFORE, IT IS MUTUALLY AND COLLECTIVELY AGREED that the Parties endorse and support the construction of the Ute Power Plant at Mack, Colorado, provided that:

1. The Ute Plant will conform with and satisfy all local, state and federal environmental air and water quality standards.
2. Ute will "negotiate in good faith" with the Parties to assist with those "up front" public infrastructure costs generated by the construction and operation of the Ute plant.

FURTHERMORE, the Parties recognize that time is of the essence and mutually agree and pledge to help expedite all permits and licensing requirements.

HOWEVER, nothing in this Memorandum of Support is to be construed to absolve Ute from all local, state and/or federal statutory environmental considerations and constraints.

IN WITNESS THEREOF, the parties hereto have caused this document to be executed,

MESA COUNTY BOARD OF COMMISSIONERS

DATE OF PUBLIC RECORD HEARING AND APPROVAL

CHAIRMAN

FRUITA TOWN COUNCIL

DATE OF PUBLIC RECORD HEARING AND APPROVAL

MAYOR

CITY OF GRAND JUNCTION

April 15, 1981

DATE OF PUBLIC RECORD HEARING AND APPROVAL

MAYOR

SCHOOL DISTRICT #51

DATE OF PUBLIC RECORD HEARING AND APPROVAL

PRESIDENT

POLICY STATEMENT ON DOWNTOWN DEVELOPMENT APPROVED

The following policy statement on downtown development was reviewed:

CITY COUNCIL GRAND JUNCTION, COLORADO

POLICY STATEMENT ON DOWNTOWN DEVELOPMENT

Downtown Grand Junction has been the center of our community for a hundred years. Because of a number of interrelated factors (including the cost and availability of land, access to downtown, growth pressures on the periphery of the city and in the county, perceived and actual parking shortages and traffic circulation

constraints), redevelopment investments in the Downtown have not occurred at the level and frequency needed to insure the continued economic vitality of the center city. The Grand Junction City Council considers the redevelopment of and reinvestment in the downtown a major priority for the city over the next five years and will continue to encourage and assist the private sector in such redevelopment and reinvestment. The City Council believes that without a positive and specific policy statement that will be aggressively pursued, downtown Grand Junction property will decline in value, business activity will diminish, social problems will increase and the downtown will become a burden on the remainder of the city rather than a contributor. Other cities in Colorado and across the country experiencing rapid growth have demonstrated that without such a policy downtown deterioration will increase to a point where the city will be required to invest large amounts of public capital in order to revitalize it - public capital that will be needed to meet the demands of rapid growth in other areas of the city.

The City, with the assistance of the Downtown Development Authority, will actively pursue appropriate new commercial and residential developments, necessary public improvements and mechanisms to assist with the renovation or restoration of older properties. Redevelopment of the Downtown should occur in concert with development in other areas of the city and should not be adversely affected by new development outside of the downtown. The City will undertake specific actions to encourage downtown redevelopment efforts and will respond to specific requests from developers and investors when appropriate. The specific actions will include:

1. Completing the Downtown Development Strategy in cooperation with the Downtown Development Authority as expeditiously as possible.
2. Assisting the DDA, downtown merchants and downtown property owners to establish a downtown Parking District as authorized by Ordinance No. 1807 of April, 1979, and to improve the landscaping and management of public parking lots, parking signage, and traffic circulation and signage.
3. Assisting the state to develop a state office building in the downtown.
4. Providing Industrial Development Revenue Bond financing to downtown developers for appropriate economically feasible projects in accordance with state and federal statute.
5. Utilizing Tax Increment Financing to complement appropriate economically feasible private development projects in accordance with state law.
6. Vacating alleys to accommodate new development provided that such vacation is necessary for the successful development of a

project where the developer holds title to adjacent properties and construction is imminent.

7. Vacating or providing air rights or easements over street rights-of-way provided such vacation, air right or easement is necessary for the successful development of a project when the developer holds title to adjacent properties and construction is imminent.

8. Applying for federal and/or state financial assistance to complement private development efforts when the development and application are consistent with the conditions of the federal or state assistance program.

9. Revising zoning, land use and building regulations in accordance with the recommendations of the Downtown Development Strategy to facilitate downtown redevelopment provided such revisions do not adversely affect the health or safety of the downtown community, e.g. height, setbacks, mixed uses, etc.

10. Negotiating parking requirements for downtown development projects considering the availability of public parking, the economics of the project, and the parking needs as determined by the lender and tenants.

11. Relocating municipal utilities to accommodate new development and continuing to implement the agreement with Public Service Co. of Colorado and Mountain Bell to underground their utilities.

12. Financing public improvements in conjunction with private development projects through special improvement districts, revenue bond financing, tax increment financing, grants or, when appropriate, general fund financing.

13. Continuing the Main Street drainage and lighting improvements considering the design recommendations of the Downtown Development Strategy.

14. Considering the designation of an historic district in the downtown and the adoption of design guidelines in accordance with the recommendations of the historic structure survey and the Downtown Development Strategy.

15. Considering the utilization of the property tax deferral mechanism authorized by section 39-5-105, CRS 1973, as amended, to encourage the renovation and restoration of older - more than 30 years old - properties, residential and commercial (with Council designation).

16. Extending Horizon Drive from 7th to 1st Street and upgrading Horizon Drive and 1st to arterial status.

17. Considering contracting with a hotel developer for the facility and food service management of Two Rivers Plaza provided

a hotel project is undertaken adjacent to Two Rivers, and Two Rivers is maintained as a community facility.

18. Pursuing the preliminary design and feasibility analysis on a community performing arts/civic events center for eventual location in the immediate vicinity of Two Rivers Plaza.

19. Cooperating with the Downtown Association in encouraging street activities, street merchants and special events in the downtown area by reviewing and amending ordinances unnecessarily limiting such activity.

The City is willing to consider other reasonable specific actions necessary to foster redevelopment of and reinvestment in the downtown area upon the request of developers, investors or property owners working on downtown projects.

DATED: April 15, 1981

President of the Council

Attest:

City Clerk

Upon motion by Councilman Johnson, seconded by Councilman Hollingsworth and carried with Councilman HOLMES voting NO, the policy statement on downtown development was approved.

LETTER OF SUPPORT AUTHORIZED FOR UTE WATER CONSERVANCY DISTRICT REQUEST OF COLORADO CONSERVATION BOARD CONSTRUCTION FUND THROUGH SENATE BILL 439

Upon motion by Councilman Hollingsworth, seconded by Councilman Johnson and carried, the Mayor was authorized to send a letter of support for the Ute Water Conservancy District request of the Colorado Conservation Board Construction Fund through Senate Bill 439.

COLORADO WEST COMMUNITY ACTION PROGRAM FILES QUARTERLY REPORT OF THE FINANCIAL COUNSELING PROGRAM

Sue Kowazuski filed a quarterly report from the Colorado West Community Action Program regarding the financial counseling program.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk