

RESOLUTION NO. 142-05

A RESOLUTION CALLING A SPECIAL ELECTION IN THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT; AND PROVIDING OTHER DETAILS RELATING THERETO

Recitals.

1. The Downtown Grand Junction Business Improvement District (the "District"), located in the City of Grand Junction, Mesa County, Colorado, is a quasimunicipal corporation duly organized and existing under the laws of the State of Colorado.
2. The members of the City Council of the City of Grand Junction (the "Council") have been duly elected and qualified and serve ex officio as the Board of Directors of the District (the "Board").
3. Article X, Section 20 of the Constitution ("TABOR") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established by TABOR.
4. The interest of the District and the public interest and necessity demand and require financing by Special Assessment a portion of the costs of operations of the District, to include but not be limited to, marketing, promotions and special events for the Downtown.
5. TABOR requires the District to submit ballot issues (as defined in TABOR) and spending questions to the District's electors on certain election days before action can be taken on such ballot issues and spending questions.
6. November 1, 2005, is one of the election dates at which ballot issues and spending questions may be submitted to the District's eligible electors in accordance with TABOR.
7. It is necessary to submit to the electors of the District, at the election to be held on November 1, 2005, the question of authorizing the Board to impose a Special Assessment and spend the revenues thereof and the question of authorizing the Board to collect, keep and spend all revenues it receives as a voter approved revenue change under Article X, Section 20 of the Colorado Constitution.
8. It is necessary to set forth certain procedures concerning the conduct of the election.

9. The Board elects to utilize the provisions of the Municipal Election Code, Title 31 Article 10 and Section 1-7.5-101 *et seq*, C.R.S., in order to conduct a mail ballot election on November 1, 2005.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, AS THE EX OFFICIO BOARD OF DIRECTORS OF THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT THAT:

Section 1. All action heretofore taken (consistent with the provisions of this resolution) by the District and the officers thereof, directed toward the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in Title 31, Article 10, C.R.S., Title 31, Article 25, Part 12, C.R.S. and TABOR.

Section 3. Pursuant to TABOR, Title 31, Article 10, C.R.S., Title 31, Article 25, Part 6, C.R.S., and the Section 1-7.5-101 *et seq*, C.R.S., the Board hereby determines to call a special election to be conducted on November 1, 2005, as a mail ballot election (the "election"). The Board hereby determines that at the election to be held on November 1, 2005, there shall be submitted to the eligible electors of the District the question set forth in Section 4 hereof. Because the election will be a mail ballot election, the Board hereby authorizes the Secretary of the District to file a mail ballot election plan with the Secretary of State. If necessary, the officers of the District are authorized to enter into an intergovernmental agreement with the County Clerk pursuant to Section 1-7-116, C.R.S.

Section 4. The Council hereby authorizes and directs the designated election official to submit to the eligible electors of the District at the election questions in the substantially the following forms:

QUESTION NO. 5B

"SHALL DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND EXPEND FOR PUBLIC PURPOSES THE FULL AMOUNT RECEIVED BY THE DISTRICT FROM SPECIAL ASSESSMENTS ON COMMERCIAL PROPERTY WITHIN THE DISTRICT; SUCH ASSESSMENTS TO BE COLLECTED AT RATES NOT TO EXCEED \$0.026 PER SQUARE FOOT OF LAND ON MAIN STREET, \$0.019 PER SQUARE FOOT OF LAND OFF MAIN STREET, \$0.076 PER SQUARE FOOT OF FIRST FLOOR OF BUILDINGS ON MAIN STREET, AND \$0.057 PER SQUARE FOOT OF FIRST FLOOR OF BUILDINGS OFF MAIN STREET; SUCH ASSESSMENT RATES TO INCREASE BY NOT MORE THAN FIVE

PERCENT ANNUALLY AS DETERMINED BY THE BOARD OF DIRECTORS OF THE DISTRICT, BUT MAY BE COMPUTED ON A RUNNING CUMULATIVE BASIS FROM 2005 UNTIL THE YEAR ANY INCREASE IS MADE; AS DESCRIBED IN THE "PETITION FOR THE ORGANIZATION OF THE DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT (BID)" ON FILE IN THE OFFICE OF THE CITY CLERK OF THE CITY OF GRAND JUNCTION, AND SHALL THE DISTRICT BE AUTHORIZED TO COLLECT, RETAIN AND EXPEND FOR PUBLIC PURPOSES THE FULL AMOUNT RECEIVED BY THE DISTRICT FROM STATE AND LOCAL GRANTS AND ANY OTHER REVENUE SOURCES OTHER THAN ASSESSMENTS, NOTWITHSTANDING ANY SPENDING, REVENUE RAISING OR OTHER LIMITS IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?"

Section 5. The City Clerk is hereby appointed as the Designated Election Official for the District for purposes of performing acts required or permitted by law in connection with the election.

Section 6. The City Clerk as the Designated Election Official is hereby authorized to enter into the attached intergovernmental agreement (Exhibit A) with Mesa County for the coordination of the TABOR notice as required by Colorado Law.

Section 7. The Mail Ballot Plan, as attached (Exhibit B), is hereby approved and the City Clerk, as the Designated Election Official is hereby authorized to sign.

Section 8. Any authority to impose a Special Assessment, if conferred by the results of the election, shall be deemed and considered a continuing authority so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 9. The officers of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 10. If any section, subsection, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or provision shall in no manner affect any remaining provisions of this resolution, the intent being that the same are severable.

Section 11. All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this resolution are hereby repealed to the extent only of such inconsistency.

ADOPTED AND APPROVED this 17th day of August, 2005.

/s/ Bruce Hill
President of the Council
ex officio President of the District

(SEAL)

ATTESTED:

/s/ Stephanie Tuin
City Clerk
ex officio Secretary of the District

EXHIBIT A

**INTERGOVERNMENTAL AGREEMENT
DOWN TOWN DEVELOPMENT AUTHORITY,
CITY OF GRAND JUNCTION
COORDINATED ELECTION - NOVEMBER 1, 2005**

The following shall represent the Intergovernmental Agreement ("Agreement") between the Mesa County Clerk and Recorder hereinafter referred to as ("Clerk") and the City of Grand Junction hereinafter referred to as ("Political Subdivision"), as required by §1-7-116(2), C.R.S. (2005).

1. PURPOSE: Pursuant to the terms of this Agreement, the Clerk and Political Subdivision agree to the scheduling and coordination of a "TABOR" notice as required by the Colorado Constitution, Article X, Section 20, the Colorado Revised Statutes and Secretary of State Rules for a Coordinated Election to be conducted by the Clerk on November 1, 2005. The "TABOR" notice may involve more than one Political Subdivision with overlapping boundaries, and the Clerk shall serve as the Coordinated Election Official (CEO) for all political subdivisions involved in this notice. The "Designated Election Official" (DEO) for the Political Subdivision shall be Stephanie Tuin, the Clerk for the City of Grand Junction, who will have primary responsibility for election procedures that are the responsibility of the Political Subdivision.

LEGAL NOTICES: Publication of any required legal notices concerning Political Subdivision's election, including a notice of financial information as set forth in §1-7-908, C.R.S. (2005) on Political Subdivision's website no later than **October 12, 2005**, which is 20 days before the Coordinated Election. A copy of the published legal notice shall be submitted to the Clerk.

2. RECEIVING OF WRITTEN COMMENTS AS COVERED BY SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION: Pursuant to §1-7-901, C.R.S. (2005), the process of receiving written comments and summarizing such comments, as required by Section 20 of Article X of the Colorado Constitution, shall be solely the responsibility of Political Subdivision. Pursuant to §1-7-901(4), C.R.S. (2005), the deadline for filing comments pertaining to a ballot issue with the DEO is Friday, **September 16, 2005**.

3. RECEIVING OF PETITION REPRESENTATIVE'S SUMMARY OF COMMENTS: Receipt of the summary of comments from the petition representatives shall be the sole responsibility of the Political Subdivision. Pursuant to §1-7-903(3), C.R.S. the summary of comments must be filed with the Political Subdivision no later than Monday, **September 19, 2005**.
4. PREPARATION AND MAILING OF NOTICES FOR BALLOT ISSUE ELECTIONS: Pursuant to §1-7-904, C.R.S. (2005), Political Subdivision shall certify the "Tabor Notice" information and the final and exact summary of comments concerning its ballot issue(s) to the Clerk no later than 5:00 p.m. on Tuesday, **September 20, 2005**, for inclusion in the ballot issue mailing as required by Section 20, Article X, of the Colorado Constitution. Time is of the essence. Data shall be transmitted to the Clerk on a 3.5" (high density) diskette or CD Rom in MS Word. The Clerk shall coordinate the text for the ballot issue mailing for all participating Mesa County political subdivisions into one notice. Said ballot issue mailing shall be prepared and mailed by the Clerk in accordance with Article X, Section 20(3)(b) of the Colorado Constitution at least 30 days prior to the election, which deadline, pursuant to §1-1-106(5), C.R.S. (2005) shall be Friday, **September 30, 2005**.
5. ALLOCATION OF COST OF ELECTION: Pursuant to §1-7-116(2)(b), C.R.S. (2005), the Clerk shall determine a reasonable cost allocation for each political subdivision participating in the Coordinated Election. Each political subdivision shall reimburse the Clerk for its proportionate share of the cost of the TABOR notice and election costs allocated to the particular political subdivision. Such reimbursement shall be made to the Clerk within thirty (30) days of receipt of billing from the Clerk. The Clerk's determination regarding allocation of costs shall be final and at her sole discretion and shall not be subject to dispute unless clearly unreasonable.
6. INDEMNIFICATION: Political Subdivision agrees to indemnify and hold harmless the Clerk from any and all loss, costs, demands or actions, arising out of or related to any actions, errors or omissions of Political Subdivision in completing its responsibilities relating to the Coordinated Election.
7. VENUE: Venue for any dispute hereunder shall be in the District Court of Mesa County, Colorado.

THIS AGREEMENT has been executed by the parties hereto as of the dates and year written below.

MESA COUNTY CLERK AND RECORDER CITY OF GRAND JUNCTION

Janice Ward

Stephanie Tuin
D.E.O., City of Grand
Junction

Attest:

Date

Date

EXHIBIT B

**WRITTEN PLAN FOR THE CONDUCT OF A
MAIL BALLOT ELECTION**

SUBMITTED BY: Stephanie Tuin, City Clerk/ex officio District Secretary

ELECTION ADMINISTRATOR FOR: Downtown Grand Junction Business Improvement District, a Part of the City of Grand Junction, Colorado

1. **LEGAL NAME OF JURISDICTION:** Downtown Grand Junction Business Improvement District, a part of the City of Grand Junction, Colorado
2. **TYPE OF JURISDICTION:** A Business Improvement District as defined in 31-25-1203, C.R.S.
3. **DESCRIPTION OF ELECTION TO BE HELD:** Special Election on a Ballot Issue to be held on Tuesday, November 1, 2005
4. **AUTHORITY TO HOLD THIS ELECTION:** 31-10-108 C.R.S., 31-25-1212, C.R.S. and TABOR
5. **ESTIMATED NUMBER OF ELECTORS: 400 electors as defined in 31-25-1203(4) C.R.S.** real and personal property owners, leaseholders, designees of such owners and leaseholders if not a natural person and residents within the District, eighteen years of age or older and a resident of the State of Colorado
6. **NAME OF CHIEF ELECTION ADMINISTRATOR:** Stephanie Tuin, City Clerk/ex officio District Secretary and Designated Election Official (hereinafter "D.E.O.")
7. **COUNTY CLERK AND RECORDER WILL:** provide registration lists and assist as requested. The TABOR notice required for this election will be coordinated with the County's notice and an intergovernmental agreement has been executed for that purpose.
8. **NUMBER OF PLACES OF DEPOSIT:** One - City Clerk's Office at City Hall at 250 North 5th Street, Grand Junction, Co. 81501
9. **IF BALLOT PACKETS ARE RETURNED AS UNDELIVERABLE:**
Undeliverable ballots will be tallied/recorded on the DAILY RECONCILIATION OF MAIL BALLOTS (see Exhibit "A"), entered as "U" on the ballot distribution database, alphabetically slotted into trays marked "Undeliverable", and secured in a locked box accessible only by clerks/election judges/deputy clerks. These ballots will not be remailed, but may be reissued to any addressee appearing in person at the City

Clerk's Office, upon presentation of proper identification of elector and address.

10. **HOW POSTAGE WILL BE HANDLED FOR BALLOT PACKETS RETURNED AS UNDELIVERABLE:** Ballots will be mailed in accordance with both USPS and state statutory requirements, each envelope bearing "RETURN SERVICE REQUESTED" as per the Domestic Mail Manual, Section F, 010.5.3. This will guarantee return of "undeliverable" envelopes to the City Clerk's Office. If a new address is identified by the yellow USPS label, the D.E.O. will comply with 1-2-605(5) C.R.S.

11. **PROCEDURES TO BE FOLLOWED TO ENSURE COMPLIANCE WITH STATUTES AND RULES INCLUDING NAMES OF THOSE RESPONSIBLE:**
 - a) Planning and procedural meetings will be held involving the D.E.O. and D.E.O. staff. Title 1, Article 7.5 C.R.S. and the Secretary of State's Rules and Regulations will be reviewed and explained for implementation and administration of the state's mail ballot process. The State Statutes and the rules and regulations will be administered under the direct supervision of Stephanie Tuin, the D.E.O. Additional staff will be required for this mail ballot election and hired as judges for the final tally of the ballots. The County Elections Director and/or the County Clerk may be consulted as needed.
 - b) Printing and mailing of the TABOR NOTICE will be coordinated with Mesa County as required by law. County Elections Director Sheila Reiner will supervise this in accordance with Article X, Section 20(3)(b), with a mailing date no later than September 30, 2005.
 - c) Absentee mail ballot applications will be processed for mail distribution on the date required by law and in accordance with the appropriate regulations.
 - d) Mail ballot packages, including absentee ballots, will be prepared in accordance with the mail ballot election law and under the supervision of D.E.O. Stephanie Tuin.
 - e) Mail ballot packages for each eligible voter will be prepared and mailed no later than October 17, 2005 to all voters that did not request absentee ballots. The ballot distribution system for this election will be manual and D.E.O. Stephanie Tuin will oversee this process. There are 400 eligible electors.

- f) Each business day, ballot envelopes received or returned to the City Elections Office (City Clerk's Office) will be date-stamped and tallied for recordkeeping. Each envelope will then be preliminarily verified (first verification) for completion of necessary information (including name, address, signature) and voter eligibility. The pollbook will be updated daily for each ballot received, indicating by code either accepted, rejected or undeliverable. Accepted ballot envelopes will be deposited into a "dated" and sealed ballot box. Rejected or undeliverable ballot envelopes will be filed alphabetically in trays in a locked box in a secured facility. Daily receipt, coding and securing of ballots will include those received at the one drop off location or via mail. D.E.O. Stephanie Tuin and her designated assistants will be responsible for this process.
- g) The official verification of ballots will begin on Monday, October 24, 2005. Boxes representing each day's receipt of accepted ballots shall be opened, the envelopes slit, and the ballot stub number in each envelope checked against the ballot number issued. If acceptable, the ballot stub shall be removed, then the secrecy envelope removed and the ballot shall be placed in a transfer box. In the event a ballot is returned without a secrecy envelope, secretsies will be readily available for the election judge to enclose the ballot before removing it from the envelope. All envelopes will be sealed, numbers recorded and stored in a secured facility. D.E.O. Stephanie Tuin will oversee this aspect of the election.
- h) The City Clerk's Office, 250 N. 5th Street, will be open for issue of ballots for the reissue of ballots to those who have spoiled, lost, moved, or for some reason did not receive a ballot for the period of Tuesday, October 25, 2005 to Monday, October 31, 2005, from 7:30 a.m. to 5:30 p.m. daily and Tuesday, November 1, 2005 7:00 a.m. to 7:00 p.m. Prior to October 25, 2005, these requests will be handled in the regular City Clerk's Office area by D.E.O. staff.

Anytime that a replacement or new ballot is issued a REQUEST FOR BALLOT/REPLACEMENT BALLOT (see Exhibit "B") sworn statement must be completed, with signatures gathered either in person at the City Clerk's Office or through the mail. Ballots issued through the mail will have a mark on their return envelope (next to their signature affirmation) that will immediately alert the election judge that a completed sworn statement must be included with the voted ballot.

12. DESCRIBE PROCEDURES TO ENSURE BALLOT SECURITY:

- a) Ballot packages are prepared and stored in secured facilities by D.E.O. staff. Ballot packages will be sealed and delivered to the United States Post Office at 241 N. 4TH Street. The packages are then processed in accordance with USPS regulations and state statutory provisions.

- b) Ballots, including pre-distribution and non-issued, will be kept in a locked box on secured premises at all times. All election materials, ballots, and ballot boxes will be monitored during utilization by D.E.O. staff and placed under locked security each night. The area used for ballot processing is in the City Clerk's Office. Only three keys to the critical ballot and materials areas exist, and those are held by the D.E.O. and her two assistants. All empty ballot boxes and envelopes will be witnessed before and during both sealings (first and second verifications), including the recording of seal numbers.
- c) Ballots will be paper ballots. There is only a single ballot type for this election so no color-coding is necessary for the ballot.
- d) At the single drop off site, the City Clerk's Office, there will be a locked ballot box.
- e) All employees (D.E.O. staff) will be sworn in, affirming their adherence to the election statutes, rules and procedures. Observers (or watchers) will need to present completed forms, and the secured area is not accessible to the cleaning staff during the period of October 7th through November 2nd. Ballots will be tabulated by hand at the City Clerk's Office and then stored in the vault.

13. DESCRIBE THE PROCEDURES FOR SIGNATURE VERIFICATION:
The very day each ballot envelope is received (initial verification), it will be verified for name, address, and signature. If a signature cannot be read, the voter's original signature if a registered voter will be retrieved from microfilm for verification. If any of the foregoing information does not correspond to the ballot issue record or if all information is not provided, the ballot will be rejected for discrepancies. The rejection will be coded on the pollbook and the envelope placed in alphabetical order in the "REJECTED" tray, which will be stored in the secured facility. Periodic checks of signatures on record will be performed to ensure the integrity of the mail ballot election in the Downtown Grand Junction Business Improvement District, City of Grand Junction.

14. DESCRIBE THE PROCEDURES TO ENSURE SECRECY OF BALLOTS: A secrecy envelope will be enclosed with each ballot mailed to all active eligible voters on or before October 17, 2005. Voter instructions will specifically ask voters to place the voted ballot in a secrecy envelope when returning the ballot. Ballots initially received are left in sealed envelopes until the final verification. At the time of final verification, when ballot stubs are removed, each election judge will have secrecy envelopes to slip around any ballot (while it's still in the envelope) in the event the voter did not place his/her voted ballot in the secrecy envelope. Ballots rejected with the stub still attached will be alphabetized

and locked away nightly. Every D.E.O. staff member will be thoroughly trained on the vital importance and necessity of ballot security.

- 15. DESCRIBE THE PROCEDURE TO RECONCILE BALLOTS ISSUED, BALLOTS RECEIVED, DEFECTIVE BALLOTS AND SUBSTITUTE BALLOTS:** Reconciliation will occur daily for every ballot issued and every ballot received using the DAILY RECONCILIATION FORM (see Exhibit "A") and the DAILY RUNNING TALLY (See Exhibit "C"). Reconciliation will be manual, and each day's current status will be available by 9 am the following morning. FINAL DISPOSITION OF BALLOT RECONCILIATION (see Exhibit "D") will reflect the number of ballots issued and reissued, less the number of ballots accepted, less the number rejected, less the number undeliverable, less the number of ballots returned after the deadline and/or never returned, which will equal the total number of ballots issued. Additionally, a STATEMENT OF BALLOTS (see Exhibit "E") will be placed in each sealed envelope to assure verification with tabulation and the canvass board. Many safeguards have been built into the procedures; and yet the ability to immediately explain and /or access any ballot discrepancy will exist. Double checking by different staff members will occur daily to ensure tracking accuracy.

DATE OF SUBMISSION: _____

ELECTION OFFICIAL SIGNATURE: _____

TITLE: City Clerk/ex officio District Secretary/DEO

TIMETABLE ENCLOSED

TIMETABLE
For the conduct of a Mail Ballot Election
(Rule 12.3.3.b)

Please indicate dates by which each item will be completed

<u>08/17/05</u>	Written Plan submitted to governing body.	Rule 12.3.2
<u>08/17/05</u>	Election approved by governing body.	Rule 12.3.3b
no later than <u>09/07/05</u>	Submission of written plan to Secretary of State (55 days prior to election)	1-7.5-105(1) Rule 12.3.2
<u>09/22/05</u>	Last date for approval by Secretary of State (15 days after receipt in Secretary of State's office)	1-7.5-105(2)
<u>09/22/05</u>	Registration records ordered by designated election official from County Clerk and Recorder (at least 40 days prior to election)	1-5-303(1)
<u>09/30/05</u>	List of electors submitted to election official (at least 30 days prior to election)	1-7.5-107(2)(a)
<u>10/03/05</u>	Close of registration (29 days prior)	1-2-201(3)
<u>10/07/05</u> through <u>10/17/05</u>	Ballots mailed (not sooner than 25 days and no later than 15 days prior)	1-7.5-107(3)(a)
<u>10/07/05</u>	Ballots available at election official's office (no sooner than 25 days prior)	1-7.5-107(3)(c)
<u>10/12/05</u>	Notice of election to electorate (at least 20 days prior) with copy to County Clerk	1-5-205(2) 1-7.5-107(2.5)
<u>10/12/05</u>	Notice of election to County Clerk & Recorder	Rule 12.3.1a
<u>10/12/05</u>	Notice of election to County Assessor	1-5-304
<u>10/12/05</u>	Publish Notice of Election	1-7.5-107(2.5)(a)
<u>10/12/05</u>	Supplemental list of electors submitted (at least 20 days prior)	1-7.5-107(2)(b)
<u>10/24/05</u>	Verification of ballot numbers to pollbook (may begin at any time during the 10 days before)	1-7.5-107.5
<u>11/01/05</u>	Election day	31-10-108 City Charter, §3
<u>11/02/05</u>	Canvass dates/certification issued (canvass no later than 2 days after the election)	City Charter, §25 Rule 12.12

Exhibit "A"

November 1, 2005

Today's date: _____

1. Total number of ballots received _____

Information on return envelope verified Yes _____ No _____

2. Less number ballots rejected in first verification
-insufficient information on return verification envelope _____

3. Less number ballots rejected in second verification
-ballot number does not match poll book _____

4. Less reissued ballots pending final receipt of ballots _____

5. Equals total number ballots approved for final count
1-2-3-4=5 _____

Number of ballots challenged _____

Spoiled _____ Incomplete _____ Damaged _____ Void _____ Undeliverable _____

Total rejected ballots _____
2+3

Hand count _____ Judge's Int _____
= 5

Electronic count _____ Judge's Int _____
= 5

Seal Number _____ Judge's Signature:

Seal Number _____ Judge's Signature

Date of reseal _____

EXHIBIT "B"

Request for Ballot

Original ballot number _____

November 1, 2005

Replacement number _____

Date _____

I _____, registered elector of the Grand Junction Downtown
Development Authority, City of Grand Junction at _____
_____ Residence Address
City/Town Zip

Request a ballot for the November 1, 2005 Special Election for the following reason(s):

I was not issued a ballot due to eligibility (Voter record shown as inactive)

I have not as of this date received the ballot packet mailed to me

The ballot I received was destroyed or marked incorrectly

I have not voted a ballot issued for this election and I do not intend to vote except by voting this replacement ballot.

The original ballot issued me will not be cast and if the original and the replacement ballot are cast, neither will be counted in this election.

