

Grand Junction, Colorado

June 16, 1982

The City Council of the City of Grand Junction, Colorado, convened in regular session the 16th day of June, 1982, at 7:30 p.m. in the City Council Chambers at City Hall. Those present were Council members Betsy Clark, Frank Dunn, Arlene Harvey, Robert Holmes, Karl Johnson, Gary Lucero, and President of the Council Louis Brach. Also present were City Manager Jim Wysocki and City Clerk Neva Lockhart. City Attorney Gerald Ashby was absent.

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

INVOCATION

Councilman Karl Johnson.

MINUTES

Upon motion by Councilman Dunn, seconded by Councilwoman Clark and carried, the minutes of the regular meeting June 2, 1982, were approved as submitted.

BOARD OF ADJUSTMENT AND APPEALS - FORD AND CLARK REAPPOINTED 3-YEAR TERMS

Upon motion by Councilwoman Clark, seconded by Councilwoman Harvey and carried, Blaine Ford and Cathy Clark were reappointed to three-year terms on the Board of Adjustment and Appeals.

ACCEPT 1981 AUDIT

Upon motion by Councilman Johnson, seconded by Councilman Dunn and carried, the 1981 audit of city financial records was accepted. Fox and Company performed the audit.

LIQUOR AND BEER LICENSE RENEWALS

Upon motion by Councilman Johnson, seconded by Councilwoman Harvey and carried with Councilman HOLMES voting NO, the applications by the following business concerns for the renewal of liquor and beer licenses were approved:

Danny's, 103 N. First Street (Hotel-Restaurant)
Cork 'N Embers, 105 N. Second Street (Tavern)
Shakey's Pizza Parlor, 2580 North Avenue (3.2% Beer)

HEARING - PROPOSED ORDINANCE - UTILITY AND SEWER EASEMENT VACATION IN VILLAGE FAIR SUBDIVISION, SW CORNER 12TH AND PATTERSON

A hearing was held after proper notice on the petition by Earl Jensen to vacate all utility easements and sanitary sewer easement

as recorded in Plat Book 13, Page 1, on January 7, 1982, in the Office of the Mesa County Clerk and Recorder for Village Fair Subdivision in a Planned Business zone located at the southwest corner of 12th Street and Patterson Road. 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 Lucero and carried, the proposed ordinance was passed for publication.

HEARING - DEVELOPMENT IN H.O. ZONE - FINAL PLAN FOR 3-STORY SPECULATIVE OFFICE BLDG, E OF HORIZON COURT AND W OF THE HIGHLINE CANAL - APPROVED

A hearing was held after proper notice on the petition by Stephen Owen, Horizon Park Company, for development in H.O. Zone for a three-story speculative office building final plan on 2.85 acres for the property located east of Horizon Court and west of Highline Canal. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilwoman Harvey and carried, the petition was approved.

HEARING - REVISED FINAL PLAN FOR FIRST SECURITY SAVINGS AND LOAN ASSOCIATION TO ADD DRIVE-UP WINDOW AT 2692 HIGHWAY 50 - APPROVED

A hearing was held after proper notice on the petition by Donald D. Cook, First Western Development Corporation, for a revised final plan to add a drive-up window to the First Security Savings and Loan Association at 2692 Highway 50 on 2.35 acres in a Planned Business zone. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilwoman Harvey and carried, the revised final plan for First Security Savings and Loan Association to add a drive-up window was approved.

HEARING - FINAL PLAN SAN MARCOS (FORMERLY WELLS APARTMENTS), 250 FT S OF ELM AVENUE, W OF 28-1/2 ROAD - APPROVED

A hearing was held after proper notice on the petition by William Wells, Wells Enterprises, for a final plan of 28 units on 1.4 acres in a Planned Residential zone at 20 units per acre for Villa San Marcos (formerly Wells Apartments), 250 feet south of Elm Avenue, west of 28-1/2 Road. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilwoman Harvey and carried, the final plan for Villa San Marcos was approved.

HEARING - PROPOSED ORDINANCE - ZONING TEXT AMENDMENTS

A hearing was held after proper notice on the petition by the Development Department for zoning text amendments. There were no opponents, letters, or counterpetitions. The following entitled proposed ordinance was read: AN ORDINANCE AMENDING AND REPEALING SECTIONS OF THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE. Upon motion by Councilman Johnson, seconded by Councilwoman

Clark and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - ZONING TEXT AMENDMENT ADDING SECTION 7-2-5 PLANNED AIRPORT DEVELOPMENT (PAD) ZONE

A hearing was held after proper notice on the petition to add Section 7-2-5 Planned Airport Development (PAD) zone to the Zoning Text. There were no opponents, letters, or counterpetitions. The following entitled proposed ordinance was read by title only: AN ORDINANCE ADDING A PLANNED AIRPORT SECTION TO THE CITY'S ZONING AND DEVELOPMENT CODE. Upon motion by Councilman Dunn, seconded by Councilman Lucero and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - REZONE FROM PZ TO PAD PARCEL B OF WALKER FIELD PROPERTY CONTAINING APPROXIMATELY 8 ACRES

A hearing was held after proper notice on the petition by the Walker Field Airport Authority to rezone from PZ (Public Zone) to PAD (Planned Airport Development) Parcel B of Airport property containing approximately 8 acres. There were no opponents, letters, or counterpetitions. The following proposed ordinance was read by title only: 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 Lucero, seconded by Councilwoman Clark and carried, the proposed ordinance was passed for publication.

HEARING - PROPOSED ORDINANCE - ZONING WALKER FIELD ANNEXATION PLANNED AIRPORT DEVELOPMENT (PAD), APPROXIMATELY 1344 ACRES

A hearing was held after proper notice on the petition by Walker Field Airport Authority for the zoning of Walker Field Annexation to Planned Airport Development (PAD) for approximately 1344 acres. There were no opponents, letters, or counterpetitions. The following entitled proposed ordinance was read by title only: AN ORDINANCE CHANGING THE ZONING OF AIRPORT LANDS IN THE CITY. Upon motion by Councilman Lucero, seconded by Councilman Johnson and carried, the proposed ordinance was passed for publication.

HEARING - REVISED FINAL PLAN FOR DEVELOPMENT IN H.O. ZONE, 723 AND 733 HORIZON DRIVE (AIRPORT DOLLAR INN) - REQUEST FOR RESTAURANT, 40-RM ADDITION TO HOTEL AND CONVENIENCE STORE - APPROVED

A hearing was held after proper notice on the petition by Louise Forster for a revised final plan for development in H.O. zone at 723 and 733 Horizon Drive, Airport Dollar Inn. The request is for a restaurant, a 40-room addition to the hotel, and a convenience store on 3.32 acres. There were no opponents, letters, or counterpetitions. Upon motion by Councilman Johnson, seconded by Councilwoman Harvey and carried, the petition by Louise Forster for a revised final plan of development at the Airport Dollar Inn was approved.

RESOLUTION NO. 37-82 - FINDINGS AND DECISION RE: APPLICATION BY HAROLD LEE AND JOAN FRANCES FETTERS FOR CONDITIONAL USE AND TAVERN LIQUOR LICENSE AT THE HABERDASHERY, 464 28-1/2 ROAD - APPLICATION DENIED

The following Resolution was read:

RESOLUTION NO. 37-82

OF DECISION ON APPLICATION FOR A TAVERN LICENSE BY HAROLD LEE FETTERS AND JOAN FRANCES FETTERS FOR THE HABERDASHERY AT 464 28-1/2 ROAD

A public hearing having been held on June 2, 1982, on the application by Harold Lee Fetters and Joan Frances Fetters for a tavern liquor license for The Haberdashery at 464 28-1/2 Road, Grand Junction, and the City Council having considered the evidence adduced at said hearing, FINDS:

1. That the hearing was properly held after due notice.
2. That the survey conducted by the City indicated that the inhabitants of the neighborhood opposed the issuance of the license and the needs of the neighborhood were being met by other outlets; the survey showing that 104 inhabitants of the neighborhood opposed the issuance of the outlet while 33 favored the license, 99 owners of property within the neighborhood opposed the issuance of the license while 25 favored the license and 72 employees within the neighborhood opposed the issuance with 38 favoring the issuance. The applicants presented petitions bearing approximately 175 signatures in favor of the issuance of the license. Most of the signers were not resident within the neighborhood, and the applicant did not ask that the limits of the neighborhood be expanded.
3. 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.
4. The Council is charged to determine the desires of the inhabitants and the needs of the neighborhood in considering the granting of licenses under the Liquor Code. While a consideration of both the survey and petitions would indicate that the questions of the needs of the neighborhood might be a fairly close issue, it is apparent that the desires of the inhabitants of the neighborhood are that the license be denied.