I understand that this sworn statement must be included in the return verification envelope with the marked ballot and must be received by 7:00 p.m. on Election Day for this replacement ballot to be counted.

SIGN
HERE

Date of Birth

STATE OF COLORADO, COUNTY OF MESA, SS:

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____
_____, 2005.

(Seal)

Clerk/Deputy/Notary
My Commission expires : _____

EXHIBIT "C"

November 1, 2005

Today's Date _____

Number of Original Mailings _____

Number of spoiled ballots _____

Number of ballots reissued _____

Number of ballots issued to inactive voters _____

Number of ballots received _____

Number of ballots approved for final count _____

1. Number of Original Mailings _____

2. Number of ballots reissued _____

3. Number of ballots issued to inactive voters _____

4. Number of ballots spoiled _____

Total ballots issued $1+2+3-4=$ _____

Total of ballots received _____

Total rejected ballots - _____

Total pending ballots - _____

Total of ballots approved for final count _____

EXHIBIT "D"

FINAL DISPOSITION OF MAIL BALLOT ELECTION

ISSUED/REISSUED:

ACCEPTED:

REJECTED:

SPOILED

VOID

INCOMPLETE

DAMAGED

SIGNATURE

UNDELIVERABLE

RETURNED AFTER DEADLINE

NEVER RETURNED

EXHIBIT "E"

MAIL BALLOT ELECTION
November 1, 2005

**DOWNTOWN GRAND JUNCTION BUSINESS IMPROVEMENT DISTRICT, CITY OF
GRAND JUNCTION, MESA COUNTY, COLORADO**

DATE OF BALLOT RECEIPT _____

NUMBER OF BALLOTS RECEIVED _____

NUMBER OF BALLOTS IN THIS TRANSFER CASE _____

TRANSFER CASE FOR THIS DAY'S RECEIPTS _____ OF _____

SEAL # _____

JUDGES SIGNATURES

TEAMWORK COUNT

STATE OF COLORADO)
)
COUNTY OF MESA) SS.
)
CITY OF GRAND JUNCTION)
)
DOWNTOWN GRAND JUNCTION)
BUSINESS IMPROVEMENT DISTRICT)

I, Stephanie Tuin, City Clerk of the City of Grand Junction, Colorado, and ex officio Secretary of the Downtown Grand Junction Business Improvement District (the "District") do hereby certify that:

1. The foregoing is a true and correct copy of a resolution (the "Resolution") passed and adopted at the regular meeting of the City Council serving ex officio as the Board of Directors of the District (the "Board") on August 17, 2005. A quorum of the Board was in attendance at the meeting.

2. The members of the Board voted on passage and adoption of the Resolution on August 17, 2005, as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

3. The Resolution was approved and authenticated by the signature of the Mayor, ex officio President of the Board, sealed with the City seal, attested by the City Clerk, ex officio Secretary of the Board, and recorded in the minutes of the Board.

4. Attached hereto as Exhibit C is a copy of the notice of the meeting of August 17, 2005 which was posted at Grand Junction City Hall not less than 24 hours in advance of the meeting.

IN WITNESS WHEREOF, I have hereto set my hand and the seal of the City this
_____ day of _____, 2005.

City Clerk
ex officio Secretary of the District

(SEAL)

EXHIBIT C

To access the Agenda and Backup Materials electronically,
go to www.gjcity.org – Keyword e-packet

**GRAND JUNCTION CITY COUNCIL
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
AGENDA**

WEDNESDAY, AUGUST 17, 2005, 7:00 P.M.

CALL TO ORDER

Pledge of Allegiance
Invocation – Reverend Michael Torphy, Religious Science
Spiritual Center

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING THE WEEK OF AUGUST 29 – SEPTEMBER 5, 2005 AS “GRAND JUNCTION FIRE FIGHTER APPRECIATION WEEK” IN THE CITY OF GRAND JUNCTION, COLORADO AS REQUESTED BY THE MUSCULAR DYSTROPHY ASSOCIATION FOR THE FIRE DEPARTMENT'S PARTICIPATION IN THE "FILL THE BOOT" CAMPAIGN

APPOINTMENTS

TO THE VISITORS AND CONVENTION BUREAU BOARD OF DIRECTORS

TO THE RIVERFRONT COMMISSION

CITIZEN COMMENTS

*** Mike Anton, President of Grand Junction Air Show, Inc., would like to thank all the entities in the City of Grand Junction for their participation in the 2005 Air Show

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meetings** **Attach 1**
Action: Approve the Minutes of the August 3, 2005 Special Session and the August 3, 2005 Regular Meeting
2. **Setting a Hearing on Rezoning the Grand Central Plaza, Located at 302 West Grand Avenue** [File #RZ-2005-121] **Attach 2**

Request to rezone 302 West Grand Avenue, comprised of 0.358 acres, from RMF-8 (Residential Multi-Family with a density not to exceed 8 units per acre) to RO (Residential Office).