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

That the application of Harold Lee Fetters and Joan Frances Fetters for a Tavern Liquor License at the premises of 464 28-1/2 Road be denied as opposed to the desires of the inhabitants of the

neighborhood.

PASSED and ADOPTED this 16th day of June, 1982.

President of the Council

Attest:

City Clerk

Upon motion by Councilman Dunn, seconded by Councilman Johnson and carried by roll call vote with Councilwoman CLARK voting NO, and with Councilman LUCERO ABSTAINING, the Resolution was passed and adopted as read.

HEARING - APPLICATION BY EDI-PARKMOUNT GJ VENTURE FOR A HOTEL-RESTAURANT LIQUOR LICENSE AT THE RODEWAY INN, 2790 CROSSROADS BLVD AT HORIZON DRIVE - DECISION SCHEDULED JULY 7, 1982

A hearing was held after proper notice on the application by EDI-Parkmount GJ Venture for a conditional use and for a hotel-restaurant liquor license at Rodeway Inn, 2790 Crossroads Boulevard at Horizon Drive. The following report was read:

"On May 3, 1982, the City accepted the application filed by EDI-Parkmount GJ Venture for a hotel-restaurant liquor license for the Rodeway Inn at 2790 Crossroads Boulevard at Horizon Drive. The partnership-joint venture consists of the following members:

Douglas Peter Klassen; Fort Lee, New Jersey
Emanuel George Demos; New York, New York
William J. Ash, III; Englewood, Colorado
Hayes Richard Ullemeyer; Englewood, Colorado
Pamela Mae Dickhart; Aurora, Colorado
Francis Marion Meeks, IV, Englewood, Colorado
Norman E. Walker; Verona, New Jersey

Manager: Roy Erwin Dimond
390 Ridge View Drive
Grand Junction, Colorado

The display ad giving notice of hearing on this application was published in The Daily Sentinel June 4, 1982, and the sign giving notice of hearing was posted on the property June 4, 1982.

A survey of the area from G Road on the south, 12th Street/27 Road on the west, H Road on the north, to 28-1/4 Road on the east has been completed. 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. 493

a. An owner of property in the neighborhood. 56

b. An employee or business lessee of property in neighborhood. 325

c. An inhabitant of the neighborhood. 28

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. 74

a. An owner of property in the neighborhood. 12

b. An employee or business lessee of property in the neighborhood. 46

c. An inhabitant of the neighborhood. 6

3. No opinion. 3

The applicant has filed a petition containing 108 signatures. The petition was circulated within the same neighborhood designated by the City for its survey; signers who had not signed the City's survey form.

The Conditional Use hearing was held May 25, 1982, before the Grand Junction City Planning Commission with a recommendation for approval.

The Police Department reports that the fingerprint cards for the above-listed individuals were sent to the Colorado Bureau of Investigation May 13, 1982. The results of the check by CBI showed no criminal record. Nothing of a derogatory nature was found during computer checks through NCIC/CCIC.

The Mesa County Health Department and the City of Grand Junction Fire Department have reviewed the construction plans for the Rodeway Inn restaurant and lounge. They indicate the plans meet Fire Safety and Health Codes.

Similar type outlets within survey area and within one mile: 7."

The map showing similar-type outlets was reviewed.

Frank Meeks, IV, Roy Dimond, and Robert Keating spoke in favor of the granting of the license. There were no opponents, letters, or counterpetitions. A Resolution of findings and decision is scheduled on the July 7, 1982, City Council agenda.

LETTER OF COMMENDATION PRESENTED TO SAM SUPLIZIO FOR JOB WELL DONE WITH NJCAA WORLD SERIES - NAMED "MR. BASEBALL OF GRAND JUNCTION"

HEARING - APPLICATION BY HIGH COUNTRY SEAFOODS, INC. FOR
CONDITIONAL USE AND 3.2% FERMENTED MALT BEVERAGE LICENSE AT
SKIPPER'S, 2826 NORTH AVENUE - DECISION SCHEDULED JULY 7, 1982

A hearing was held after proper notice on the application by High Country Seafoods, Inc. for conditional use and for a 3.2% beer license at Skipper's 2826 North Avenue. The following report was read:

"The City accepted on May 10, 1982, the application filed by High Country Seafoods, Inc. for a 3.2% beer license, sales for consumption on the premises of the licensee at Skippers, 2826 North Avenue. Officers of the Corporation are:

President: Thomas J. Barbano, Edmonds, Washington 50%
Vice Pres/Treas: Joseph P. Barbano, Mitchellville, Maryland 50%
Secretary/Manager: Robin T. Ramsay, Grand Junction, Colorado

The display ad giving notice of hearing on this application was published in The Daily Sentinel June 4, 1982, and the sign giving notice of hearing was posted on the property June 4, 1982.

A survey of the area bounded by 28 Road on the west, Elm Avenue on the north, 28-1/2 Road on the east, to Gunnison Avenue on the south, has been completed. 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. 210

a. An owner of property in the neighborhood. 48

b. An employee or business lessee of property in the neighborhood. 131

c. An inhabitant of the neighborhood. 51

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. 134

a. An owner of property in the neighborhood. 49

b. An employee or business lessee of property in the neighborhood. 67

c. An inhabitant of the neighborhood. 44

3. No opinion. 2

4. Refused. 12

The Police Department report indicates nothing of a derogatory nature regarding the officers.

The Fire Department and Health Department reports compliance with Fire Safety and Health Codes.

Similar-type outlets within survey area: 1.

Similar-type outlets within one mile: 5."

The map showing similar type outlets was reviewed.

Robin T. Ramsay, owner of Skipper's, appeared before Council in behalf of the application. He filed a petition containing approximately 450 signatures supporting the issuance of the license. He discussed the possibility of getting a written agreement with the owners of Eastgate Shopping Center for additional parking for his employees. He was not sure he could have the written agreement by the next meeting of Council. The President of the Council suggested to Mr. Ramsay that he try to have at least a letter of intent to provide the additional parking spaces in compliance with the conditional use permit from the Planning Commission.

There were no opponents, letters, or counterpetitions. A Resolution of findings and decision is scheduled on the July 7, 1982, City Council agenda.

BID CONSIDERATION - AWARD OF CONTRACT - STREET PAVEMENT OVERLAY, PHASE B - CORN CONSTRUCTION - \$217,668.50

Bids were received and opened June 15, 1982, on the Street Pavement Overlays, Phase B. Bidders were:

United Paving, Inc. \$247,025.20
Elam Construction Company \$223,889.75
Corn Construction Company \$217,668.50
Engineer's Estimate \$241,039.00

Staff recommended award of contract to Corn Construction Company for its low bid. Upon motion by Councilman Lucero, seconded by Councilman Holmes and carried, the bids were accepted and the contract for Street Pavement Overlay, Phase B, was awarded to Corn Construction Company for its low bid of \$217,668.50 and the City Manager was authorized to sign said contract.

RENEWAL OF 3.2% BEER LICENSE AUTHORIZED FOR 7-ELEVEN STORE, 1134 NORTH 12TH STREET

The application by Southland Corporation to renew its 3.2% beer license at 7-Eleven, 1134 North 12th Street, was submitted to Council May 5, 1982, along with a report of an alleged violation of sale to a minor. the Council referred the matter to the hearing officer. After hearing, the hearing officer recommended that the Southland Corporation keep its license subject to the following conditions:

1. Southland Corporation be required to have printed or otherwise published, cards which would be placed at the cash register in retail stores detailing the correct procedures for making age identifications of persons seeking to buy fermented malt beverages.

2. The Respondent would be required, on a monthly basis, to re-educate and indoctrinate employees about the pertinent statutes and regulations, as well as Southland's policies, governing the sale of fermented malt beverages.

Upon motion by Councilman Johnson, seconded by Councilwoman Harvey and carried by roll call vote with Council members HOLMES, LUCERO and CLARK voting NO, the Council accepted the recommendation of the hearing officer and the application by Southland Corporation for the renewal of its 3.2% beer license was approved. Councilwoman Clark explained that her NO vote was because she did not feel sufficient time was given for the review of the hearing officer's recommendations before this action was taken.

HEARING - REVISED PRELIMINARY PLAN FOR GREEN VALLEY TOWNHOMES, W OF 27-1/2 ROAD AND APPROX 330 FT N OF PATTERSON ROAD - RESOLUTION OF DECISION SCHEDULED JULY 7, 1982

A hearing was held after proper notice on the petition by Mary Ellen Binkley for revised preliminary plan of 50 units in a planned residential zone with an approved density of 10.2 units per acre on 4.9 acres for the Green Valley Townhomes west of 27-1/2 Road, approximately 330 feet north of Patterson Road. Planning Commission recommended denial because of neighborhood concerns, alignment, and technical issues. Katie McIntyre, Paragon Engineering, was present for the petition. Bob Goldin, City Planner, reviewed the proposal. There were no opponents, letters or counterpetitions. A Resolution of findings and decision is scheduled on the July 7, 1982, City Council agenda.

I.D. ST-82, PHASE B - ORCHARD AVENUE FROM 23RD STREET TO 28-1/4 ROAD - RESOLUTION NO. 38-82 OF INTENT TO CREATE DISTRICT - RESOLUTION NO. 39-82 ADOPTING DETAILS, PLANS AND SPECS AND GIVING NOTICE OF HEARING

The following resolution numbered 38-82 was read:

RESOLUTION NO. 38-82

DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, TO CREATE WITHIN SAID CITY A LOCAL IMPROVEMENT DISTRICT NO. ST-82, PHASE B, AND AUTHORIZING THE CITY ENGINEER TO PREPARE DETAILS AND SPECIFICATIONS FOR THE SAME.

WHEREAS, the City Council has determined the desirability of the construction of improvements on Orchard Avenue from 23rd Street to 28-1/4 Road:

1. Orchard Avenue from 23rd Street to 28 Road:

To include combination vertical curb and gutter with a five foot (5 ft.) detached sidewalk with base course material under a 34 foot wide mat of Hot Mix Bituminous Paving from the lip of gutter to lip of gutter that will allow for two lanes of traffic (one west bound, one east bound).

2. Orchard Avenue from 28 Road to 28-1/4 Road:

To include combination vertical curb, gutter and sidewalk on the north side and combination vertical curb and gutter on the south with a base course material under a 44 foot wide mat of Hot Mix Bituminous Paving from lip of gutter to lip of gutter that will allow for four lanes of traffic (two lanes west bound, two lanes east bound). Indian Wash Improvements including concrete lining bounded on the south with a four foot (4 ft.) detached sidewalk.

Where acceptable curb, gutter and/or sidewalk exists, credit will be given.

WHEREAS, the City Council deems it advisable to take the necessary preliminary proceedings for the creation of a special improvement district;

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

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

Orchard Avenue (from 23rd Street to 28-1/4 Road

N 70 ft of Lot 1 Blk 5 Regent Sub

Lot 4 Blk 5 Regent Sub Sec 12 1S 1W

Lot 9 Blk 1 Regent Sub Sec 12 1S 1W

Lot 9 Bailey Sub

Lot 11 Blk 1 Regent Sub Sec 12 1S 1W

Lot 12 Blk 1 Regent Sub Sec 12 1S 1W Exc E 4 ft

Lot 13 and E 4 ft Lot 12 Blk 1 Regent Sub Sec 12 1S 1W

Lot 14 Blk 1 Regent Sub Sec 12 1S 1W

Lot 15 Blk 1 Regent Sub Sec 12 1S 1W

Lot 8 Blk 1 Melrose Sub Sec 12 1S 1W

Lot 1 Blk 3 Melrose Sub Sec 12 1S 1W

Lot 1 Barger Sub Sec 7 1S 1E, EXCEPT

A parcel or tract of land, for road and utility purposes, within the west one-half (W 1/2) of Lot 1 Barger Subdivision in Section 7, Township 1 South, Range 1 East of the Ute Meridian more particularly described as follows:

Commencing at the West Quarter Corner (W 1/4 Cor) of said Section 7; thence S 00 deg. 00 min. 00 sec. W, along the W line of the SW quarter (SW 1/4) of said Section 7, a distance of 125 feet; thence S 89 deg. 51 min. 00 sec. E, a distance of 40.00 ft to the True Point of beginning at the SW Cor of said Lot 1, said point also being on the E right-of-way line of 28 Road (March, 1982); thence N 00 deg. 00 min. 00 sec. E, along said E right-of-way line, a distance of 85.00 ft to a point that intersects with the Southern right-of-way line of Orchard Avenue (March, 1982); thence N 66 deg. 55 min. 34 sec. E, along said Southern right-of-way line, a distance of 38.04 feet; thence S 89 deg. 51 min. 00 sec. E, continuing along the said Southern right-of-way line, a distance of 41.23 feet; thence along an arc of a curve to the left having a radius of 171.50 ft; its long chord bearing S 51 deg. 24 min. 24 sec. W, a distance of 35.00 feet; thence S 44 deg. 26 min. 21 sec. E, a distance of 2.50 ft; thence along an arc of a curve to the left having a radius of 169.00 ft, its long chord bearing S 41 deg. 49 min. 52 sec. W, a distance of 21.98 feet; thence N 51 deg. 53 min. 57 sec. W, a distance of 2.50 ft; thence along an arc of a curve to the left having a radius of 171.50 ft, its long chord bearing S 26 deg. 33 min. 32 sec. W, a distance of 68.63 ft to a point on the S boundary line of said Lot 1; thence N 89 deg. 51 min. 00 sec. W, along said S boundary line, a distance of 3.35 ft to the True Point of Beginning.

Lot 17 Blk 1 Linda Lane Sub Amended

S 207 ft of W 112 ft SE4NE4 Sec 12 1S 1W Exc E 60 ft to S 182 ft

Beg 53 ft W of SE Cor W2S2W4SE4NE4 Sec 12 1S 1W N 182 ft W 60 ft S 182 ft E to Beg Exc S 30 ft for Rd

Beg 112 ft E of SW Cor SE4NE4 Sec 12 1S 1W E 80 ft N 207 ft W 80 ft S to Beg

W 1 ft of Lot 1 and all Lot 2 McClure Park Sub Sec 12 1S 1W

E 48 ft of Lot 1 McClure Park Sub Sec 12 1S 1W

Beg 30 ft N of SE Cor W2SE4NE4 Sec 12 1S 1W W 330 ft N 281 ft E 330 ft S 281 ft to Beg and also beg SE Cor W2SE4NE4 E 75 ft N 150 ft W 75 ft S 150 ft to Beg Exc St R-O-W as desc in B-1088 P-153 County Clerks Office

Lot 11 Blk 2 1st Add Arbor Village Sub Sec 12 1S 1W

Lot 12 Blk 2 1st Add Arbor Village Sub Sec 12 1S 1W

Beg 30 ft N and 51 ft W of SE Cor W2E2SE4NE4 Sec 12 1S 1W W 118 ft
N 276 ft E 118 ft S to Beg Exc N 141 ft

Lot 1 Blk 1 Melrose Estates Sub Grand Junction

Lot 21 Blk 1 Melrose Estates Sub Grand Junction Exc E 75 ft
thereof

Beg SE Cor Lot 21 Blk 1 Melrose Estates Sub N to NE Cor Sd Lot 21
W 75 ft S to S Li Lot 21 N 79 deg. 35 min. E Alg Sd S Li to Beg

Lot 1 Blk 1 Cindy Ann Sub Sec 7 1S 1E

Lot 17 Blk 1 Cindy Ann Sub Sec 7 1S 1E

Tract A Blk 2 Replat of Blk 2 Cindy Ann Sub Sec 7 1S 1E Exc the N
79.7 ft of Sd Tract A Replat Blk 2 Cindy Ann Sub

Lot 3 Laurie Ann Sub Sec 7, 1S 1E

Lot 1 Blk 4 Cindy Ann Sub Sec 7 1S 1E

Lot 1 Blk 1 Princess Sub Sec 7 1S 1E

Lot 1 Blk 2 Princess Sub Sec 7 1S 1E

Beg SW Cor E4SW4NW4 Sec 7 1S 1E N 200 ft E 102.5 ft S 200 ft W to
Beg Exc S 60 ft for R-O-W

Beg 102.5 ft E of Sw Cor E4SW4NW4 Sec 7 1S 1E N 200 ft E 102.5 ft
S 200 ft W to Beg Exc S 60 ft for R-O-W

Beg 205 ft E of sW Cor E4SW4NW4 Sec 7 1S 1E N 200 ft E 125 ft S
200 ft W to Beg Exc R-O-W as desc in Civil Action No. 80CV35 dated
May 28, 1980, in Mesa County District Court

Beg N 0 deg. 23 min. 16 sec. W 60 ft fr SW Cor SE4NW4 Sec 7 1S 1E
N 0 deg. 23 min. 16 sec. W 991.98 ft N 343 deg. 28 min. 04 sec. E
35.35 ft N 88 deg. 24 min. 51 sec. E 307.15 ft S 0 deg. 21 min. 35
sec. E 917.81 ft N 89 deg. 58 min. 01 sec. W 80 ft S 0 deg. 21
min. 35 sec. E 1125 ft N 89 deg. 58 min. 01 sec. W 246.79 ft to
Beg Exc for rd R-O-W as desc in B-1239 P-450, 451, 453, 454, 457
and 458 and B-1264 P-820 County Recorder

That the City Engineer be, and he is hereby authorized and
directed to have prepared and filed full details, plans and
specifications for such sidewalk, curb, gutter and street paving
and estimate of the total costs thereof, exclusive of the per
centum for cost of collection and other incidentals, and of
interest to the time the first installment becomes due; and a map
of the district to be assessed, from which the approximate share

of said total cost that will be assessed upon each piece of real estate in the district may be readily ascertained, all as required by Ordinance No. 178, as amended, City of Grand Junction, Colorado.

PASSED and ADOPTED this 16th day of June, 1982.

President of the Council

Attest:

City Clerk

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

The following Resolution numbered 39-82 was read:

RESOLUTION NO. 39-82

ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR CONSTRUCTING SIDEWALKS, CURBS AND GUTTERS AND PAVING STREETS IN THE CITY OF GRAND JUNCTION, COLORADO, IN IMPROVEMENT DISTRICT ST-82, PHASE B, DETERMINING THE NUMBER OF INSTALLMENTS AND THE TIME IN WHICH THE COST OF SAID IMPROVEMENTS SHALL BE PAYABLE, THE RATE OF INTEREST ON UNPAID INSTALLMENTS AND THE DISTRICT OF LANDS TO BE ASSESSED WITH THE COST OF THE PROPOSED IMPROVEMENTS, AND AUTHORIZING NOTICE OF INTENTION TO CREATE SAID DISTRICT AND OF A HEARING THEREON.

WHEREAS, on June 16, 1982, the City Council of the City of Grand Junction, Colorado, by a Resolution authorized the City Engineer to prepare and file full details, plans and specifications for constructing sidewalks, curbs, gutters and paving streets in said City within proposed Improvement District No. ST-82, Phase B, together with an estimate of the total cost of such improvements and a map of the District to be assessed; and

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

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

Section 1. That said details, plans and specifications, estimates and map be and the same are hereby approved and adopted.

Section 2. That the district of lands to be assessed are as follows:

1. Orchard Avenue from 23rd Street to 28 Road:

To include combination vertical curb and gutter with a five foot (5 ft.) detached sidewalk with base course material under a 34 foot wide mat of Hot Mix Bituminous Paving from the lip of gutter to lip of gutter that will allow for two lanes of traffic (one west bound, one east bound).

2. Orchard Avenue from 28 Road to 28-1/4 Road:

To include combination vertical curb, gutter and sidewalk on the north side and combination vertical curb and gutter on the south with a base course material under a 44 foot wide mat of Hot Mix Bituminous Paving from lip of gutter to lip of gutter that will allow for four lanes of traffic (two lanes west bound, two lanes east bound). Indian Wash Improvements including concrete lining bounded on the south with a four foot (4 ft.) detached sidewalk.

All installations to be constructed in accordance with General Conditions, Specifications and Details for Street Improvement Projects, City of Grand Junction, Colorado. Where acceptable curb, gutter and/or sidewalk exists, credit will be given.

Section 3. The assessments to be levied against the Property in the said district to pay the cost of such improvements shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such costs becomes final, and, if paid during this period, the amount added for costs of collection and other incidentals shall be deducted; provided that all such assessments may, at the election of the owner of the property in said District be paid in ten (10) equal installments, the first of which shall be payable at the time the next installment of general taxes is, by the laws of the State of Colorado, made payable, after the expiration of said thirty-day period; and the following annual installments shall be paid on or before the same date each year thereafter, with interest, in all cases, on unpaid principal, payable annually at a rate not to exceed the amount established by the City Council in the assessing ordinance.

Section 4. Notice of Intention to Create said Improvement District No. ST-82 Phase B, and of a hearing thereon, shall be given by advertisement in one issue of The Daily Sentinel, a newspaper of general circulation published in said City, which Notice shall be in substantially the following form:

NOTICE

OF INTENTION TO CREATE IMPROVEMENT DISTRICT NO. ST-82 PHASE B IN THE CITY OF GRAND JUNCTION, COLORADO, AND OF A HEARING THEREON.

PUBLIC NOTICE IS HEREBY GIVEN to the owners of real estate in the

District hereinafter described, and to all persons generally interested that the City Council of the City of Grand Junction, Colorado, intends to create Improvement District No. ST-82 Phase B in said City for the purpose of constructing sidewalks, curbs and gutters and paving streets to serve the property hereinafter described, which lands are to be assessed with the cost of the improvements, to wit:

Orchard Avenue (from 23rd Street to 28-1/4 Road)

N 70 ft of Lot 1 Blk 5 Regent Sub
Lot 4 Blk 5 Regent Sub Sec 12 1S 1W
Lot 9 Blk 1 Regent Sub Sec 12 1S 1W
Lot 9 Bailey Sub
Lot 11 Blk 1 Regent Sub Sec 12 1S 1W
Lot 12 Blk 1 Regent Sub Sec 12 1S 1W Exc E 4 ft
Lot 13 and E 4 ft Lot 12 Blk 1 Regent Sub Sec 12 1S 1W
Lot 14 Blk 1 Regent Sub Sec 12 1S 1W
Lot 15 Blk 1 Regent Sub Sec 12 1S 1W
Lot 8 Blk 1 Melrose Sub Sec 12 1S 1W
Lot 1 Blk 3 Melrose Sub Sec 12 1S 1W
Lot 1 Barger Sub Sec 7 1S 1E, EXCEPT

A parcel or tract of land, for road and utility purposes, within the west one-half (W 1/2) of Lot 1 Barger Subdivision in Section 7, Township 1 South, Range 1 East of the Ute Meridian more particularly described as follows:

Commencing at the West Quarter Corner (W 1/4 Cor) of said Section 7; thence S 00 deg. 00 min. 00 sec. W, along the W line of the SW quarter (SW-1/4) of said Section 7, a distance of 125 feet; Thence S 89 deg. 51 min. 00 sec. E, a distance of 40.00 ft to the True Point of beginning at the SW Cor of said Lot 1, said point also being on the E right-of-way line of 28 Road (March, 1982); Thence N 00 deg. 00 min. 00 sec. E, along said E right-of-way line, a distance of 85.00 ft to a point that intersects with the Southern right-of-way line of Orchard Avenue (March, 1982); Thence N 66 deg. 55 min. 34 sec. E, along said Southern right-of-way line, a distance of 38.04 feet; Thence S 89 deg. 51 min. 00 sec. E, continuing along the said Southern right-of-way line, a distance of 41.23 feet; Thence along an arc of a curve to the left having a radius of 171.50 ft; its long chord bearing S 51 deg. 24 min. 24 sec. W, a distance of 35.00 feet; Thence S 44 deg. 26 min. 21 sec. E, a distance of 2.50 ft; Thence along an arc of a curve to the left having a radius of 169.00 ft, its long chord bearing S 41 deg. 49 min. 52 sec. W, a distance of 21.98 feet; Thence N 51 deg. 53 min. 57 sec. W, a distance of 2.50 ft; Thence along an arc of a curve to the left having a radius of 171.50 ft, its long chord bearing S 26 deg. 33 min. 32 sec. W, a distance of 68.63 ft to a point on the S boundary line of said Lot 1; Thence N 89 deg. 51 min. 00 sec. W, along said S boundary line, a

distance of 3.35 ft to the True Point of Beginning.

Lot 17 Blk 1 Linda Lane Sub Amended

S 207 ft of W 112 ft SE4NE4 Sec 12 1S 1W Exc E 60 ft to S 182 ft

Beg 53 ft W of SE Cor W2S2W4SE4NE4 Sec 12 1S 1W N 182 ft W 60 ft S 182 ft E to Beg Exc S 30 ft for Rd

Beg 112 ft E of SW Cor SE4NE4 Sec 12 1S 1W E 80 ft N 207 ft W 80 ft S to Beg

West 1 ft of Lot 1 + all Lot 2 McClure Park Sub Sec 12 1S 1W

E 48 ft of Lot 1 McClure Park Sub Sec 12 1S 1W

Beg 30 ft N of SE Cor W2SE4NE4 Sec 12 1S 1W W 330 ft N 281 ft E 330 ft S 281 ft to Beg and also beg SE Cor W2SE4NE4 E 75 ft N 150 ft W 75 ft S 150 ft to Beg Exc St R-O-W as desc in B-1088 P-153 County Clerks office

Lot 11 Blk 2 1st Add Arbor Village Sub Sec 12 1S 1W

Lot 12 Blk 2 1st Add Arbor Village Sub Sec 12 1S 1W

Beg 30 ft N + 51 ft W of SE Cor W2E2SE4NE4 Sec 12 1S 1W W 118 ft

N 276 ft E 118 ft S to Beg Exc N 141 ft

Lot 1 Blk 1 Melrose Estates Sub Grand Junction

Lot 21 Blk 1 Melrose Estates Sub Grand Junction Exc E 75 ft thereof

Beg SE Cor Lot 21 Blk 1 Melrose Estates Sub N to NE Cor Sd Lot 21 W 75 ft S to S Li Lot 21 N 79 deg. 35 min. E Alg Sd S Li to Beg

Lot 1 Blk 1 Cindy Ann Sub Sec 7 1S 1E

Lot 17 Blk 1 Cindy Ann Sub Sec 7 1S 1E

Tr A Blk 2 Replat of Blk 2 Cindy Ann Sub Sec 7 1S 1E Exc the N 79.7 ft of Sd Tract A Replat Blk 2 Cindy Ann Sub

Lot 3 Laurie Ann Sub Sec 7, 1S 1E

Lot 1 Blk 4 Cindy Ann Sub Sec 7 1S 1E

Lot 1 Blk 1 Princess Sub Sec 7 1S 1E

Lot 1 Blk 2 Princess Sub Sec 7 1S 1E

Beg SW Cor E4SW4NW4 Sec 7 1S 1E N 200 ft E 102.5 ft S 200 ft W to Beg Exc S 60 ft for R-O-W

Beg 102.5 ft E of SW Cor E4SW4NW4 Sec 7 1S 1E N 200 ft E 102.5 ft S 200 ft W to Beg Exc S 60 ft for R-O-W

Beg 205 ft E of SW Cor E4SW4NW4 Sec 7 1S 1E N 200 ft E 125 ft S 200 ft W to Beg Exc R-O-W as desc in Civil Action No. 80CV35 dated May 28, 1980, in Mesa County District Court

Beg N 0 deg. 23 min. 16 sec. W 60 ft fr SW Cor SE4NW4 Sec 7 1S 1E N 0 deg. 23 min. 16 sec. W 991.98 ft N 343 deg. 28 min. 04 sec. E 35.35 ft N 88 deg. 24 min. 51 sec. E 307.15 ft S 0 deg. 21 min. 35 sec. E 917.81 ft N 89 deg. 58 min. 01 sec. W 80 ft S 0 deg. 21 min. 35 sec. E 1125 ft N 89 deg. 58 min. 01 sec. W 246.79 ft to Beg Exc for rd R-O-W as desc in B-1239 P-450, 451, 453, 454, 457 and 458 and B-1264 P-820 County Recorder

Where acceptable curb, gutter and/or sidewalk exist, credit will be given. Any portion of the District cost not covered by said assessment shall be paid by the City.

The probable total cost of said improvements as shown by the estimate of the City Engineer is \$946,025, exclusive of collection, interest and incidentals. The estimated assessable cost is \$211,148, also exclusive of costs of collection, interest and incidentals.

The maximum share of such total cost shall be as follows:

Orchard Avenue from 23rd Street to 28 Road . . .	\$70.00 per front foot
Orchard Avenue from 28 Road to 28-1/4 Road . . .	\$55.00 per front foot

To the estimated assessable cost of \$211,148 (said amount reflects estimated credit for existing curb, gutter and/or sidewalk) to be borne by the property owners, there shall be added six (6) percent for costs of collection and incidentals, and also interest at the rate borne by the special assessments bonds of said District to the next succeeding date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado, made payable. The said assessment shall be due and payable, without demand, within thirty (30) days after the ordinance assessing such cost shall have become final and if paid during such period, the amount added for costs of collection and incidentals shall be deducted; provided that all such assessments, at the election of the owners of the property in said District, may be paid in two (10) annual installments which become due upon the same date upon which general taxes, or the first installment thereof, are by the laws of the State of Colorado, made payable. Interest not to exceed the amount established by the City Council in the assessing ordinance shall be charged on unpaid installments.

On July 21, 1982, at the hour of 7:30 o'clock p.m. in the City

Council Chambers in City Hall of said city, the Council will consider objections that may be made in writing concerning the proposed improvements, by the owners of any real estate to be assessed, or by any person interested.

A map of the District, from which the approximate share of the total estimated cost to be assessed upon each piece of real estate in the District may be readily ascertained, and all proceedings of the Council in the premises are on file and can be seen and examined by any person interested therein in the office of the City Clerk during business hours, at any time prior to said hearing.

Dated at Grand Junction, Colorado, this 16th day of June, 1982.

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

By: \Neva B. Lockhart, City Clerk

PASSED and ADOPTED this 16th day of June, 1982.

President of the Council

Attest:

City Clerk

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

AMENDED - INDUCEMENT RESOLUTION NO. 40-82 CONCERNING INDUSTRIAL REVENUE BONDS FOR THE VILLAGE FAIR SHOPPING CENTER - INCREASE BOND ISSUANCE AMOUNT TO \$3,300,000

The following Resolution was read:

RESOLUTION NO. 40-82

AMENDMENT OF RESOLUTION OF INDUCEMENT CONCERNING INDUSTRIAL REVENUE BONDS FOR THE VILLAGE FAIR SHOPPING CENTER

RESOLUTION RELATING TO INDUSTRIAL DEVELOPMENT REVENUE BONDS; INCREASING THE AMOUNT OF ISSUANCE OF REVENUE BONDS TO DEFRAY THE COSTS OF A PROJECT UNDER THE COUNTY AND MUNICIPALITY DEVELOPMENT REVENUE BOND ACT AND AUTHORIZING THE PREPARATION OF NECESSARY DOCUMENTS.