Proposed Ordinance Rezoning a Parcel of Land from Residential Multi-Family with a Density Not to Exceed Eight Units per Acre (RMF-8) to Residential Office (RO) Located at 302 W. Grand Avenue

Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005

Staff presentation: Ronnie Edwards, Associate Planner

3. **Setting a Hearing for a Right-of-Way Vacation, Located at 1531, 1559, and 1561 High Street** [File #VR-2005-079] **Attach 3**

Introduction of a proposed ordinance to vacate High Street adjacent to Highway 50, while reserving a 20' sanitary sewer easement for the construction of a new gravity sanitary sewer line.

Proposed Ordinance Vacating a Right-of-Way Located at 1531, 1559, and 1561 High Street

Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005

Staff presentation: Ronnie Edwards, Associate Planner

4. **Setting a Hearing on Zoning the Loggains Annexation, Located at 2234 Railroad Avenue** [File #ANX-2005-162] **Attach 4**

Introduction of a proposed zoning ordinance to zone the Loggains Annexation I-1, located at 2234 Railroad Avenue.

Proposed Ordinance Zoning the Loggains Annexation to I-1, Located at 2234 Railroad Avenue

Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005

Staff presentation: Senta L. Costello, Associate Planner

5. **Request to Continue Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation until the October 5, 2005 City Council Meeting** [File #ANX-2005-076] CONTINUED FROM JULY 6, 2005 **Attach 5**

Request to Continue the Annexation Public Hearing for the Bookcliff Veterinary Hospital Annexation as previously rescheduled and published for the August 17, 2005 City Council Meeting. The request to continue is due to further research

required of the existing legal description and associated land ownership issues regarding the area of the adjacent Grand Valley Canal. City staff is requesting the Annexation Public Hearing be continued until the October 5, 2005 City Council Meeting.

Action: Continue the Public Hearing and Final Consideration of the Annexation Ordinance until the October 5, 2005 City Council Meeting

Staff presentation: Scott D. Peterson, Associate Planner

6. **Request to Continue the Zoning of the Twenty Three Park Plaza Annexation, Located at the NW Corner of 23 Road and I-70** [File #GPA-2005-045] **Attach 6**

Request to continue the Public Hearing for the Zoning of the Twenty Three Park Plaza Annexation. The City Council remanded the zoning consideration to the Planning Commission. It is scheduled for the August 23, 2005 Planning Commission hearing. The request will need to be continued to the September 7th City Council meeting.

Action: Continue the Public Hearing and Final Consideration of the Zoning Ordinance until the September 7, 2005 City Council Meeting

Staff presentation: Kathy Portner, Planning Manager

7. **Setting a Hearing for the Grand Junction Storm Water Ordinance** **Attach 7**

City Council reviewed the proposed Storm Water Ordinance at the July 18 City Council Workshop. This ordinance is required by the United States Environmental Protection Agency (USEPA) Storm Water Phase II Regulation. Staff is recommending an implementation schedule that allows the Ordinance to be adopted on September 7th with an effective date of January 1, 2006. This schedule would provide an opportunity for affected businesses and organizations to become familiar with the ordinance and allow staff to provide training opportunities prior to the effective date of the ordinance.

Proposed Ordinance Adopting a Comprehensive Storm Water Management Program for the Purpose and Effect of Reducing the Discharge of Pollutants to and from the Municipal Storm Sewer System, to Protect Water Quality, to Satisfy the Appropriate Water Quality Requirements of the Colorado Water Quality Control Act and to Enforce the Provisions of the Storm Water Management Program

Action: Introduction of Proposed Ordinance and Set a Hearing for September 7, 2005 and Authorize Publication in Pamphlet Form

Staff presentation: Tim Moore, Public Works Manager

8. **2006 LEAF Grant for DUI Enforcement** **Attach 8**

The Colorado Department of Transportation is accepting applications for grant funding of DUI enforcement projects. Local governments are allowed to apply for this funding for three years. This will be the third consecutive year the Grand Junction Police Department will be seeking funds from this grant source. Funding has been received during the past two years. In the 2005 process the Grand Junction Police Department applied for \$145,133 to fund DUI enforcement activities and a Mobile DUI vehicle. The Mobile DUI vehicle was denied, \$35,000 was awarded to fund DUI enforcement activities.

Action: Authorize the Grand Junction Police Department to Apply for the 2006 LEAF Grant in the Amount of \$146,987.05

Staff presentation: Harry Long, Services Captain

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

9. **Designation of 131 S. 6th Street/560 Colorado Avenue as a Historic Structure**
[File # HBD-2005-174] **Attach 9**

R.A. Schiesswohl, owner of the Schiesswohl Building located at 131 South 6th Street/560 Colorado Avenue, is requesting that the building be designated as historic in the City Register of Historic Sites, Structures and Districts.