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

1. The Resolution of Inducement passed October 21, 1981, is hereby amended in Section 1.03 to increase Project amount to \$3,800,000 and Section 2.02 is hereby amended to increase bond issuance amount to \$3,300,000.

2. The execution of such documents as may be necessary to accomplish such increase are hereby authorized.

PASSED and ADOPTED this 16th day of June, 1982.

President of the Council

Attest:

City Clerk

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

EMERGENCY ORDINANCE NO. 2062 CHAPTER 24, SALES AND USE TAX, TO EXEMPT HEATING FUELS

Upon motion by Councilwoman Clark, seconded by Councilman Lucero and carried, the following entitled proposed ordinance was read: AN ORDINANCE AMENDING THE CITY SALES AND USE TAX ORDINANCE AND DECLARING AN EMERGENCY.

Upon motion by Councilman Johnson, seconded by Councilman Lucero and carried by roll call vote, the Ordinance was passed and adopted as an emergency ordinance, numbered 2062, and ordered published.

RESOLUTION NO. 41-82 CALLING FOR A DOWNTOWN SPECIAL ELECTION TO BE HELD AUGUST 3, 1982, CONCERNING TAX INCREMENT FINANCING

The following Resolution was read:

RESOLUTION NO. 41-82

A RESOLUTION CALLING A SPECIAL ELECTION TO BE HELD AUGUST 3, 1982, CONCERNING THE ISSUANCE OF BONDS AND THE PLEDGE OF THE TAX INCREMENT FUND AS SECURITY THEREFOR.

WHEREAS, by a resolution duly adopted on December 16, 1981, the City Council (the Council) of the City of Grand Junction, Colorado (the City), approved a Plan of Development (the Plan of Development) for the Grand Junction, Colorado, Downtown Development Authority (the Authority) providing for the use of tax

increment financing; and

WHEREAS, in furtherance of the Plan of Development said resolution creates a separate special fund of the city (the Tax Increment Fund) and provides that there shall be deposited therein the ad valorem and municipal sales tax increment funds derived from and attributable to development and redevelopment within the area specified in the Plan of Development (the Plan of Development Area); and

WHEREAS, by a further resolution duly adopted on June 2, 1982, the Council of the City approved an amendment to the Plan of Development enlarging the boundaries of the Plan of Development Area; and

WHEREAS, the Plan of Development provides for the acquisition, construction, and installation of certain public improvements designed to improve traffic and pedestrian circulation within the Plan of Development Area, including on-street parking facilities, alleyway improvements, off-street parking facilities, and associated right-of-way improvements; and

WHEREAS, part 8 of article 25 of title 31, Colorado Revised Statutes 1973, as amended (the Act), authorizes the City to pledge the Tax Increment Fund for the payment of the principal of, the interest on, and any premiums due in connection with bonds, loans, advances, or indebtedness of the City to finance projects within the Plan of Development Area if the question of issuing or providing for the same and the question of the intended pledge are first submitted to the qualified electors of the district within which the Authority may exercise its powers (the District) at a special election to be held for that purpose; and

WHEREAS, the Act requires that such a special election be called by resolution of the Board of Directors (the Board) of the Authority and approved by the Council of the City at least thirty days prior thereto; and

WHEREAS, by a resolution duly adopted on June 4, 1982, the Board of the Authority called such a special election to be held on August 3, 1982, subject to the approval of the Council of the City.

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

Section 1. The resolution of the Board of the Authority calling a special election to be held August 3, 1982, concerning the issuance of bonds and the pledge of the Tax Increment Fund as security therefor is hereby approved.

Section 2. Pursuant to the Act there shall be submitted to the qualified electors of the District at a special election to be held for that purpose on Tuesday, the 3rd day of August, 1982,

between the hours of 7:00 a.m. and 7:00 p.m. at the polling place hereinafter designated the question set forth in the forms of notice and ballot hereinafter prescribed.

Section 3. Said special election shall be held and conducted in accordance with the Constitution of the State of Colorado, the Charter of the City, the Colorado Municipal Election Code of 1965, as amended (the Code), and the Act insofar as the same may be applicable.

Section 4. No vote, either for or against the question to be submitted at said special election, shall be received or permitted by the judges of election unless the person offering the same shall be a qualified elector of the District.

A qualified elector of the district is one who is either a "resident", a "Landowner" OR a "lessee" as these terms are defined below:

"Resident" means one who is a citizen of the United States and a resident of the State of Colorado, eighteen years of age or older, who makes his primary dwelling place within the District.

"Landowner" means the owner in fee of any undivided interest in real property or any improvement permanently affixed thereto within the District. "Owner in fee" includes a contract purchaser obligated to pay general taxes, an heir, and a devisee under a will admitted to probate and does not include a contract seller of property with respect to which the contract purchaser is deemed to be the owner in fee.

"Lessee" means the holder of a leasehold interest in real property within the District. "Leasehold interest" does not include a license or mere contract right to use real property within the District.

Any landowner or lessee which is not a natural person may vote only if it designates by some official action a representative thereof to cast its ballot.

No qualified elector may cast more than one vote, even though any person qualified or lawfully designated may be entitled to cast the vote of more than one qualified elector.

Section 5. The qualified electors of the District shall vote at said special election by secret paper ballot, either by submitting an absent vote ballot or by appearing and casting a ballot at the polls. Voting machines will not be used.

Section 6. Qualified electors of the District who meet the requirements of the Code relating to absent voter balloting, and who intend to vote by absent voter ballot, may obtain information and apply for and receive an absent voter ballot at the office of the City Clerk at City Hall, 250 North Fifth Street, Grand

Junction, Colorado, at any time during regular business hours on or before Friday, the 30th day of July, 1982, by following the procedures set forth in the Code.

Section 7. There is hereby established, for the purposes of said special election only, one election precinct, the polling place for which shall be Two Rivers Plaza, 159 Main Street, Grand Junction, Colorado, and the boundaries of which shall be the same as those of the District. The absent voter polling place shall be the office of the City Clerk, 250 North Fifth Street, Grand Junction, Colorado.

Section 8. The City Clerk is hereby instructed to appoint and to mail certificates of appointment to the election judges and to maintain a list for public inspection of those so appointed. Said judges shall receive in full compensation for their services, the sum of \$40.00 each.

Section 9. The City Clerk is hereby instructed to publish a Notice of Special Election on the tenth day prior to the election and for any three successive days during the ten-day period prior to the election in The Daily Sentinel, a daily newspaper of general circulation published in the City. The City Clerk is further instructed to post a copy of such Notice of Special Election in a conspicuous place at the office of the City Clerk at least ten (10) days before the election. Said Notice of Special Election shall be in substantially the following form:

NOTICE OF SPECIAL ELECTION

CITY OF GRAND JUNCTION, COLORADO

DOWNTOWN DEVELOPMENT AUTHORITY

AUGUST 3, 1982

NOTICE IS HEREBY GIVEN that a special election to be held at the polling place hereinafter designated on Tuesday, the 3rd day of August, 1982, between the hours of 7:00 a.m. and 7:00 p.m., there will be submitted to the qualified electors of the district within which the Grand Junction, Colorado, Downtown Development Authority may exercise its powers (the District) the following question:

Shall the City of Grand Junction, Colorado, be authorized to issue bonds or provide for loans, advances or indebtedness (including, but not limited to, obligations payable from project revenues or special assessments, but not including obligations which are general obligations of the City) and to pledge for the payment of the principal thereof, the interest thereon, and any premiums due in connection therewith the Tax Increment Fund created by Resolution of the City Council on December 16, 1981, containing the ad valorem and municipal sales tax increment funds derived or to be derived from and attributable to development and redevelopment within the Grand Junction, Colorado, Downtown

Development Authority, for the purpose of providing public improvements designed to improve traffic and pedestrian circulation within the downtown area, including, but not limited to, property acquisition for off-street parking, off-street surface and structure parking development, right-of-way acquisition, alleyway improvements, channelization, paving, curb and gutter improvements, landscaping, and traffic signal and control facilities, such bonds, loans, advances, and indebtedness not to exceed in aggregate principal amount the sum of \$10,000,000 at a maximum net effective interest rate of 18% per annum and the pledge of the Tax Increment Fund not to exceed 25 years in duration?

A qualified elector of the District is one who is either a "resident", a "landowner" OR a "lessee" as these terms are defined below:

"Resident" means one who is a citizen of the United States and a resident of the State of Colorado, eighteen years of age or older, who makes his primary dwelling place within the District.

"Landowner" means the owner in fee of any undivided interest in real property or any improvement permanently affixed thereto within the District. "Owner in fee" includes a contract purchaser obligated to pay general taxes, an heir, and a devisee under a will admitted to probate and does not include a contract seller of property with respect to which the contract purchaser is deemed to be the owner in fee.

"Lessee" means the holder of a leasehold interest in real property within the District. "Leasehold interest" does not include a license or mere contract right to use real property within the District.

Any landowner or lessee which is not a natural person may vote only if it designates by some official action a representative thereof to cast its ballot.

No qualified elector may cast more than one vote, even though any person qualified or lawfully designated may be entitled to cast the vote of more than one qualified elector.

Those qualified electors of the District who are otherwise fully qualified to vote on said question at said special election, but who shall be absent from the District on the day of said special election, or who by reason of their work or the nature of their employment are likely to be absent and fear that they will be absent from the District on the day of said special election, or who because of serious illness or physical disability, or who for reasons based upon the doctrines of an established religion shall be unable to attend the polls, may apply in writing at the office of the City Clerk at City Hall, 250 North Fifth Street, Grand Junction, Colorado, for absent voter ballots at any time during regular business hours on or before Friday, July 30, 1982.

The City Council has established, for the purposes of said special election only, one election precinct, the polling place for which shall be Two Rivers Plaza, 159 Main Street, Grand Junction, Colorado. The absent voter polling place shall be the office of the City Clerk, 250 North Fifth Street, Grand Junction, Colorado.

The votes cast shall be recorded on paper ballots, and said special election shall be held and conducted, the returns thereof canvassed, and the results thereof declared, in the manner prescribed by law for other municipal elections.

IN WITNESS WHEREOF, the City Council of the City of Grand Junction, Colorado, has caused this notice to be given.

/s/ Neva B. Lockhart

City Clerk
City of Grand Junction, Colorado

(CITY SEAL)

Section 10. Ballots to be used in voting upon the question to be submitted at said special election shall be prepared and furnished by the City Clerk to the judges of election, to be by them furnished to the qualified voters of the District. Said ballots shall be in substantially the following form:

Official Ballot
Stub No.

Official Ballot
Duplicate Stub No.

OFFICIAL BALLOT

CITY OF GRAND JUNCTION STATE OF COLORADO

SPECIAL ELECTION AUGUST 3, 1982

(Each elector desirous of voting FOR or AGAINST the following question shall designate his or her choice by placing a cross (x) in the square opposite the words expressing his or her choice.)

Shall the City of Grand Junction, Colorado, be authorized to issue bonds or provide for loans, advances or indebtedness (including, but not limited to, obligations payable from project revenues or special assessments, but not including obligations which are general obligations of the City) and to pledge for the payment of the principal thereof, the interest thereon, and any premiums due in connection therewith the Tax Increment Fund created by Resolution of the City Council on December 16, 1981, containing

the ad valorem and municipal sales tax increment funds derived or to be derived from and attributable to development and redevelopment within the Grand Junction, Colorado, Downtown Development Authority, for the purpose of providing public improvements designed to improve traffic and pedestrian circulation within the downtown area, including, but not limited to, property acquisition for off-street parking, off-street surface and structure parking development, right-of-way acquisition, alleyway improvements, channelization, paving, curb and gutter improvements, landscaping, and traffic signal and control facilities, such bonds, loans, advances, and indebtedness not to exceed in aggregate principal amount the sum of \$10,000,000 at a maximum net effective interest rate of 18% per annum and the pledge of the Tax Increment Fund not to exceed 25 years in duration?

YES

NO

(to appear on reverse side of ballot)

OFFICIAL BALLOT FOR SPECIAL ELECTION

HELD IN THE CITY OF GRAND JUNCTION, COLORADO,

ON AUGUST 3, 1982

(Facsimile Signature)

City Clerk
City of Grand Junction, Colorado

Section 11. The votes cast at said special election shall be canvassed, the returns thereof made, and the results thereof declared in the manner provided by law for the canvass, return and declaration of the result of votes cast at regular municipal elections of the City.

Section 12. If a majority of the qualified electors of the District voting on the question set forth hereinbefore to be submitted at said special election vote in favor thereof the Council may issue the bonds or pledge the Tax Increment Fund from time to time as authorized by said qualified electors.

Section 13. All action, not inconsistent with the provisions of this Resolution, heretofore taken by the officers of the City, whether elected or appointed, directed toward holding the special election, are hereby ratified, approved and confirmed.

Section 14. All ordinances, resolutions, motions, or parts thereof, in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any ordinance, resolution, motion, or part thereof, heretofore

repealed.

Section 15. If any section, paragraph, clause, or provision of this Resolution is judicially adjudged invalid or unenforceable, such judgment shall not affect, impair, or invalidate any of the remaining sections, paragraphs, clauses, or provisions of this Resolution, the intention being that the various sections, paragraphs, clauses, or provisions hereof are severable.

Section 16. This Resolution shall be effective immediately upon its adoption and approval.

PASSED and ADOPTED this 16th day of June, 1982.

CITY OF GRAND JUNCTION, COLORADO

By:

President of the Council

Attest:

City Clerk

Upon motion by Councilman Johnson, seconded by Councilwoman Clark Council and carried by roll call vote with Councilman HOLMES voting NO, the Resolution was passed and adopted as read.

RESOLUTION NO. 42-82 ADOPTING DOWNTOWN PUBLIC IMPROVEMENT DESIGN STANDARDS

The following Resolution was read:

RESOLUTION NO. 42-82

ADOPTING THE GRAND JUNCTION DOWNTOWN DESIGNS STANDARDS FOR PLAZAS, PARKING AND STREETSCAPES

WHEREAS, the Grand Junction City Council ("Council"), has previously appropriated funds for studies of the Central Business District and downtown area of the City of Grand Junction, Colorado; and

WHEREAS, design standards for plazas, parking and streetscapes have been called for in the Downtown Development Strategy which was incorporated as part of the City's Master Plan, and were recommended by the Grand Junction, Colorado, Downtown Development Authority's Plan of Development, and were further specified as a project under the Grand Junction, Colorado, Downtown Development Authority's 1982 Work Program; and

WHEREAS, the Downtown Development Authority (DDA) has held two

public meetings to provide for public input on such design studies, notice of such meetings having been made through a newsletter and direct mailings; and

WHEREAS, Johnson, Johnson & Roy, Inc., have spent time consulting with City and DDA officials as to the content of and process for implementation of design standards; and

WHEREAS, comprehensive design standards for the installation and replacement of streetscape elements have been determined a necessary element of effective downtown revitalization and business development; and

WHEREAS, a need exists for comprehensive planning and implementation of public improvements in the downtown area to counteract the conditions of blight found to exist in the downtown area as evidenced in the Downtown Development Strategy and the DDA Plan of Development.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. A need exists for comprehensive design standards for plazas, parking and streetscapes within the Central Business District as that area is defined in the Downtown Development Strategy which is now a part of the Master Plan for the City of Grand Junction.
2. The Grand Junction, Colorado, City Council hereby adopts the Grand Junction Downtown Design Standards for Plazas, Parking and Streetscapes, which are attached hereto and incorporated herein as Exhibit "A".
3. The City Council directs the City Administration to implement the Grand Junction Downtown Design Standards for Plazas, Parking and Streetscapes through ongoing routine maintenance efforts, through the design of all applicable major and minor public improvements in the downtown area and in future capital improvement programming.
4. Additionally, the City Administration is directed to implement the Design Standards immediately to the fullest extent possible and feasible, including scheduled 1982 Capital Improvement projects in the downtown area including improvements in the 300 and 400 blocks of Main Street.
5. The City Administration is hereby requested to consult with the Downtown Development Authority in the ongoing implementation of the Design Standards in order to combat blight and achieve maximum impact of public improvement expenditures within the Central Business District.