Resolution No. 141-05 – A Resolution Designating the Schiesswohl Building Located at 131 South 6th Street / 560 Colorado Avenue in the City Register of Historic Sites, Structures and Districts

®Action: Adopt Resolution No. 141-05

Staff presentation: Kristen Ashbeck, Senior Planner

10. **Public Hearing – Formation of Downtown Grand Junction Business Improvement District** **Attach 10**

The Downtown Grand Junction Business Improvement District group has turned in petitions which represent more than 50% of the property owners in the proposed Business Improvement District. At the hearing, the City Council will determine if the petitions were signed in conformity with the law and if the District should be formed. The City Council may exclude property from the District as allowed by statute or if it deems it to be in the best interest of the District. Once the Improvement District is formed, the petition group has asked that Council set a

special election for November 1, 2005 for a ballot question on a special assessment and authorizing the retention of all revenues (de-Brucing).

Ordinance No. 3815 – An Ordinance Creating and Establishing the Downtown Grand Junction Business Improvement District and Approving an Operating Plan and Budget Therefor

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3815

Staff presentation: Stephanie Tuin, City Clerk
John Shaver, City Attorney

11. **Setting a Special Election, Approving an Intergovernmental Agreement with Mesa County and Approving a Mail Ballot Plan for the Downtown Grand Junction Business Improvement District Special Assessment** **Attach 11**

The City Council acting as the Board of Directors for the Downtown Grand Junction Business Improvement District (DGJBID) has been requested to set a Special Election to vote on a Special Assessment for the properties in the newly formed District. In conjunction with setting an election, the Board for the DGJBID will need to approve an Intergovernmental Agreement with Mesa County and approve a Mail Ballot Plan with the Secretary of State.

Resolution No. 142-05 – A Resolution Calling a Special Election in the Downtown Grand Junction Business Improvement District; and Providing Other Details Relating Thereto

®Action: Adopt Resolution No. 142-05

Staff presentation: Stephanie Tuin, City Clerk
John Shaver, City Attorney

12. **Infill / Redevelopment Incentive Request – 202 North 7th Street** **Attach 12**

This is a request for infill / redevelopment incentives for an office building to be built on the northeast corner of 7th Street and Rood. Incentives include relaxation of select requirements in the Transportation Engineering Design Standards (TEDS), financial assistance to move and replace the existing sewer, financial contributions for façade improvements and assistance with several off-site improvements likely to be required as part of development review.

Action: Decision on Incentive Request

Staff presentation: Bob Blanchard, Community Development Director
Sheryl Trent, Assistant to the City Manager
Tim Moore, Public Works Manager

13. **Position on Statewide Issues Referenda C & D** **Attach 13**

The Grand Junction City Council is considering a resolution endorsing State Referenda C & D.

Resolution No. 143-05 – A Resolution Supporting Referenda C and D

®Action: *Adopt Resolution No. 143-05*

Staff presentation: David Varley, Assistant City Manager
Sam Rainguet, Communications & Community Relations
Coordinator

14. **Public Hearing - Water's Edge No. 2 Annexation and Zoning, Located at 2927 D Road** [File #ANX-2005-116] **Attach 14**

Acceptance of a petition to annex and consider the annexation and zoning for the Water's Edge No. 2 Annexation. The Water's Edge No. 2 Annexation is located at 2927 D Road and consists of 1 parcel on 0.97 acres. The zoning being requested is RMF-8.

a. Accepting Petition

Resolution No. 144-05 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining the Property Known as the Water's Edge No. 2 Annexation, Located at 2927 D Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3816 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Water's Edge No. 2 Annexation, Approximately 0.97 Acres, Located at 2927 D Road

c. Zoning Ordinance

Ordinance No. 3817 – An Ordinance Zoning the Water's Edge No. 2 Annexation to RMF-8, Located at 2927 D Road

®Action: *Adopt Resolution No. 144-05 and Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3816 and Ordinance No. 3817*

Staff presentation: Senta L. Costello, Associate Planner

15. **Public Hearing – Pomona Commons Rezone, Located at 589 25 ½ Road** [File #RZ-2005-163] **Attach 15**

A request to rezone 1.92 acres from RMF-5 to RMF-12. The property is located at 589 25 ½ Road.

Ordinance No. 3818 – An Ordinance Zoning 1.92 Acres of Land Located at 589 25 ½ Road, Pomona Commons, to RMF-12

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 3818*

Staff presentation: Lori V. Bowers, Senior Planner

16. **Initiation of Condemnation Proceedings for the Acquisition of a Portion of the Property at 2741 D Road for the Riverside Parkway Project** **Attach 16**

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire a portion of a parcel at 2741 D Road.

Resolution No. 145-05 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Property, by Either Negotiation or Condemnation, for Municipal Public Facilities

®Action: *Adopt Resolution No. 145-05*

Staff presentation: Mark Relph, Public Works and Utilities Director

17. **NON-SCHEDULED CITIZENS & VISITORS**

18. **OTHER BUSINESS**

19. **ADJOURNMENT**