PASSED, READ AND ADOPTED this 16th day of June, 1982.

President of the Council

Attest:

City Clerk

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

RESOLUTION NO. 43-82 DECISION RE: MR. G'S 1320 NORTH 12TH ST. - 5-DAY SUSPENSION

The following Resolution was read:

RESOLUTION NO. 43-82

OF DECISION ON ALLEGED VIOLATIONS OF THE BEER CODE AND THE CONDITIONAL USE BY THE OWNER OF MR. G'S

This matter comes before the City Council for review of the findings and recommendation of David Palmer, the hearing officer of the City of Grand Junction on liquor and beer matters, on alleged violation of the Beer Code by the owner of Mr. G's in its operation at 1230 North 12th Street in the City, and a consideration of the observance of the conditions of a conditional use under which the outlet is operating. After consideration of the findings and recommendations and hearing on the question of matters concerning the conditional use, the Council finds and determines as follows:

1. It approves the portion of the recommendation of the hearing officer which suggest a six-month probationary period, and accepts those areas which are recommended to be included as items of probation.
2. It is not satisfied with explanations given as to the existence or availability of parking for the establishment and feels that the owner's representatives have been less than candid with the Council concerning that parking.
3. Considering the evidence as found by the hearing officer and the laxness evidenced concerning the parking requirements, the Council believes that more stringent sanctions must be taken against the owner.

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

That the license of Gillen Company, Inc., dba Mr. G's, be suspended for a period of thirty (30) days with a probationary period of six months, probation to cover those items as determined

by the hearing officer; provided, however, that 25 days of the suspension shall not be imposed unless there is a violation of the conditions of probation, a violation of the Beer Code or a violation of any other provision of the conditional use permission, occurring within the 6 month probationary period. The effective 5-day suspension shall be for five days on which the outlet would have otherwise been open for business.

That, in addition, the owner shall produce an agreement with the Cox interest which is dated and which provides that the City will be advised ten days in advance of any cancellation of the Company's right to use the Cox lot for parking.

PASSED and ADOPTED this 16th day of June, 1982.

President of the Council

Attest:

City Clerk

It was moved by Councilman Johnson and seconded by Councilwoman Harvey that the Resolution be passed and adopted as read. Councilman Dunn said that the ten-day notice to Council of cancellation by Mr. Cox for the parking lot which is proposed to be used by the Gillins for parking spaces to comply with the conditional use will be difficult to obtain. According to Councilman Dunn, Mr. Cox contacted him and advised that this lease with the Gillins is strictly a day-by-day thing, and he could not give any specific time as the property is for sale. Mr. Cox did agree that he would notify the Council in writing if the parking situation changed with Mr. Gillin. Councilman Dunn said he would be in favor of a two-day suspension of the license being imposed.

Councilman Holmes preferred a ten-day suspension of operation of Mr. G's, and as far as the probationary period that was fine, but he was totally opposed to the six-month probation without anything in the way of a suspension.

Councilman Johnson stated that the discussion that was had regarding the thirty-day suspension with twenty-five days of it being held in abeyance for the probationary period was in order to emphasize to the licensee the seriousness in which the Council held this matter and to apply that much more pressure on him to maintain and operate that business in an orderly and decent manner as required. He did not think it was meaningless -- it is simply an additional condition of probation. Councilman Johnson clarified that even if the provisions of the conditional use were not fully complied with during the six-month probationary period, then Council can, without further hearing, impose the additional

suspension.

Councilwoman Harvey and President Brach concurred with Councilman Johnson's remarks.

Councilwoman Clark stated that a two-day suspension was sufficient.

It was moved by Councilwoman Clark and seconded by Councilman Dunn that the Resolution be amended to reflect a two-day suspension, rather than a five-day suspension. Roll was called with the following result: Council members voting AYE: DUNN, CLARK. Council members voting NO: HARVEY, JOHNSON, HOLMES, BRACH. Councilman LUCERO ABSTAINED because he was not present at the previous meeting for the discussion. The President declared the amended motion failed.

Roll was called upon the motion to adopt the Resolution as read with the following result: Council members voting AYE: HARVEY, JOHNSON, HOLMES, BRACH. Council members voting NO: CLARK, DUNN. Councilman LUCERO ABSTAINED. The five-day suspension was imposed commencing Thursday, June 17, and ending Monday, June 21, 1982, at midnight.

Councilman Johnson stated that he would like to clarify a false impression that he thinks has been given by recent editorials and news stories that this Council is holding most of its business in secret. He noted that he has been on the Council for almost eight years and in that time he does not believe there has been eight executive sessions of Council. He stated that he would not apologize for anything Council has done as he believe it has been open and honest in all its dealings. It has followed procedure that has been followed by previous Councils for a good many years by holding information pre-agenda sessions of items before Council meetings. These sessions are designed to inform the Council of what is going to be discussed. Unfortunately in recent months, after each one of those meetings when something of this nature comes up, it has been reported that evening or the next day as a decision that had been made by the Council. He referred to the editorial in the June 16, 1982, newspaper. It was reported that the kind of an action Council allegedly took in secret meeting was in violation of the City Charter. It would also be in violation of the City Charter if Council made a decision on Monday. And yet, that was the way it was reported, and Councilman Johnson felt that it was unfair and Council has been put in a position where it has to defend itself.

President Brach agreed and stated that they implied that he led the Council into executive session which he did not do. Mr. Brach questioned the City Attorney three weeks ago to see if it would be legal to have one; he was advised that it would be. One of the Council members asked for execution session; a motion was made by Mr. Johnson, seconded by Mr. Dunn, to go into executive session; a roll call voice vote was taken with all answers being affirmative.

BLACK & VEATCH PROPOSAL TO DESIGN PHASE 2 OF CITY SERVICES FACILITY

The proposal was distributed to Council on Monday. It was suggested that this go to a workshop session before a final decision.

DDA

The City Manager requested that the Mayor appoint one of the Council members to sit in review of proposals that have already been submitted to the DDA regarding the downtown zoning question and help determine through interview which might be the best proposal. It was pointed out that Councilman Karl Johnson is a member of the DDA Board, and he stated he would be happy to attend the meeting on Monday.

ACKNOWLEDGEMENTS

Town Clerk, Geri Carey of Paonia, was present and the Mayor introduced her to the audience.

HOLIDAY INN - NORM COOK'S STATEMENT RE: NEWSPAPER ARTICLE ON MR. G'S

Norm Cook, General Manager of the Holiday Inn, submitted the following statement:

Mr. Mayor, Council Members, Ladies and Gentlemen:

I have come here tonight to clarify a quote of attorney Multz that appeared in The Daily Sentinel on Tuesday, June 15, 1982. The story was written by Michael Moss, Sentinel reporter. Mr. Multz said he believed the Council was "honorable, with good intentions," but that penalizing Mr. G's would be an arbitrary action.

"What about the Holiday Inn," he asked, "where police recently confiscated 88 pounds of marijuana. Will they revoke the Holiday Inn's liquor license? They have to treat all establishments the same way.

The Holiday Inn rented two rooms to the Grand Junction Police Department in the fall of 1981. Lt. Kibler of the Grand Junction Police Department told me this morning that he had worked with the Holiday Inn because the location of the rooms and the remote location of the parking lot were ideal for the situation in case of trouble. The rooms were used for surveillance and the marijuana was purchased by an undercover agent from the Colorado Strike Force. The individuals involved were arrested.

I only want to point out that the Holiday Inn has always attempted to operate the liquor dispensing department with the highest of

standards, and that the example used by Mr. Multz had obsoletely no bearing on the liquor operation at the Holiday Inn of Grand Junction. We were asked by the local authorities to help and we were and are always anxious to be good citizens who cooperate.

Thank you for your time.

ADJOURNMENT

The President adjourned the meeting.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk