



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

MONDAY, JANUARY 5, 2009, 7:00 P.M.

Call to Order

Pledge of Allegiance

Invocation – Pastor Paul Williams, Freedom House Ministries

Proclamation

Proclaiming January, 2009 as “National Mentoring Month” in the City of Grand Junction

Proclaiming January 19, 2009 as “Martin Luther King Day” in the City of Grand Junction

Appointments

Grand Junction Colorado State Leasing Authority

Riverview Technology Corporation

Council Comments

City Manager’s Report

Citizen Comments

*** Indicates New Item

® Requires Roll Call Vote

***** CONSENT CALENDAR ***®****1. Minutes of Previous Meetings [Attach 1](#)**

Action: Approve the Minutes of the December 15, 2008 and the December 17, 2008, Regular Meeting and the Minutes of the December 15, 2008 Special Session

2. 2009 Meeting Schedule and Posting of Notices [Attach 2](#)

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-09—A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

®Action: Adopt Resolution No. 01-09

Staff presentation: Stephanie Tuin, City Clerk

3. Conduct of the Regular Municipal Election on April 7, 2009 [Attach 3](#)

The City has adopted the Municipal Election Code. In order to conduct the election by mail ballot, the Council must authorize it pursuant to 1-7.5-104 C.R.S. and the City Clerk must submit a Written Plan outlining the details and responsibilities to the Secretary of State. It is recommended that the City again contract with Mesa County to conduct this election by mail ballot. They have the equipment on site and are able to prepare, mail out and process the ballots more efficiently than the City.

Resolution No. 02-09—A Resolution Authorizing a Mail Ballot Election in the City of Grand Junction Regular Municipal Election on April 7, 2009, Authorizing the City Clerk to Sign the Intergovernmental Agreement with Mesa County Clerk and Recorder and Approving the Written Plan for the Conduct of a Mail Ballot Election

®Action: Adopt Resolution No. 02-09

Staff presentation: Stephanie Tuin, City Clerk

4. **Setting a Hearing on Amending the Municipal Code Regarding Minors in Possession of Alcohol and Marijuana** [Attach 4](#)

Amendments are being proposed to define and clarify sentencing parameters for repeat Minor in Possession (MIP) offenders. Changes to the Ordinance will help enforce compliance with the City Ordinances governing minors in possession of alcohol and marijuana.

Proposed Ordinance Amending Ordinance No. 3852, Which Establishes Section 24-22 of the Code of Ordinances and Prohibits the Purchase, Possession or Consumption of Alcohol by Minors and Also Amending Ordinance No. 3853, which Establishes Section 24-23 of the Code of Ordinances and Prohibits the Purchase, Possession or Consumption of Marijuana by Minors

Action: Introduction of Proposed Ordinance and Set a Hearing for January 21, 2009

Staff presentation: John Shaver, City Attorney

5. **Acquisition of Property and Assets of Fruitvale Sanitation District** [Attach 5](#)

The Fruitvale Sanitation District has petitioned the District Court for dissolution of the District. The City and the District have agreed to transfer and convey all of the District's sewer collection lines and valves, pump stations and accompanying apparatus to the City. The sanitary sewer services provided by the District will be assumed by the City in accordance with the Plan of Dissolution jointly prepared by the District and the City and filed with the District Court.

Resolution No. 03-09—A Resolution Authorizing the Acquisition of Property and Assets of the Fruitvale Sanitation District

Action: Adopt Resolution No. 03-09

Staff presentation: John Shaver, City Attorney

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

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

6. **Non-Scheduled Citizens & Visitors**

7. **Other Business**

8. **Executive Session**- TO DISCUSS THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF REAL, PERSONAL, OR OTHER PROPERTY INTEREST UNDER SECTION 402(4)(a) OF THE OPEN MEETINGS LAW

9. **Adjournment**

Attach 1
Minutes

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING**

December 15, 2008

The City Council of the City of Grand Junction convened into regular session on the 15th day of December 2008 at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Doug Thomason, Linda Romer Todd, and Council President Gregg Palmer. Also present were City Manager Laurie Kadrach, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order.

The Pledge of Allegiance and Flag Ceremony was led by Bear Cub Pack 320. The City Council held a moment of silence.

Proclamations

Proclaiming December 15, 2008 as "Bill of Rights Day" in the City of Grand Junction

Proclaiming December 18, 2008 as "International Day of the Migrant" in the City of Grand Junction

Council Comments

Council President Palmer called Chief Watkins, Deputy Chief Smith, and Program Coordinator Terry Byrd forward who recognized the graduation of Councilmember Teresa Coons from the Citizens Academy.

Councilmember Coons commented that she was impressed with the Academy and it really demonstrated to her the level of skill held by the City's firefighters and police officers.

Council President Palmer lauded the Academy and encouraged all citizens to take advantage of the opportunity to attend an upcoming Academy.

Council President Palmer then presented Fire Chief Ken Watkins with a letter from US Defense Secretary Robert Gates for his patriotic employment of National Guard troops. It also recognized his work with National Guard on their property.

Fire Chief Watkins thanked Council for the presentation but applauded the City for its support of National Guard employees recognizing the recently deployed Firefighter/Paramedic Matt Harmon who has recently been deployed for a fifteen month period to Iraq.

City Council/City Manager Meeting Schedule Review

City Manager Laurie Kadrach thanked the community for their feedback on the post election review of the Public Safety questions. The report has been released to the public and it is available electronically. She will be meeting with a number of community leaders on the information gathered in the report and how the City might go forward with public safety needs.

She then reviewed the upcoming meeting schedule. On Tuesday, there will be another meeting with City Council on the Comprehensive Plan policy development. In January, the 2009 Work Plan is scheduled. She then reviewed upcoming topics and asked if the discussion on board and commissions will be the next priority.

Council President Palmer asked Councilmember Beckstein if there is any urgency to meet with the Grand Valley Transit. She deferred to Ms. Kadrach who advised that the GVT budget won't be affected until 2010. Councilmember Beckstein advised that the City Council needs to meet with the other municipalities on this subject first.

Councilmember Coons asked about the Transportation Capacity Payments discussion being timely for the Comprehensive Plan discussion. Ms. Kadrach said the direction was to bring additional information back to the Council around the first of the year, specifically on the commercial rates. Any changes would likely not take effect immediately.

Council President Palmer stated that boards and commissions is the first priority.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Thomason read the Consent Calendar and then moved to approve items #1 through #7. Councilmember Todd seconded the motion. Councilmember Thomason amended his motion to include Consent Item #8. Councilmember Hill seconded the amended motion. Amended motion approved by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the December 1, 2008 and the December 3, 2008, Regular Meeting and the Minutes of the December 1, 2008 and December 3, 2008 Special Sessions

2. Setting a Hearing on the Colorado Army National Guard Campus Annexation, Located at 2800 Riverside Parkway [File #ANX-2008-290]

Request to annex 57.95 acres, located at 2800 Riverside Parkway. Colorado Army National Guard Campus Annexation Consist of three (3) parcels.

a. Referral of Petition, Setting a Hearing and Exercising land Use Jurisdiction

Resolution No. 149-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Colorado Army National Guard Campus Annexation, Located at 2800 Riverside Parkway

Action: Adopt Resolution No. 149-08

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Colorado Army National Guard Campus Annexation, Approximately 57.95 Acres, Located at 2800 Riverside Parkway

Action: Introduction of Proposed Ordinance and Set a Hearing for February 2, 2009

3. Setting a Hearing on the Night Hawk Drive Right-of-Way Annexation, Located Approximately at 30 and B Roads [File #ANX-2008-301]

Request to annex 1.45 acres, located approximately 660 feet west of 30 Road, adjoining B Road on the north and extending southerly approximately 2,060 feet. The Night Hawk Drive Annexation consists entirely of right-of-way.

a. Referral of Petition, Setting a Hearing and Exercising land Use Jurisdiction

Resolution No. 150-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Night Hawk Drive Annexation, Located at Approximately 660 feet West of 30 Road and Adjoining B Road on the North and Extending Southerly for Approximately 2,060 Feet

Action: Adopt Resolution No. 150-08

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Night Hawk Drive Annexation, Approximately 1.45 Acres, Located Approximately 660 feet West of 30 Road and Adjoining B Road on the North and Extending Southerly for Approximately 2,060 Feet

Action: Introduction of Proposed Ordinance and Set a Hearing for January 21, 2009

4. **Setting a Hearing on the Riverside Parkway and Overpass Annexation, Located at 29 Road and North Avenue and at 29 Road and I-70 B** [File #ANX-2008-307]

Request to annex approximately 15.0 acres, located at five locations on Riverside Parkway, a portion of 29 Road adjoining North Avenue on the north and extending southerly to I-70 Business Loop and a portion of I-70 Business Loop beginning at 29 Road northeasterly approximately 2,400 feet. The Riverside Parkway and Overpass Annexation consists only of right-of-way.

a. **Referral of Petition, Setting a Hearing and Exercising land Use Jurisdiction**

Resolution No. 151-08—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Riverside Parkway and Overpass Annexation, Approximately 15.0 Acres, Located at Five Sections of Riverside Parkway Right-of-Way, 29 Road From 29 Road Southerly to I-70 Business Loop and I-70 Business Loop from 29 Road Northeasterly, Approximately 2,400 feet

Action: Adopt Resolution No. 151-08

b. **Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Riverside Parkway and Overpass Annexation, Approximately 15.0 Acres, Located at Five Sections of Riverside Parkway Right-of-Way, 29 Road From 29 Road Southerly to I-70 Business Loop and I-70 Business Loop from 29 Road Northeasterly, Approximately 2,400 feet

Action: Introduction of Proposed Ordinance and Set a Hearing for January 21, 2009

5. **Purchase of Motorola Equipment for the Grand Junction Regional Communications Center**

Request is being made by the Grand Junction Regional Communications Center (GJRCC) to purchase only Motorola radio console hardware and software in order for the emergency system to communicate with public safety personnel statewide.

Action: Authorize the Purchasing Division to Purchase the Equipment from Motorola in the Amount of \$223,057

6. **First Responder Training Campus Design Services**

A request is being made to award Blythe Design Group of Grand Junction, Colorado, the design services contract for First Responder Training Campus.

Action: Authorize the City Purchasing Division to Issue a Design Services Contract with Blythe Design Group in the Amount of \$228,000

7. **Contract for Change Order #3 for Riverside Parkway Phases 2 and 3**

Although the total cost of the Riverside Parkway was less than the budgeted amount, change order #3 is needed to adjusted the contract amount for Phases 2 and 3 which amends the contract from \$54,550,804.99 to \$54,764,027.66 for an increase of \$213,222.67 (+0.39%).

Action: Approve Change Order #3 of the Riverside Parkway Phase 2 and 3 Contract in the Amount of \$213,222.67 for a Total Project Cost of \$54,764,027.66

8. **2009 Utility and Parking Rates**

Proposed 2009 Utility Rates and Parking Rates as presented and discussed during budget workshops.

Resolution No. 152-08—A Resolution Adopting Rates for Water, Irrigation, Wastewater, Solid Waste, and Parking

Action: Adopt Resolution No. 152-08

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing - Freedom Meadows Annexation and Zoning, Located at 3118 E Road [File #ANX-2008-290]

Request to annex and zone 7.02 acres located at 3118 E Road to R-8 (Residential 8 DU/ac). The Freedom Meadows Annexation consists of 2 parcels.

The public hearing was opened at 7:35 p.m.

Michelle Hoshide, Associate Planner, presented this item. She described the request, the location and the site, and asked that the Staff Report and attachments be entered into the record.

Council President Palmer asked Ms. Hoshide if the annexation creates an enclave. Ms. Hoshide said it does.

The applicants were present but had nothing to add.

There were no public comments.

The public hearing was closed at 7:36 p.m.

a. **Accepting Petition**

Resolution No. 153-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Freedom Meadows Annexation, Located at 3118 E Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4312—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Freedom Meadows Annexation, Approximately 7.02 Acres, Located at 3118 E Road

c. Zoning Ordinance

Ordinance No. 4313—An Ordinance Zoning the Freedom Meadows Annexation to R-8 (Residential 8 DU/ac), Located at 3118 E Road

Councilmember Todd moved to adopt Resolution No. 153-08 and Ordinance Nos. 4312 and 4313 and ordered them published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Public Hearing - Mesa State Outline Development Plan, Located at 2899 D ½ Road
[File #ODP-2008-154]

A request for approval to zone property located at 2899 D ½ Road to PD (Planned Development) with a default zone of M-U (Mixed Use) by approval of the Outline Development Plan as a Planned Development.

The public hearing was opened at 7:38 p.m.

Greg Moberg, Planning Services Supervisor, presented this item. He described the request, the location, and the site. The property was annexed in June but was not zoned as there was a request for a Growth Plan Amendment which was granted.

Mr. Moberg then noted the current use of the property as a utility lineman training facility and an animal diagnostic facility. He described the surrounding zoning.

The proposal is to allow multifamily residential, commercial, and industrial uses within four pods. Pod A would be developed as industrial. Pods B, C, and D would allow a mix of uses both residential and commercial with commercial uses being the principal uses of Pods B and C and residential use being the principal use of Pod D.

The overall proposed residential density of the development is 1,124 dwelling units. These multifamily units can be located within Pods B, C, and D. Pod B allows a maximum of 371 dwelling units and Pod D allows a maximum of 754 dwelling units. A maximum density for Pod C has not been established, therefore any units located in Pod C would be subject to the maximum overall density and would have to be subtracted from the total 1,124 units. The maximum density of Pods B, C, and D is 10.90 dwelling units per acre which is consistent with the density allowed in the M-U zone.

Mr. Moberg described the maximum square footage per pod but noted that a traffic study has not been done yet so the maximum square footage will be based on that study. There will be four accesses to the site.

The west side of the site abuts the Veterans Cemetery. The developer met with the cemetery management and an agreement was reached to mitigate the development's impact to the cemetery. A maximum noise level was also agreed upon. During construction, the contractors will work with the cemetery at the times when a funeral is taking place to protect that service.

The developer is proposing mixed use within the same buildings. That will make the area active at more times during the day. The development will help the community with the vacancy rate for rentals.

The proposed development does meet a number of community benefits: more effective infrastructure; needed housing types and/or mix; and innovative designs.

The applicant has asked for a number of variations to the Code as listed in the Staff Report including an increase in the floor area ratio, an increase in the maximum square footage and setback adjustments.

Councilmember Coons questioned the residential pod being adjacent to the commercial pod; usually there is a transition. She also questioned the entrances and the mix of industrial and residential traffic.

Mr. Moberg responded that the discussion took place and he deferred the answer to the developer. Mr. Moberg noted that many of the residents will be working in the commercial and industrial areas of the development. The uses allowed are light and clean industrial uses. The traffic engineer did look at that situation and did not see a problem but a traffic study will look at traffic movements too.

Council President Palmer asked what level of industrial will be allowed. Mr. Moberg advised that the allowed uses are specified in the ordinance so the heavier uses will not be allowed. Council President Palmer asked if the housing is all rentals. Mr. Moberg deferred to the applicant. Council President Palmer asked if the street widths are standard or deviated. Mr. Moberg said no deviations are being requested from the street standards.

Joe Carter, Ciavonne, Roberts, and Associates, confirmed that the heavy outdoor industrial uses won't be allowed. It results in lighter traffic than commercial uses.

Councilmember Todd lauded having a development that allows people to live where they work.

Mr. Carter noted it will probably be a mix of owned and rental property.

There were no public comments.

The public hearing was closed at 7:55 p.m.

Ordinance No. 4314—An Ordinance to Zone the Mesa State Development to PD (Planned Development) Zone, by Approving an Outline Development Plan with a Default M-U (Mixed Use) Zone for the Development of a Mixed Use Development, Located at 2899 D ½ Road

Councilmember Thomason moved to adopt Ordinance No. 4314 and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing - Zoning the Merkel Annexation and the Thraikill Property, Located at 769 24 ½ Road and 766 24 Road [File #ANX-2006-126]

Request to zone 27.49 acres from County AFT (Agricultural) to a City C-1 (Light Commercial); and request to rezone 14.79 acres from R-R (Residential Rural) to C-1 (Light Commercial) zone district.

The public hearing was opened at 7:58 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the request, the location and the site, and asked that the Staff Report and attachments be entered into the record. She noted that the Planning Commission has recommended approval. The applicant was not present.

There were no public comments.

The public hearing was closed at 8:00 p.m.

Ordinance No. 4315—An Ordinance Zoning the Merkel Annexation to C-1 (Light Commercial), Located at 769 24 ½ Road

Ordinance No. 4316—An Ordinance Rezoning the Property Known as the Thraikill Rezone, from R-R (Residential Rural) to C-1 (Light Commercial), Located at 766 24 Road

Councilmember Coons moved to approve Ordinance Nos. 4315 and 4316 and ordered them published. Councilmember Hill seconded the motion.

Councilmember Hill pointed out that this zoning has been in the works for some time and he detailed the process these properties have gone through including being brought into the 201 Persigo Boundary.

Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:02 p.m.

Stephanie Tuin, MMC
City Clerk

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING**

December 17, 2008

The City Council of the City of Grand Junction convened into regular session on the 17th day of December 2008 at 7:04 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Linda Romer Todd, and Council President Gregg Palmer. Absent was Councilmember Doug Thomason. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Hill led the Pledge of Allegiance.

Citizen Comments

Jim Schultz, 1617 Ptarmigan, spoke to the City Council regarding the Ballot Questions 2A and 2B. He had a number of suggestions for the Public Safety Facility including eliminating the amount of square footage. Mr. Schultz suggested taking out the frills and building a lower cost basement, eliminating a higher cost third floor, reducing the parking structure, bringing the current Police Department up to code and modernizing the wiring for future use. He also suggested that when the Police Department moves into the new building, remodel the old Police building and have the Fire Department use this as their administration offices. Mr. Schultz stated that the City Clerk has been given detailed copies for the City Council to consider next time this issue is put to the voters.

CONSENT CALENDAR

Councilmember Beckstein read the Consent Calendar noting that Item#2 has been removed from the Consent Calendar and then moved to approve items #1 and #3 through #6. Item #2 was removed from the Consent Calendar and tabled for a later date. Councilmember Hill seconded the motion. Motion carried by roll call vote.

1. **Armantrout Exclusion Request from the Horizon Drive Association Business Improvement District – Continued from December 1, 2008**

The City received a request from Robert and Yvonne Armantrout asking for exclusion from the Horizon Drive Association Business Improvement District (HDABID) for property they own at 751 Horizon Court. The matter was referred to the HDABID board who, after conducting a hearing, recommended denial.

Action: Deny the Armantrout Request for Exclusion from the Horizon Drive Association Business Improvement District for Property Located at 751 Horizon Court

2. **Setting a Hearing on Amendments to the Zoning and Development Code Related to Nonconforming Uses, Structures and Sites, and Certain**

Development Standards for the B-2 (Downtown Business) Zone District

[File #TAC-2008-314]

The City of Grand Junction proposes to amend various sections of the Zoning and Development Code related to nonconforming uses, structures and sites, and certain development standards for the B-2 (Downtown Business) zone district. Proposed Ordinance Amending Various Sections of the Zoning and Development Code Related to Nonconforming Uses, Structures and Sites, and Certain Development Standards for the B-2 (Downtown Business) Zone District

Action: Removed from agenda – will be set at a later date.

3. **Purchase of Property for the 29 Road and I-70B Interchange Project, Located at 477 29 Road and 2898 I-70 Business Loop**

The City has entered into a contract to purchase a portion of the property at 477 29 Road and 2898 I-70B from CTS Valley Properties, LLC. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Resolution No. 154-08—A Resolution Authorizing the Purchase of Real Property at 477 29 Road and 2898 I-70 Business Loop from CTS Valley Properties, LLC

Action: Adopt Resolution No. 154-08

4. **Purchase of Property for the 29 Road and I-70B Interchange Project, Located at 485 29 Road**

The City has entered into a contract to purchase a portion of the property at 485 29 Road from Terence L. and Camilla A. Hammer. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Resolution No. 155-08—A Resolution Authorizing the Purchase of Real Property at 485 29 Road from Terence L. Hammer and Camilla A. Hammer

Action: Adopt Resolution No. 155-08

5. **Purchase of Property for the 29 Road and I-70B Interchange Project, Located at 481 29 Road**

The City has entered into a contract to purchase a portion of the property at 481 29 Road from Alan and Connie Miracle. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Resolution No. 156-08—A Resolution Authorizing the Purchase of Real Property at 481 29 Road from Alan R. Miracle and Connie L. Miracle

Action: Adopt Resolution No. 156-08

6. **Contract for 29 Road and I-70B Interchange Undergrounding and Street Lighting Phase One**

The construction of the 29 Road and I-70B Interchange project will require the relocation of many overhead power lines. This first phase will provide street lights and underground approximately 2,100 feet of power lines along 29 Road between D and D ½ Road.

Action: Authorize the City Manager to Sign a Contract with Xcel Energy to Provide Street Lighting and to Relocate the Existing Overhead Power Lines Underground along 29 Road between D and D ½ Road

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing - Sterling Crane Rezone, Located at 2220 Sanford Drive [File #RZ-2008-315]

Request to rezone 4.32 acres from C-2 (General Commercial) zone district to I-1 (Light Industrial) zone district, located at 2220 Sanford Drive.

The public hearing was opened at 7:10 p.m.

Judith Rice, Associate Planner, presented this item. She described the request, the location, and asked that the Staff Report and attachments be entered into the record. Both Planning Commission and Staff recommend approval. The applicant's representative was present and available for questions.

The applicant's representative indicated he had nothing to add.

There were no public comments.
The public hearing was closed at 7:11 p.m.

Ordinance No. 4317—An Ordinance Rezoning the Sterling Crane Property from C-2 (General Commercial) to I-1 (Light Industrial), Located at 2220 Sanford Drive

Councilmember Todd moved to adopt Ordinance No. 4317 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Jim Doody advised that he will not be seeking a second term on the City Council. He thanked the Council for the opportunity to serve with them and said he has enjoyed the time on Council. He wanted to make the announcement tonight to allow for those considering running for his seat in District A enough lead time. Nomination petitions for City Council will be available from the City Clerk on January 6th. He said for

anybody who is considering running, he would be happy to talk to them about the position.

Council President Palmer said it has been a pleasure to work with Councilmember Doody and applauded his time served and all the accomplishments. He, however, respected Councilmember Doody's decision.

Councilmember Doody advised he will be staying active in the community on the Suicide Prevention Board and the War Memorial Committee.

Council President Palmer then wished the viewing audience, fellow Councilmembers, and Staff a very Merry Christmas.

Councilmember Todd said it was a joy to visit with employees and distribute their gifts and lauded the open houses.

All of Council wished everyone a Merry Christmas.

Adjournment

The meeting was adjourned at 7:15 p.m.

Stephanie Tuin, MMC
City Clerk

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

DECEMBER 15, 2008

The City Council of the City of Grand Junction, Colorado met in Special Session on Monday, December 15, 2008 at 5:00 p.m. in the Administration Conference Room, 2nd Floor, City Hall, 250 N. 5th Street. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Doug Thomason, and President of the Council Gregg Palmer. Councilmember Linda Romer Todd was absent.

Council President Palmer called the meeting to order.

Councilmember Coons moved to go into Executive Session for discussion of personnel matters under Section 402 (4)(f)(I) of the Open Meetings Law Relative to City Council Employees Specifically the City Manager and will not be returning to open session. Councilmember Thomason seconded the motion. The motion carried.

The City Council convened into executive session at 5:12 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 2

2009 Meeting Schedule and Posting of Notices

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	2009 Meeting Schedule and Posting of Notices		
File #			
Meeting Day, Date	Monday, January 5, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 16, 2008		
Author Name & Title	Stephanie Tuin, City Clerk		
Presenter Name & Title	Stephanie Tuin, City Clerk		

Summary: State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Budget: None

Action Requested/Recommendation: Adopt resolution.

Attachments: Resolution

Background Information: In 1991, the Open Meetings Law was amended to include a provision that requires that a "local public body" annually designate the location of the public place or places for posting notice of meetings and such designation shall occur at the first regular meeting of each calendar year (24-6-402(2)(c) C.R.S.). The location designated is to be the glassed-in bulletin board outside the auditorium lobby at 250 N. 5th Street.

As of 1994, the revised City Code of Ordinances includes a provision whereby the City Council determines annually the City Council meeting schedule and the procedure for calling a special meeting.

In 2007, Resolution No. 137-07 adopted the new meeting schedule that regular meetings are the first and third Wednesday of each month, at the hour of 7:00 p.m., and the Monday preceding those Wednesdays, also at the hour of 7:00 p.m. which the exception of Mondays which are City holidays.

In 2009, one City observed holiday will affect Monday regular meetings; Monday, February 16th is Presidents Day. The City Council has also determined that no evening meeting will be held on Martin Luther King, Jr. Day, although City offices are open, on January 19th.

CITY OF GRAND JUNCTION

RESOLUTION NO. -09

A RESOLUTION OF THE CITY OF GRAND JUNCTION
DESIGNATING THE LOCATION FOR THE POSTING OF THE NOTICE OF MEETINGS,
ESTABLISHING THE CITY COUNCIL MEETING SCHEDULE, AND
ESTABLISHING THE PROCEDURE FOR CALLING OF SPECIAL MEETINGS
FOR THE CITY COUNCIL

Recitals.

The City Council of the City of Grand Junction is a "local public body" as defined in C.R.S. §24-6-402 (1)(a).

The City Council holds meetings to discuss public business.

The C.R.S. §24-6-402 (2)(c) provides that "Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than 24 hours prior to the holding of the meeting. The public place or places for posting of such notice shall be designated annually at the local public body's first regular meeting of each calendar year".

The Grand Junction Code of Ordinances, Section 2-26, provides that the meeting schedule and the procedure for calling of special meetings of the City Council shall be established by resolution annually.

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

1. The Notice of Meetings for the local public body shall be posted on the glassed-in exterior notice board at 250 N. 5th Street, City Hall.
2. The meeting schedule for the regular meetings of the City Council is the first and third Wednesday of each month, at the hour of 7:00 p.m. and the Monday preceding those Wednesdays, also at the hour of 7:00 p.m. which the exception of Mondays which are City holidays. In 2009, there is one City observed holidays that will affect City Council meetings, Monday February 16, 2009 so no meeting will be held on that day. The City Council has also canceled the City Council meeting the evening of January 19, 2009, due to it being Martin Luther King, Jr. Day.
3. Additional special meetings may be called by the President of the City Council for any purpose and notification of such meeting shall be posted twenty-four hours prior to the meeting. Each and every member of City Council shall be notified of any special meeting at least twenty-four hours in advance.

Read and approved this ___ day of _____, 2009.

President of the Council

ATTEST:

City Clerk

Attach 3

Conduct of the Regular Municipal Election on April 7, 2009

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Conduct of the Regular Municipal Election on April 7, 2009		
File #			
Meeting Day, Date	Monday, January 5, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 26, 2008		
Author Name & Title	Stephanie Tuin, City Clerk		
Presenter Name & Title	Stephanie Tuin, City Clerk		

Summary: The City has adopted the Municipal Election Code. In order to conduct the election by mail ballot, the Council must authorize it pursuant to 1-7.5-104 C.R.S. and the City Clerk must submit a Written Plan outlining the details and responsibilities to the Secretary of State. It is recommended that the City again contract with Mesa County to conduct this election by mail ballot. They have the equipment on site and are able to prepare, mail out, and process the ballots more efficiently than the City.

Budget: The County Elections Division estimates the cost of their contract to be no more than \$56,000. In addition, there will be publication of election notices and other miscellaneous costs which run about \$3,000. Total cost for the election is estimated at \$59,000.

Action Requested/Recommendation: Adopt Proposed Resolution which Authorizes the City Clerk as the Designated Election Official to Sign an Intergovernmental Agreement with Mesa County Clerk and Recorder and Approving a Mail Ballot Plan for the Conduct of a Mail Ballot for the Regular Municipal Election on April 7, 2009

Attachments:

Proposed Intergovernmental Agreement with Mesa County
Proposed Resolution including the Mail Ballot Plan

Background Information: Mail ballot election continues to be the City's best option for high voter turnout and efficient administration of the election. The City Clerk's Office and the County Elections Division work well together in this process and the citizens, for the most part, appreciate the convenience of a mail ballot election. Turnout is typically 40% or higher with mail ballots. Prior to mail ballots, the City averaged less than 20% turnout.

**INTERGOVERNMENTAL AGREEMENT
CITY OF GRAND JUNCTION
REGULAR MUNICIPAL ELECTION - APRIL 7, 2009**

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"), is authorized by C.R.S. 29-1-201.

1. PURPOSE: Pursuant to the terms of this Agreement, the Clerk and the Political Subdivision agree to the scheduling and conducting of a mail ballot Municipal Election on Tuesday, April 7, 2009 ("Regular Municipal Election") subject to the duties of the Political Subdivision. The Regular Municipal Election 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 the Municipal Election. The Political Subdivision has appointed Stephanie Tuin as its Designated Election Official ("DEO") who will have primary responsibility for election procedures that are the responsibility of Political Subdivision. The Municipal Election shall be held under the provisions of the Municipal Election Code (Title 31, Article 10 of the Colorado Revised Statutes) except as otherwise required by the Mail Ballot Elections Act, C.R.S. 1-7.5-101 or the rules promulgated by the Secretary of State.
2. PRECINCTS and VOTING LOCATIONS: Polling locations for the deposit of voted Mail Ballots not returned through the United States Postal Service will be those established by the Clerk. A walk-in ballot distribution site for handed mail-in ballots will be open at the Mesa County Elections Division office, 544 Rood Ave, third floor, beginning on Monday, March 16, 2009, each business day thereafter from 8:00 a.m. to 5:00 p.m. through Monday April 6, 2009 and on Election Day, April 7, 2009 from 7:00 a.m. until 7:00 p.m.

The ballot drop box locations for voted ballots not returned through the United States Postal Service will be those designated by the Clerk as follows:

- City Clerk's Office at City Hall
 - Mesa County Elections Division at County Courthouse
 - Mesa County Clerk's branch at Mesa Mall
 - Mesa County Clerk's branch at the Mesa County Fairgrounds
3. APPOINTMENT OF ELECTION JUDGES: All election judges and/or deputy clerks shall be appointed and trained by the Clerk, except as otherwise required by the City Charter or the Municipal Election Code.

4. LEGAL NOTICES: Publication of any required legal notices concerning Political Subdivision's election which are to be published prior to certification of the ballot content to the Clerk shall be the responsibility of the Political Subdivision. A copy of the published legal notice shall be submitted to the Clerk for her records. Publication of notices required by the City Charter, the Municipal Election Code and/or the Mail Ballot Election Act, which are to be published after certification of the ballot contents to the Clerk, shall be the responsibility of the Political Subdivision. Additional notices shall be the responsibility of the Political Subdivision. Notice to the Secretary of State, pursuant to C.R.S. 1-7.5-105 shall be the responsibility of the Political Subdivision, along with notice of the Political Subdivision's proposed plan.

If Political Subdivision is submitting a ballot issue concerning the creation of any debt or other financial obligation as contemplated in Article X, Section 20 of the Colorado Constitution, the Political Subdivision shall post notice of financial information as set forth in C.R.S. §1-7-908 on the Political Subdivision's website or, if the Political Subdivision does not maintain a website, at the Political Subdivision's chief administrative office no later than **March 18, 2009**, which is 20 days before the Municipal Election.

5. RECEIVING AND PROCESSING OF PETITIONS: Any necessary petition process for the Political Subdivision shall be the responsibility of same. The Clerk shall provide voter registration lists as required and requested by the City Clerk.
6. BALLOT CONTENT: In accordance with C.R.S. § 1-1-110(3) and 1-5-203(3)(a), the ballot content must be certified to the Clerk by Political Subdivision, in its exact form, no later than 5:00 p.m. on Friday, **February 6, 2009**. The ballot content may be delivered to the Clerk at the Elections Division, 544 Rood Avenue, Suite 301A, Grand Junction, CO 81501 or be mailed in sufficient time to arrive by such date to the Elections Division, P.O. Box 20,000, Grand Junction, CO 81502-5009. Time is of the essence. Ballot contents shall also be submitted in electronic format in MS Word. It is understood that the Mail Ballot Election Act requires the mailing of ballots between the 25th and 15th day prior to the election.
7. RECEIVING OF WRITTEN COMMENTS AS COVERED BY SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION: The City Clerk is solely responsible for the process of receiving written comments and summarizing such comments as are required by Section 20 of Article X of the Colorado Constitution ("TABOR").

8. 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 C.R.S. § 1-7-903(3), the summary of comments must be filed with the Political Subdivision no later than Monday, **February 23, 2009**.
9. PREPARATION AND MAILING OF NOTICES FOR BALLOT ISSUE ELECTIONS: Pursuant to C.R.S. § 1-7-904, the 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, **February 24, 2009**, for inclusion in the ballot issue mailing as required by Section 20, Article X, of the Colorado Constitution. Data shall be transmitted to the Clerk in MS Word format. 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 C.R.S. § 1-1-106(5), shall be Friday, **March 6, 2009**.
10. PREPARATION FOR MUNICIPAL ELECTION: The Clerk shall be responsible for preparing and printing the ballots and sample ballots for the Regular Municipal Election. Pursuant to the Grand Junction City Charter, 500 sample ballots will be printed. The Clerk will provide the DEO of the Political Subdivision with a proof of said ballot prior to printing for her final approval.
11. CONDUCT OF GENERAL ELECTION: The Clerk shall be responsible for the conduct of the Regular Municipal Election, pursuant to Title 31, Article 10 and Title 1, Article 7.5 of the Colorado Revised Statutes, including the appointment of watchers.
12. ABSENTEE VOTING: Completed applications for absentee ballots shall be transmitted to the Clerk at the following address for processing: Mesa County Elections Division, P.O. Box 20,000, Grand Junction, CO 81502-5009, or hand-delivered to the Mesa County Elections Division office at 544 Rood Avenue, Suite 301A, Grand Junction, CO 81501. The Clerk shall, upon receipt of such a request, mail a ballot package to the eligible elector in accordance with C.R.S. 1-7.5-104.
13. TABULATION OF BALLOTS: All processes relating to the tabulation of ballots shall be the responsibility of the Clerk. An unofficial abstract of votes will be provided to the political subdivision upon completion of the counting of all ballots on election night.
14. CANVASS OF VOTES: The canvass of votes will be the responsibility of

the City, pursuant to its Charter and shall be completed no later than April 9, 2009. The City shall issue its certificate(s) of election of candidates upon receipt of the official results from the Clerk.

15. ALLOCATION OF COST OF ELECTION: The Political Subdivision shall reimburse the Clerk for the TABOR notice and election costs incurred by the Clerk pursuant to this Agreement. Such reimbursement shall be made to the Clerk within thirty days of receipt of billing from the Clerk. The Clerk's determination regarding such costs shall be final and at her sole discretion and shall not be subject to dispute unless clearly unreasonable. In any event, the City shall not be obligated to reimburse the Clerk for more than \$2.00 per active voter at the conclusion of the election.
16. 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 Regular Municipal Election.
17. AGREEMENT NOT EXCLUSIVE: The Clerk may enter into other substantially similar agreements with other cities for the conduct of other elections.
18. 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 CITY
CLERK

Janice Rich

Stephanie Tuin

Date

Date

RESOLUTION NO. ____-09

A RESOLUTION AUTHORIZING A MAIL BALLOT ELECTION IN THE CITY OF GRAND JUNCTION REGULAR MUNICIPAL ELECTION ON APRIL 7, 2009, AUTHORIZING THE CITY CLERK TO SIGN THE INTERGOVERNMENTAL AGREEMENT WITH MESA COUNTY CLERK AND RECORDER AND APPROVING THE WRITTEN PLAN FOR THE CONDUCT OF A MAIL BALLOT ELECTION

RECITALS.

Pursuant to City Charter §3, the regular election for the City of Grand Junction is scheduled for April 7, 2009.

The City Council finds that conducting that election by mail ballot is the most efficient method for that election.

The City Council has designated the City Clerk as the Designated Election Official (DEO) for the special election.

The Mail Ballot Election Code, 1-7.5-101 et seq, C.R.S., specifically section 105, requires that the designated election official "shall notify the secretary of state no later than fifty-five days prior to the election. The notification shall include a proposed plan for the conducting the mail ballot election, . . ."

The Secretary of State has promulgated rules as to what is to be included in the plan.

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

1. The Regular Municipal Election for the City of Grand Junction is scheduled for April 7, 2009 and will be conducted by mail ballot.
2. That the City Clerk is hereby authorized to enter into an Intergovernmental Agreement with the Mesa County Clerk and Recorder for the conduct of said election.
3. The attached "Written Plan for the Conduct of a Mail Ballot Election" is approved for the April 7, 2009 Regular Election and that the City Clerk as the Designated Election Official be directed to submit such plan to the Secretary of State.

Approved this _____ day of _____, 2009.

President of the Council

ATTEST:

City Clerk

WRITTEN PLAN FOR THE CONDUCT OF A MAIL BALLOT ELECTION

SUBMITTED BY: Stephanie Tuin, MMC, City Clerk

ELECTION ADMINISTRATOR FOR: City of Grand Junction

- 1. LEGAL NAME OF JURISDICTION:** City of Grand Junction
- 2. TYPE OF JURISDICTION:** A Home Rule Municipality
- 3. DESCRIPTION OF ELECTION TO BE HELD:** Regular Municipal Election to be held on Tuesday, April 7, 2009
- 4. AUTHORITY TO HOLD THIS ELECTION:** 31-10-101 et seq., C.R.S. and Article II, Secs. 3 through 25, City of Grand Junction Charter
- 5. ESTIMATED NUMBER OF ELECTORS:** 27,821 active registered voters
- 6. NAME OF CHIEF ELECTION ADMINISTRATOR:** Stephanie Tuin, City Clerk
- 7. COUNTY CLERK AND RECORDER WILL:** (1) Assist in candidate nomination petition verification (completed in January), (2) Appoint and train all election judges and deputy clerks, (3) Prepare and mail ballot packets, including absentee ballots, (4) Receive and process all returned ballots, and (5) Count and tabulate the votes. The City Clerk has by Intergovernmental Agreement delegated and transferred to the County Clerk all power, authority and duties of a designated election official for this municipal election. In summary, the City Clerk will work with the candidates for election and certify the ballot content to the County Clerk. At that point, the County Clerk will take over responsibility for the election. The City Clerk will retain responsibility for working with the candidates on Fair Campaign Practices Act filings and candidates will still file all reports with the City Clerk. The City Clerk will resume responsibility for the election, once the votes have been tabulated.
- 8. NUMBER OF PLACES OF DEPOSIT:** Four – see list attached as Exhibit “A”
 - The ballot box in the City Clerk’s Office is on the first floor of City Hall, 250 N. 5th Street and is easily accessible from the 5th Street entrance. The office is open from 7:30 until 5:30 Monday through Friday and will be open from 7:00 a.m. until 7:00 p.m. on Election Day, April 7, 2009. The ballot box will be monitored by an Election Judge at all times.
 - The Ballot Box located in the Mesa County Elections Office at 544 Rood Ave, Grand Junction, Colorado, will be accessible from 8:00 a.m. – 5:00 p.m. Monday thru Friday. The box will be located next to the front desk and will be monitored by at least one Deputy Clerk at all times. The box will be processed at the end of each business day.

- The Ballot Box located in the Mesa County Clerk's Office, Motor Vehicle Division at 2424 Highway 6&50, space 414, Grand Junction, Colorado, will be accessible from 7:30 a.m. – 4:30 p.m. Monday thru Friday. The box will be located next to the dealer desk and will be monitored by at least one Deputy Clerk at all times. The box will be processed at the end of each business day.
- The Ballot Box located in the Mesa County Clerk's Office, Motor Vehicle Division at 2775 Highway 50, Grand Junction, Colorado, will be accessible from 7:30 a.m. – 4:30 p.m. Monday thru Friday. The box will be located on the corner of a desk and will be monitored by at least one Deputy Clerk at all times. The box will be processed at the end of each business day.

Regarding security measures taken:

- Ballot packages are prepared and stored in secured facilities by Election Division staff. Ballot packages are delivered to the mail handler sealed for mailing. The packages are then processed in accordance with USPS regulations and state statutory provisions.
- The ballots will be printed by Election Systems and Software located in Omaha, Nebraska or Fitje Brothers Printing in Colorado Springs. Mail ballot packet assembly will take place at Diamond Marketing in Omaha, Nebraska or Fitje Brothers in Colorado Springs. This process will be overseen and quality monitored by Sheila Reiner, Mesa County Elections Director and/or Jennifer Manzanares, Office Administrator at one of the above locations.
- Ballots, including pre-distribution and non-issued, will be kept in a locked room on secured premises at all times. All election materials, ballots, ballot boxes, transfer cases and computers will be monitored during utilization by election staff and placed under locked security each night. Only five keys to the critical ballot and materials areas exist, and those are held by permanent election staff. All empty ballot boxes and transfer cases will be witnessed before and during both sealings (first and second verifications), including the recording of seal numbers.
- Ballots will be coded according to City of Grand Junction Municipal District (ballot style A - E) for reporting purposes.
- At each drop off site (see **Exhibit "A"**) there will be a sealed ballot box. Each day the boxes will be delivered or picked up by deputized clerks or judges. The sealed ballot box containing returned ballots will arrive at the Mesa County Elections Office. Utilizing the Ballot drop off and seal number control sheet form, seal numbers will be verified by two election staff or election judges to ensure security of the ballots during transportation of the ballot boxes.
- The clerk assigned to watch the ballot box log will also be responsible for asking (if possible) that the return envelope is signed prior to the voter

depositing their ballot. The clerks in the branch offices have other duties they are assigned. The box will be located in an area conducive to the clerk being able to monitor the activities, but the clerk may not always be available to inspect the envelopes being deposited.

- All employees and election judges 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 March 2nd through April 24th, 2009.
- Creation of ballot definition, election definition and tabulation will be programmed by Mesa County Elections Division staff members: Jennifer Manzanares, Office Administrator; Kim Redd, Elections Technician; and Tonja Veatch, Elections Coordinator. Mesa County Elections Director Sheila Reiner will oversee this process. No outside vendor will have access to the definition or tabulation software, firmware or hardware. The ballots and election will be defined by the Unity system, software version 3.0.1.1. The tabulation of ballots will be completed by the Elections System and Software Model 650, green light sensor, firmware version 2.1.0.0. This system was certified for use in the State of Colorado on April 4, 2008.
- Pursuant to Secretary of State Rule 11.2.4, Colorado Bureau of Investigations (CBI) background checks have been performed and confirmed to be clear of any felonies on all Elections Division staff. CBI back ground checks will be performed and confirmed to be clear of any felonies, prior to the assignment of election duties, for all temporary staff, Clerk and Recorder employees and county maintenance personnel.
- All aspects of security will be overseen by the entire elections staff: Sheila Reiner, Elections Director; Jennifer Manzanares, Office Administrator; Kim Redd, Elections Technician; and Tonja Veatch, Elections Coordinator.

The hours of operation are:

- The Elections Division (full service location) hours of operation are 8:00 a.m. – 5:00 p.m. Monday thru Friday except on Election Day, April 7, 2009, the hours of operation will be 7:00 a.m. – 7:00 p.m.
- The Motor Vehicle Division (drop box service only) hours of operation are 7:30 a.m. – 4:30 p.m. Monday thru Friday except on Election Day, April 7, 2009, the hours of operation will be 7:00 a.m. – 7:00 p.m.
- The City Clerk's Office (drop off site) hours are from 7:30 until 5:30 Monday through Friday and will be open from 7:00 a.m. until 7:00 p.m. on Election Day, April 7, 2009.

Addressing SOS Rule 12.9.3:

- Each drop location will have a log available to record the name and contact information of any person delivering more than five ballots. The log is attached to a clip board located near the ballot box. A clerk will be assigned to watch the box as people deposit their ballots; should an individual return more than five ballots, they will be asked to fill out the log. Pursuant to Secretary of State Rule 12.9.3, any eligible elector may deliver in person no more than 5 voted mail ballots. In addition to the log being present, a sign quoting in part C.R.S. 1-8-113 and Secretary of State Rule 12.9.3 for mail ballots.
- The Mesa County Clerk and Recorder locations will request that the voter drop their ballot directly into the ballot box

Hours of operation for the walk-in sites are addressed above.

9. **IF BALLOT PACKETS ARE RETURNED AS UNDELIVERABLE:** Undeliverable ballots will be tallied/recorded daily, entered as “REJECTED-UNDELIVERABLE” on the ballot distribution database, stored within the numerical receiving batch, in trays marked “Undeliverable”, and secured in a locked area accessible only by clerks/election judges/deputy clerks. These ballots will not be re-mailed, but a new ballot packet may be reissued to any addressee appearing in person at the Mesa County Elections Office, upon presentation of proper identification of registered elector and address.

Addressing SOS Rule 12.4.6 and 1-2-605(5), C.R.S.:

- Ballots will be mailed in accordance with both USPS and state statutory requirements, each envelope bearing “RETURN SERVICE REQUESTED”. This will guarantee return of “undeliverable” envelopes to the Mesa County Elections Office. If a new address is identified by the yellow USPS label, the Elections Office will comply with 1-2-605(5) C.R.S.
- Undeliverable ballots will be tallied/recorded on the Ballot Accounting Worksheet, entered as “REJECTED-UNDELIVERABLE” on the ballot distribution database, alphabetically slotted into trays marked “Undeliverable”, and secured in a locked area accessible only by clerks/election judges/deputy clerks. These ballots will not be re-mailed, but voters may obtain a reissued ballot by appearing in person at the Mesa County Elections Office, upon presentation of proper identification of registered elector and address. If the person has submitted a timely change of address form or the United States Postal Service returned the ballot for the reason of “temporarily away” or a mistaken forwarding order, the re-issued ballot may be mailed to the elector with a replacement ballot request form. The form would be enclosed with the ballot and return envelope marked “ENCLOSURES”.

Regarding replacement ballots:

That any eligible elector who spoils a ballot may obtain others, one at a time, not exceeding three in all, pursuant to 1-7-303, C.R.S.

- Instructions on how to obtain a replacement ballot will be included in the instructions to voters printed on the ballot to be substantially stated as below.

REPLACEMENT BALLOTS: Any elector who spoils, defaces or loses a ballot may obtain replacement ballots, one at a time, not exceeding three in all. If you spoil or deface your ballot, you may contact the Elections Office to obtain instructions for requesting a replacement ballot. Call 244-1662.

REPLACEMENT BALLOTS MAY BE OBTAINED ONLY AT THE Mesa County Election Division at the Old Mesa County Courthouse, 544 Rood Avenue, Suite 301-A, Grand Junction OFFICE DURING REGULAR BUSINESS HOURS 8:00 a.m. to 5:00 p.m. (Open 7:00 a.m. to 7:00 p.m. on Election Day).

Where the mailed replacement ballots will be stamped:

- Replacement ballots will be stamped on the return envelope with the words "REISSUE" and the word will not be stamped on the ballot but on the stub of the ballot.

Addressing SOS Rules 12.10 and 12.11:

- Requests for replacement ballots may be made in writing, mail, fax, telephone or in person. A Replacement Ballot Request form will be required pursuant to 1-7.5-107(3)(d)(l), C.R.S. If the request for replacement is made in person the form will be required to be completed prior to issuance of a new ballot. If the request is not made in person and the replacement ballot is mailed the Replacement Ballot Request form will be included with the reissued ballot and the word "ENCLOSURES" stamped on the return envelope. This stamp indicates to the receiving judge that a completed form is required to be present before the ballot can be counted.

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". This will guarantee return of "undeliverable" envelopes to the Mesa County Elections Office. If a new address is identified by the yellow USPS label, the Elections Office 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 County Clerk, the Elections Director, the Election Division staff, the City Clerk, and City Clerk 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 Sheila Reiner, County Elections

Director, and Stephanie Tuin, the City Clerk. County Election Division staff will oversee temporary staff.

- b) Coordination and printing of any TABOR NOTICE will be supervised by Elections Director Shelia Reiner in accordance with Article X, Section 20(3)(b), with a mailing date no later than March 6, 2009.
- c) Absentee mail ballot applications will be processed for mail distribution on the date required by law and in accordance with the appropriate regulations. County Elections staff will process and issue absentee ballots.
- d) Mail ballot packages, including absentee ballots (routed to an address other than on file with the Clerk and Recorder), will be prepared in accordance with the mail ballot election law and under the supervision of County Clerk Janice Rich and City Clerk Stephanie Tuin.
- e) Mail ballot packages for each eligible voter will be prepared and mailed no later than March 23, 2009 to all "active voters" that did not request absentee ballots. The ballot distribution system is fully automated for issue, receipt and tracking of ballots. Mesa County Elections Director Sheila Reiner will oversee this process. See Exhibit "B".
- f) Each business day, ballot envelopes received or returned to the Elections 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 automated 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 tray bound in the receiving batch and kept in the secured and monitored ballot receipt room. Rejected or undeliverable ballot envelopes will be filed by receipt batch in trays in a locked room in a secured facility. Daily receipt, coding and securing of ballots will include those collected from each of the four designated drop off locations (see Exhibit "C" – BRANCH OFFICE MAIL BALLOT ACCOUNTING). Responsible persons for this process will be Director Sheila Reiner and employees of the County Elections Division Office.
- g) The official verification of ballots may begin on Saturday, March 28, 2009. Ballot boxes representing each day's receipt of accepted ballots shall be opened, the envelopes slit, and the ballot stub shall be removed, then the secrecy envelope is removed and the ballot shall be placed in a transfer case. All transfer cases will be sealed, numbers recorded and stored in a secured facility. County Elections Director Sheila Reiner will oversee this aspect of the election.
- h) The Mesa County Elections Division designated "distribution site" at the old Mesa County Courthouse will be open for issue of ballots to "inactive voters", or the reissue of ballots to those who have spoiled, lost, moved, or for some reason did not receive a ballot for the period of 25 days prior to the election, beginning on Monday, March 9, 2009, and each business day thereafter from 8:00 a.m. to 5:00 p.m. through Monday April 6, 2009 and on Election Day, April 7, 2009 from 7:00 a.m. until 7:00 p.m. Anytime that a replacement ballot is issued, or a ballot

is issued to an “inactive voter”, a REQUEST FOR BALLOT/REPLACEMENT BALLOT, or substantially-like form (see Exhibit “D”) sworn statement must be completed, with signatures gathered either in person at the County Elections Office or through the mail. Reissue ballots, or ballots issued to “inactive voters” through the mail will only be issued once a sworn statement has been received in accordance with 1-7.5-107(3)(d)(II) C.R.S.

- i) Mesa County Elections Office has flagged voters in compliance with SOS Rule 30.5, and SOS Rule 2.3. Envelopes of voters that are flagged as ID required in the voter registration system will have stamped clearly upon the front of their envelope the words “ID REQUIRED”. In addition to their envelope being stamped the ID required voters will also receive an additional insert in their mail ballot packet. See Exhibit “J”.

Printing the ballots:

- o The ballots will be printed by Election Systems and Software located in Omaha, Nebraska or Fitje Brothers Inc. in Colorado Springs, Colorado. Mail ballot packet assembly will take place at either Diamond Marketing in Omaha, Nebraska or at Fitje Brothers in Colorado Springs, Colorado. This process will be overseen and quality monitored by Sheila Reiner or Jennifer Manzaneras at one of the two locations.

Monitoring the walk in ballot box:

- o The ballot boxes will be monitored at all times by at least one Deputy County Clerk or City of Grand Junction Deputy Clerk.

Oaths of judges before processing any ballots:

- o The processing of ballots will be conducted at the Mesa County Elections Division Office. Any election judge hired for the processing of ballots will be given training and required to sign an oath prior to working in the ballot processing room.

Security of unvoted as well as the voted ballots:

- o The processed, voted ballots, voted ballots awaiting processing and storage of unused ballot stock will reside at the Mesa County Elections Division Office. All ballots will be kept in a secure room within the office. Any voted ballot being prepped for tabulation is additionally sealed inside transfer cases and counted prior to leaving a secured room and the count verified upon the opening of the transfer case in the tabulation room. After tabulation ballots are sealed inside storage boxes inside a secure room. Entrance to the Elections Division Office and into each room within the Elections Division is monitored and logged by proximity card readers allowing only authorized access.

Contact with the local postmaster to discuss the design, delivery and receipt of the ballots before ballot packages are mailed out:

- Jennifer Manzanares of the Mesa County Elections Division is responsible in the coordination all aspects of the mail ballot election with our local postmaster.

Ballot box seal numbers being logged and signed off on, every time a ballot box is opened or closed:

- At each drop off site (see **Exhibit “A”**) there will be a sealed ballot box. Each day the boxes will be delivered or picked up by deputized clerks or judges. The sealed ballot box containing returned ballots will arrive at the Mesa County Elections Office. Utilizing the Ballot Drop off and Seal Number Control Sheet Form, seal numbers will be verified by two elections staff or election judges to ensure security of the ballots during transportation of the ballot boxes. The Ballot Drop off and Seal Number Control Sheet Form includes date, judge’s initials, seal number, number of ballots received in the box and reason for opening. Additionally an initial area to seal the box backup verifying that there are no ballots left in the box and the new seal number.

Notice of election (signs) be posted at the office pursuant to 1-5-205(1.3) and 1-5-504.5, C.R.S.:

- Notice will be posted at least ten days prior to the election and until two days after the election in a conspicuous place in the office of the City Clerk pursuant to 1-5-205 (1.3), C.R.S. Since it is a mail ballot, polling place signs will not need to be posted pursuant to 1-5-504.5 C.R.S.

Return envelopes will remain sealed until at least ten days before Election Day:

- Preparation for counting ballots will begin on March 28, 2009, ten days prior to the election. Preparation for counting includes opening of the envelopes.

Number of judges and staff to take part in each job:

- At least two Deputy Clerks or Election Judges will take part in each job or process in the election. No one person is ever left alone to complete a task regarding the processing of mail ballots in an election.

How judges will separate the identifying information from voted ballot to keep the vote private:

- Mesa County Elections Division uses the following process to train their judges and staff in second verification. This process requires six persons per table.
 - Clear the workspace and only open one district at a time.
 - One team will open the envelope and expose the stub. Without

removing the ballot from the secrecy sleeve expose the ballot stub, if there is no secrecy sleeve, utilize an empty sleeve to maintain secrecy.

- One team will verify ballot stub numbers. Compare the stub numbers from the ballot to the ballot number issued (on the label of the return envelope). If the ballot number is the same as issued, one person will remove the ballot from the envelope. The other person of the team will remove the secrecy sleeve and pass the ballot to the next team. If the ballot number does not appear to be the one issued to the voter, leaving the stub exposed, place the entire ballot package in the provided bin for further investigation by another team.
- The next team will tear off stubs and unfold ballots. The third team will back fold the ballots (so they lay flat) and hand count into stacks of 20 and piles of 100. This count will be second verified by another team.
- Each transfer case must have the transfer control sheet set inside with ballots that includes the number of ballots, 2 judges initials present, and locked or sealed.

Preservation of records pursuant to 1-7-801 and 802, C.R.S.:

- Storage of all election records will be managed by Mesa County Elections. Municipal Election Records are retained pursuant to Municipal Election Law.

Self affirmation on return envelope pursuant to 1-7.5-107(3)(b.5)(l); warning on ballot pursuant to 1-7.5-107(3)(b), C.R.S.:

- The self affirmation on the return envelope is as below:

AFFIDAVIT OF VOTER
I state under penalty of perjury that I am an eligible elector; that my signature, name, and address are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992".
X _____ Voter's Signature – (Signature Required)
TODAY'S DATE _____
*WITNESS _____
<small>* In case of applicant's disability or inability to sign personally, his/her mark shall be witnessed by another person.</small>

- There will be a warning included on the ballot as follows “WARNING: Any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with a ballot is subject, upon conviction, to imprisonment, or to a fine, or to both.”

Regarding ballots sent to first time voters who registered by mail who have not previously submitted ID:

- Tracking these ballots:

Mesa County Elections Division has flagged voters in compliance with SOS Rule 30.5, and SOS Rule 2.3. Envelopes of voters that are flagged as ID required in the voter registration system will have stamped clearly upon their return envelope the words "ID REQUIRED".

- Treatment of those voter's ballots who do not submit a copy of their ID with their ballot:

Ballots that return without a copy of their ID enclosed will be treated as provisional ballots.

- Marking the return ballot for these voters pursuant to SOS Rule 12.4.9:

Envelopes of voters that are flagged as ID required in the voter registration system will have stamped clearly upon their return envelope the words "ID REQUIRED".

- Procedure to follow if ballot is returned without ID:

The ID Required ballot packets are separated when received. The ID Required ballots are processed separately when second verified. The verification judge will first check for an enclosed copy of ID. If the copy of the ID is found and is adequate the ballot is processed normally, opened, stub exposed, verified, separated from its envelope, removed from its secrecy sleeve, stub removed and back folded. If the copy of the ID is not found the ballot is stamped "PROVISIONAL" and processed as a provisional ballot.

- If counting ballots by machine, identify the type of equipment used including make and model software, and hardware version numbers.

The tabulation of ballots will be completed by the Elections System and Software Model 650, green light sensor, firmware version 2.1.0.0.

- Testing and backups to be run on machines

An internal test of each ballot style and each position within each style will be conducted as soon as the test deck is received. During the internal test a Hardware test will also be performed.

A public logic and accuracy test will be conducted the week of February 23, 2009 at 10:00 a.m. in the work room/tabulation room of the Mesa County Elections Division.

A post audit will be conducted within 10 days after the election.

A backup of the election definition will be made upon finalization of ballot PDFs and Election Definition for the 650s. This backup will be stored in a secure location off site.

A backup of the Election Results will be stored with the election records.

A copy of the Election Results will be provided to the City Clerk on Election night.

12. DESCRIBE PROCEDURES TO ENSURE BALLOT SECURITY:

- a) Ballot packages are prepared and stored in secured facilities by Election Division staff. Ballot packages are delivered to the mail handler where Election Division staff use equipment to seal the ballot packages. 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 locked rooms on secured premises at all times. All election materials, ballots, ballot boxes, transfer cases and computers will be monitored during utilization by election judges and deputy clerks and placed under locked security each night. The area used for ballot processing adjoins the existing Elections Office, and Mesa County provides regular security. Only four keys to the critical ballot and materials areas exist, and those are held by election supervisors. All empty ballot boxes and transfer cases will be witnessed before and during both sealings (first and second verifications), including the recording of seal numbers. Entrance to the Elections Division Office and into each room with-in the Elections Division is monitored and logged by proximity card readers allowing only authorized access.
- c) Ballots will be coded according to district for reporting purposes. There is only a single ballot type for this election so no coding is necessary for the ballot itself.
- d) At each drop off site (see Exhibit "A") there will be a locked ballot box. Each day any ballot boxes containing returned ballots will be delivered to the Mesa County Elections Office by sworn election staff.
- e) All employees and election judges 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 March 9th through April 8th. A sworn law enforcement officer will provide security services at the courthouse when ballots are ready for tabulation, and a security officer will be on the courthouse premises throughout the evening until all ballots have been counted and 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 the presence of a signature. 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 automated pollbook and the envelope placed in alphabetical order in the "REJECTED" tray, which will be stored in the adjoining, secured facility. Periodic checks of signatures on record will be performed to ensure the integrity of the mail ballot election in the City of Grand Junction.

Describe the procedures for signature verification:

Pursuant to 1-7.5-107(5)(c) , C.R.S. "For *November coordinated elections only*, the signature of the eligible elector on the return envelope shall be compared with the signature of the eligible elector on file in the office of the county clerk and recorder in accordance with section 1-7.5-107.3."

- o The Mesa County Elections Division will conduct random signature verification for the Regular Municipal Election. Since it is not a November Coordinated Election, signature verification pursuant to 1-7.5-107(5)(c) and 1-7.5-107.3 is not required.

- 14. DESCRIBE THE PROCEDURES TO ENSURE SECRECY OF BALLOTS:** A secrecy envelope will be enclosed with each ballot mailed to all active voters on or before March 23, 2009. The 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 (Exhibit "I") 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 deputy clerk and election judge 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 forms substantially like the DAILY RECONCILIATION FORM (see Exhibit "E") and the DAILY RUNNING TOTAL (See Exhibit "F"). Reconciliation will be automated as well as manual, and each day's current status will be available by 9 am the following morning. A form substantially like the FINAL DISPOSITION OF MAIL BALLOT ELECTION (see Exhibit "G") 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 "H") will be placed in each sealed transfer case 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. Computer printouts will be compared daily to written copies to ensure tracking accuracy. The Elections Division of Mesa County is hereby authorized to use other forms to capture the same information as included on the example forms attached to this plan, as they deem appropriate.

- 16. HOME RULE MUNICIPALITY DECLARATION:** Nothing in this plan reflects locally adopted mail ballot election procedures different from those set forth in the Colorado Mail Ballot Election Act, section 1-7.5-101-11, C.R.S., as from time to time amended, and any regulations adopted pursuant thereto.

DATE OF RESUBMISSION: _____

ELECTION OFFICIAL SIGNATURE: _____

TITLE: City Clerk/DEO

TIMETABLE ENCLOSED

TIMETABLE
For the conduct of a Mail Ballot Election
(Rule 12.3.2.I)

Please indicate dates by which each item will be completed

<u>1/05/09</u>	Written Plan submitted to governing body.	Rule 12.3.4
<u>1/05/09</u>	Election approved by governing body.	Rule 12.3.4
no later than <u>02/11/09</u>	Submission of written plan to Secretary of State (55 days prior to election)	1-7.5-105(1) Rule 12.3.2
<u>02/26/09</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>02/26/09</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>03/06/09</u>	List of electors submitted to election official (at least 30 days prior to election)	1-7.5-107(2)(a)
<u>03/09/09</u>	Close of registration (29 days prior)	1-2-201(3)
03/13/09 through <u>03/23/09</u>	Ballots mailed (not sooner than 25 days and no later than 15 days prior)	1-7.5-107(3)(a)
<u>03/13/09</u>	Ballots available at election official's office (no sooner than 25 days prior)	1-7.5-107(3)(c)
<u>03/18/09</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>03/18/09</u>	Notice of election to County Clerk & Recorder	Rule 12.3.1(a)
<u>NA</u>	Notice of election to County Assessor	1-5-304
<u>03/18/09</u>	Publish Notice of Election	1-7.5-107(2.5)(a)
<u>03/18/09</u>	Supplemental list of electors submitted (at least 20 days prior)	1-7.5-107(2)(b)
<u>03/28/09</u>	Verification of ballot numbers to pollbook (may begin at any time during the 10 days before)	1-7.5-107.5
<u>04/07/09</u>	Election day	31-10-108 City Charter, §3
<u>04/09/09</u>	Canvass dates/certification issued (canvass no later than 2 days after the election)	City Charter, §25 Rule 12.13

Exhibit "A"

PLACES TO DEPOSIT MAIL BALLOTS

City Clerk's Office
City Hall
250 N. 5th Street
Grand Junction, Co. 81501

Mesa County Elections Office
Old Mesa County Courthouse
544 Rood Avenue Suite 301A
Grand Junction, Co. 81501

Mesa County Clerk's Office (Motor Vehicle Division)
Mesa Mall
2424 Hwy 6 & 50, #414
Grand Junction, Co. 81505

Orchard Mesa County Clerk's Branch
Mesa County Fairgrounds
2775 Hwy 50
Grand Junction, Co. 81503

EXHIBIT "B"

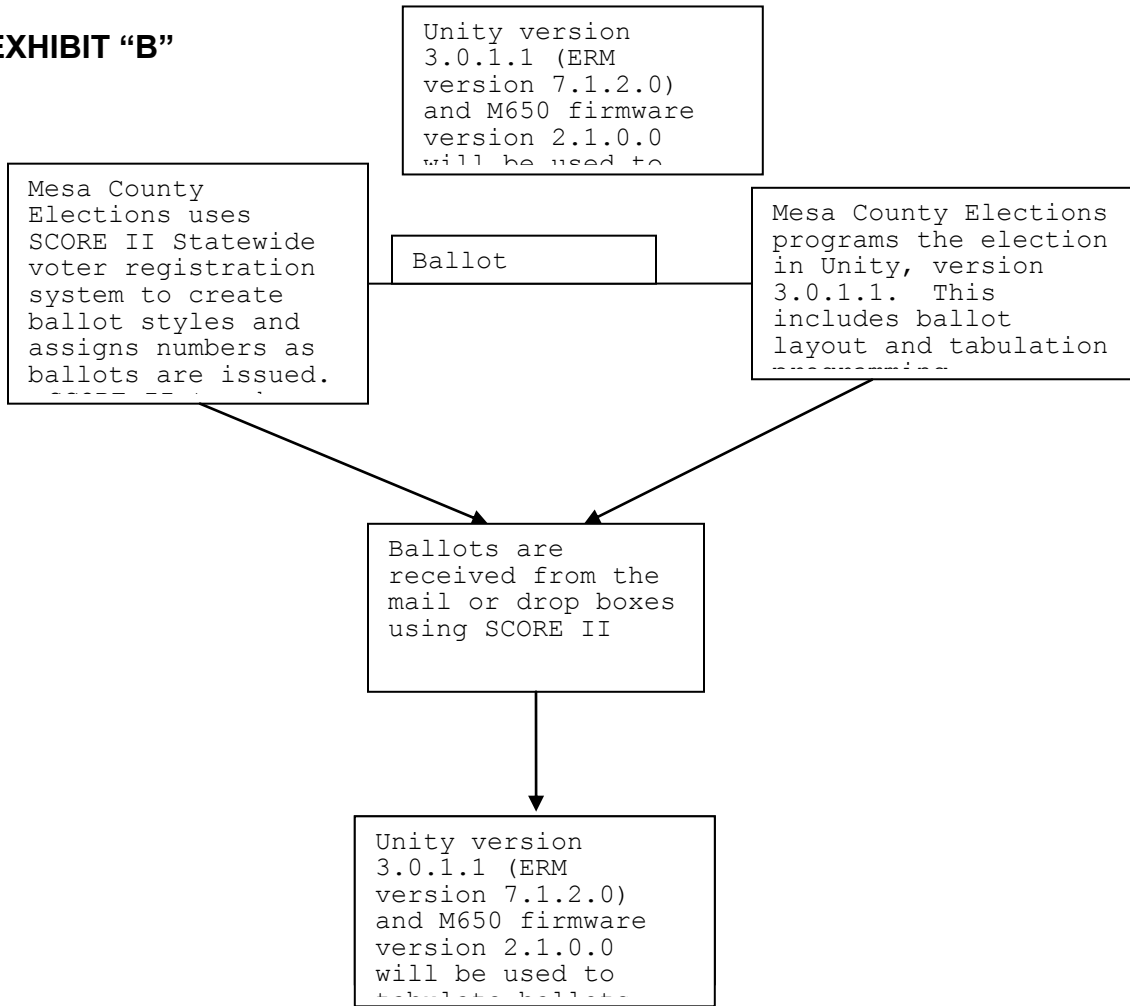


EXHIBIT "C"

BRANCH OFFICE MAIL BALLOT ACCOUNTING

April 7, 2009 Regular Municipal Election

Branch Location: _____ Date _____

Seal Number: _____ Judge's signature: _____

Total ballots received _____

Received by _____

EXHIBIT "D"

**STATE OF COLORADO
REQUEST FOR REPLACEMENT BALLOT
(MAIL BALLOT ELECTION)**



Please note: This completed form MUST be returned by 7:00 p.m. on Election Day. If returning with your ballot, place this form in the return envelope, not in the secrecy sleeve.

VOTER INFORMATION (PLEASE PRINT):

Last Name (Required)		First Name (Required)		Middle Initial	Previous Name of Applicant – If Applicable	
Colorado Legal Residence Street Address (Required) – No P.O. Boxes			Apt/Unit #	City/Town (Required)	State (Required)	Zip (Required)
Mailing Address or P.O. Box – Required if different from residential address			Apt/Unit #	City/Town (Required)	State (Required)	Zip (Required)
Date of Birth (Required) MM / DD / YYYY	Colorado Driver's License Number OR State Issued ID Number			Social Security Number – At Least the Last 4 digits		

REPLACEMENT BALLOT INFORMATION:

I am requesting a Replacement Mail Ballot for the election because:

I did not receive the original ballot.
 I spoiled the original ballot.

I am personally receiving the ballot today.

Please mail the ballot to me at:

 Street Apt/Unit # City State Zip

READ, SIGN AND DATE:

I swear or affirm that I am requesting the replacement ballot for the reasons stated above, that I have not voted the original ballot issued for the election indicated and I do not intend to vote at the election except by voting the replacement ballot.

Signature or Mark (Required)	
<div style="border: 1px solid black; padding: 5px;"> <p>X _____</p> <p align="center">Signature (Required)</p> </div>	Date Signed (Required) _____ MM / DD / YYYY

IMPORTANT: Make sure to sign and date the Affidavit of Voter on your mail ballot envelope before returning your voted ballot. Your signature must be provided or your ballot cannot be counted pursuant to Colorado Law. (C.R.S. 1-8-304)

Colorado Law requires that in order for your ballot to be counted, it must be received in the County Clerk's Office by 7:00 p.m. on Election Day.

Postmarks do NOT count as receipt of the ballot.

FOR OFFICE USE ONLY:

Election Clerk: _____	Voter ID #: _____
Original Ballot Pct & Style #: _____	Replacement Ballot Pct & Style #: _____
Original Ballot #: _____	Replacement Ballot #: _____
Original Date Issued: _____	Replacement Date Issued: _____

SOS Approved 7/13/07
C.R.S. 1-7.5-107(3)(d)

Exhibit "E"

**CITY OF GRAND JUNCTION
JUDGES DAILY RECONCILIATION OF MAIL BALLOTS**

_____ , 200_ ELECTION

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

Spoiled _____ Undeliverable _____ **Rejected Ballots:** Incomplete _____ **2nd Rejected:**
Signature _____ No Stub _____
Damaged _____ Unmatched _____

Total rejected ballots _____ **Total 2nd Rejected** _____

Hand count	_____	Judge's Int	_____
Electronic count	_____	Judge's Int	_____
Seal Number	_____	Judges Signature	_____

Seal Number	_____	Judge's Signature	_____
Date of reseal	_____		_____

EXHIBIT "G"

CITY OF GRAND JUNCTION
FINAL DISPOSITION OF MAIL BALLOT ELECTION

_____, 200__ ELECTION

ISSUED: _____

REISSUED: _____

ACCEPTED: _____

REJECTED: _____

SPOILED _____

INCOMPLETE _____

DAMAGED _____

SIGNATURE _____

UNMATCHED _____

NO STUB _____

UNDELIVERABLE _____

RETURNED AFTER DEADLINE _____

NEVER RETURNED _____

EXHIBIT "H"

STATEMENT OF BALLOTS
MAIL BALLOT ELECTION
April 7, 2009

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

Exhibit "I"

DRAFT of Secrecy Sleeve

AM I REQUIRED TO PROVIDE ID?

[insert information that informs voter if he/she is subject to ID requirements here]

If you are required to provide ID as indicated above, place a photocopy of one of the following **ACCEPTABLE FORMS OF IDENTIFICATION** into the Official Return Envelope. (Do not place the photocopied identification in the Secrecy Sleeve with your voted ballot.)

- A valid Colorado driver's license
- A valid identification card issued by the department of revenue
- A valid United States passport
- A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state
- A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States
- A valid United States military identification card with a photograph of the eligible elector
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector
- A valid Medicare or Medicaid card issued by the United States health care financing administration
- A certified copy of a birth certificate for the elector issued in the United States
- Certified documentation of naturalization
- A valid student identification card with a photograph issued by an institution of higher education in Colorado

Any form of identification that shows the address of the eligible elector shall be considered identification only if the address is in the State of Colorado.

REPLACEMENT BALLOT INFORMATION

If you spoil, deface or lose your ballot, you may obtain a replacement ballot, one at a time, not to exceed three ballots in all. If you spoil or deface your ballot, you may contact the Elections Office to obtain instructions for requesting a replacement ballot by calling [insert phone number].

Replacement Ballots may be requested from the [insert county name] Elections Office during regular business hours, [insert business hours], or on Election Day from 7:00 a.m. to 7:00 p.m.

DESIGNATED DROP OFF SITE INFORMATION

[insert designated drop off site information here]

Secrecy Sleeve with Voter Instructions

[insert county name] [insert election type]

[insert election date]

RETURN POSTAGE REQUIRED

You may return your voted ballot by mail or you may hand deliver your ballot to a Designated Drop Off Site (see opposite side for Designated Drop Off Site locations and schedules). If you choose to return your voted ballot by mail, you must affix adequate postage.

BALLOT PACKET CONTENTS

This is your Official Mail Ballot Packet for the [insert election type]. This packet contains the following items:

- Official Ballot
- Secrecy Sleeve with Voter Instructions
- Official Return Envelope

INSTRUCTIONS

To ensure that your vote(s) are counted correctly, it is important that you follow all the voting instructions shown on your ballot.

After you have marked all your voting choices and finished voting:

1. Refold your ballot exactly as you received it.
2. Place your voted ballot in this Secrecy Sleeve.
3. Place this Secrecy Sleeve (with voted ballot) into the Official Return Envelope. **Do not place more than one ballot into the Official Return Envelope.**
4. Sign and date the **AFFIDAVIT OF VOTER** located on the backside of the Official Return Envelope; refer to the example below.

Only one voter's ballot is permitted in your Official Return Envelope. If more than one ballot is placed in your Official Return Envelope, none of the ballots will be counted.

If you are a first time voter who registered to vote in the State of Colorado by mail, you must enclose a photocopy of your identification in the Official Return Envelope. Failure to provide ID will result in your ballot being treated as a provisional ballot. Do not place your ID photocopy in the Secrecy Sleeve with your voted ballot. See **AM I REQUIRED TO PROVIDE ID?** section on the opposite side for more information.

To verify that your Mail Ballot was received by the Elections Office, please [call insert phone number or visit our website insert county website address].

AFFIDAVIT OF VOTER

I state under penalty of perjury that I am an eligible elector; that my signature, name, and address are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992."

X George Washington

Voter's Signature - (Signature Required)

TODAY'S DATE July 4, 1776

* Witness _____
* In case of elector's disability or inability to sign personally, his/her mark shall be witnessed by another.

DEADLINE FOR RETURNING VOTED BALLOTS

Ballots must be received by the [insert county name] Clerk & Recorder's Office by 7:00 p.m. on Election Day in order for your votes to be counted. Ballots received after 7:00 p.m. on Election Day will not be counted. **Postmarks do not count as received.**

EXHIBIT “J”

TO ALL FIRST TIME VOTERS WHO HAVE REGISTERED TO VOTE BY MAIL BUT WHO HAVE NOT SUBMITTED THE REQUIRED PROOF OF IDENTIFICATION:

SPECIAL INSTRUCTIONS:

Below you will find the legal requirements for first time voters who register by mail. If you have not previously voted in an election in your county and you registered to vote by mail and did not submit the required proof of identification, you must submit a copy of one of the acceptable forms of identification (specified below) in the enclosed Return Envelope.

The approved forms of identification must show your address as being in the state of Colorado. Do not include original documents with this envelope.

ENCLOSE A COPY OF YOUR IDENTIFICATION, IN THE RETURN ENVELOPE, NOT IN THE SECRECY SLEEVE OR SECRECY ENVELOPE.

First Time Voters Who Register By Mail

If you registered to vote for the first time in your county by mail, and you have not previously voted in the county, a copy of one of the following forms of identification is required with your mail ballot or absentee ballot if you did not provide the information with your registration application:

- A valid Colorado driver's license; or
- A valid Colorado Department of Revenue identification card; or
- A valid U.S. passport; or
- A valid employee identification card with a photograph of the eligible elector issued by any branch, municipality, board, authority, or other political subdivision of this state, or by any county.
- A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States; or
- A valid U.S. Military Identification card with photograph; or
- A copy of a current utility bill, bank statement, government check, paycheck, or other governmental document that shows the name and address of the elector (a cable bill), a telephone bill, documentation from a public institution of higher education in Colorado containing at least the name, date of birth, and residence address of the student elector, or a paycheck from a government institution or a private company are sufficient forms of ID; or
- A valid Medicare or Medicaid card; or
- A certified copy of a U.S. birth certificate, or Certified documentation of naturalization.
- A student ID card issued by an institution of higher education.

IF YOU DID NOT SUBMIT PROOF OF IDENTIFICATION WITH YOUR MAIL-IN REGISTRATION FORM, YOU WILL BE REQUIRED TO PROVIDE PROOF OF IDENTIFICATION USING THE TYPES OF IDENTIFICATION DESCRIBED ABOVE WITH YOUR VOTED MAIL OR ABSENTEE BALLOT.

WHAT IS NOT ACCEPTABLE AS AN ID:

- Any of the items listed above and an address not in the state of Colorado
- A Social Security number or Social Security Card.

Attach 4

Setting a Hearing on Amending the Municipal Code Regarding Minors in Possession of Alcohol and Marijuana

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Amend the Municipal Code Regarding Minors in Possession of Alcohol and Marijuana		
File #			
Meeting Day, Date	Monday, January 5, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 11, 2008		
Author Name & Title	Mary Lynn Kirsch, City Attorney's Office		
Presenter Name & Title	John Shaver, City Attorney		

Summary: Amendments are being proposed to define and clarify sentencing parameters for repeat Minor in Possession (MIP) offenders. Changes to the Ordinance will help enforce compliance with the City Ordinances governing minors in possession of alcohol and marijuana.

Budget: There is no direct budget impact.

Action Requested/Recommendation: Introduction of proposed Ordinance and setting a hearing for January 21, 2009.

Attachments: Proposed Ordinance

Background Information: The Municipal Court Judge and City Attorney believe that it would greatly enhance the efficacy of the Municipal Court if amendments were made to the Code to better define what constitutes a repeat offense for alcohol and marijuana offenses. The proposed Ordinance changes provide further clarification of sentencing guidelines for repeat offenders. Specifically, the proposed changes:

- 1) establish that any prior municipal alcohol or drug offense is a prior offense for sentencing purposes;
- 2) clarify that conviction for a violation of a category of offenses (marijuana and alcohol), not specific offenses, are the basis for determining priors; and

3) establish aggravating factors for sentencing.

The changes are recommended to enhance compliance with this important body of law.

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3852, WHICH ESTABLISHES SECTION 24-22 OF THE CODE OF ORDINANCES AND PROHIBITS THE PURCHASE, POSSESSION OR CONSUMPTION OF ALCOHOL BY MINORS AND ALSO AMENDING ORDINANCE NO. 3853, WHICH ESTABLISHES SECTION 24-23 OF THE CODE OF ORDINANCES AND PROHIBITS THE PURCHASE, POSSESSION OR CONSUMPTION OF MARIJUANA BY MINORS

RECITALS:

Ordinance 3852 of the City Code of Ordinances was adopted by the City Council in December 2005, to prohibit the possession, purchase and consumption of alcohol by minors and prohibit the provision of alcohol to minors. The passage of this Ordinance gave the Municipal Court power to enforce and punish underage drinking violations.

Ordinance 3853 of the City Code of Ordinances was adopted by the City Council in December 2005, to prohibit the possession, purchase and consumption of marijuana by minors and prohibit the possession of drug paraphernalia. The passage of this Ordinance gave the Municipal Court power to enforce and punish underage marijuana possession/consumption.

Since the passage of Ordinances 3852 and 3853, the Municipal Court has successfully prosecuted many violations. In the course of prosecuting those cases, it has become necessary to further define and identify how prior offenses relate to new violations by prior offenders.

To provide clarity and further guidance to the Municipal Court, City staff proposes the following changes to Chapter 24, Sections 22 and 23 and requests that the City Council approve the recommended changes to the Code of Ordinances.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

1. Chapter 24, Section 22 of the Code of Ordinances, as adopted by this Ordinance No. _____ is hereby amended to read as follows. (Additions are shown in underline; deletions are shown by ~~strike through~~.)

Sec. 24-22. Purchase, possession, consumption or sale of alcohol by or to persons under the age of 21.

Definitions

Alcoholic beverage, as used in this section, shall mean any vinous, spirituous or malt liquor and/or any fermented malt beverage, including 3.2 percent beer, of any kind and in any quantity.

Providing alcohol to minor

(1) It shall be unlawful for any person to knowingly sell, serve, give away, dispose of, exchange or deliver, or to permit the sale, serving, giving or procuring of any alcoholic beverage to or for anyone under the age of 21 years.

(2) It shall be unlawful for any person to knowingly permit any person under the age of 21 years to violate subsections (3), (4) or (5) of this section.

Purchase of alcohol by minor

(3) It shall be unlawful for any person under the age of 21 years to obtain or attempt to obtain any alcoholic beverage by misrepresentation of age or any other method in any place selling or providing alcoholic beverages.

(4) It shall be unlawful for any person under the age of 21 years to purchase any alcoholic beverage.

Possession or consumption of alcohol by minor

(5) It shall be unlawful for a person under the age of 21 years to possess or consume any alcoholic beverage.

Defenses, exceptions

(6) It shall be an affirmative defense to any violation of this section 24-22 that the person under the age of 21 years was participating in a religious ceremony or practice, or was participating in a supervised and bona fide investigation conducted by a law enforcement agency, or that the conduct was permitted by Articles 46 and/or 47 of Title 12, Colorado Revised Statutes.

(7) Nothing in this section 24-22 shall prohibit any person under the age of 21 from possessing or consuming any alcoholic beverage in their own home with the knowledge and permission of, and in the presence and under the supervision of, their

natural parent(s) or legal guardian, nor to prohibit any natural parent or legal guardian from providing any alcoholic beverage to their child(ren) in their own home.

Penalties

(8) Each violation of subsections (1) or (2) (providing alcohol to a minor) of this ordinance, Section 24-22, may be punishable by a fine of up to \$1,000, useful public service, up to 30 days in jail, or any combination thereof, in the discretion of the Court.

(9) Each violation of subsections (3), (4) or (5) (purchase, possession or consumption of alcohol by a minor) of this ordinance, Section 24-22, may be punishable by useful public service, suspension of drivers' license, alcohol education classes, alcohol evaluation and treatment, fines, or any combination of these in the discretion of the court, subject to the following:

- (a) Useful public service of no less than 24 hours for any single offense shall be imposed.
- (b) Drivers license shall be suspended for a period of three (3) months for a first offense and up to one (1) year for subsequent offenses.
- (c) Fines of up to \$250 for a first offense, up to \$500 for a second offense and up to \$1000 for a third offense, may be imposed. Fines may be suspended on the condition of timely completion of useful public service and alcohol classes or treatment. This subsection (9)(c) shall not limit the discretion of the court to suspend fines for other reasons it deems appropriate. It is the intention of the City Council in adopting this subsection (9)(c) to establish a preference for useful public service, alcohol education and/or treatment over fines.

(10) Each violation of subsections (3), (4) or (5) (purchase, possession or consumption of alcohol by a minor) of this ordinance, Section 24-22, by a person who is 18 years of age or older may be punishable by up to 30 days in jail, in combination with or in lieu of any penalties set forth in subsection (9) of this ordinance, Section 24-22, in the discretion of the Court.

(11) "First offense", "second offense", "third offense" and further offenses shall be defined as including any prior municipal alcohol or drug related possession or consumption offense(s).

(12) Aggravating factors for sentence enhancement include but shall not be limited to the following factor(s):

- (a) prior conviction(s) for minor in possession or consumption of alcohol or marijuana;
- (b) prior conviction(s) for possession, consumption, or distribution of alcohol or other unlawful drugs (including prescription drugs);
- (c) prior conviction(s) for driving under the influence of alcohol, driving while impaired by alcohol and other motor vehicle offense(s) involving the use of alcohol and drugs; and
- (d) lack of cooperation by the defendant, including poor attitude and/or aggressive or hostile demeanor.

2. Chapter 24, Section 23 of the Code of Ordinances, as adopted by this Ordinance No. ____ is hereby amended to read as follows. (Additions are shown in underline; deletions are shown by ~~strikethrough~~.)

Sec. 24-23. Purchase, possession, consumption of marijuana by persons under the age of 21.

(1) It shall be unlawful for any person under the age of 21 years to purchase or possess one ounce or less of marijuana, and/or to consume any quantity of marijuana, except as allowed for medicinal purposes.

Penalties

(2) Each violation of this section 24-23, shall be punishable by useful public service, suspension of drivers' license, drug education classes, drug evaluation and treatment, fines, or any combination of these in the discretion of the court, subject to the following:

- (a) Useful public service of no less than 24 hours for any single offense shall be imposed.
- (b) Drivers license shall be suspended for a period of three (3) months for a first offense and up to one (1) year for subsequent offenses.
- (c) Fines of up to \$250 for a first offense, up to \$500 for a second offense and up to \$1000 for a third offense, may be imposed. Fines may be suspended on the condition of timely completion of useful public service and drug classes or treatment. This subsection (2)(c) shall not limit the discretion of the court to suspend fines for other reasons it deems appropriate. It is the intention of the City Council in adopting this subsection (2)(c) to

establish a preference for useful public service and drug education and/or treatment over fines.

(3) Each violation of this section 24-23 by a person who is 18 years of age or older may be punishable by up to 30 days in jail, in combination with or in lieu of any penalty provided for in subsection (2) of this ordinance, Section 24-23, in the discretion of the Court.

(4) “First offense”, “second offense”, “third offense” and further offense(s) shall be defined as including any prior municipal alcohol or drug related possession or consumption offense(s).

(5) Aggravating factors for sentence enhancement include but shall not be limited to the following factor(s):

- (a) prior conviction(s) for minor in possession or consumption of alcohol or marijuana;
- (b) prior conviction(s) for possession, consumption, or distribution of alcohol or other unlawful drugs (including prescription drugs);
- (c) prior conviction(s) for driving under the influence of alcohol, driving while impaired by alcohol and other motor vehicle offense(s) involving the use of alcohol and drugs; and
- (d) lack of cooperation by the defendant, including poor attitude and/or aggressive or hostile demeanor.

PASSED for first reading and ordered published by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2009.

PASSED AND ADOPTED on second reading by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2009.

President of the Council

ATTEST:

City Clerk

Attach 5

Acquisition of Property and Assets of Fruitvale Sanitation District

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Acquisition of property and assets of the Fruitvale Sanitation District		
Meeting Day, Date	Monday, January 5, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	December 19, 2008		
Author Name & Title	Mary Lynn Kirsch, Paralegal		
Presenter Name & Title	John Shaver, City Attorney		

Summary: The Fruitvale Sanitation District has petitioned the District Court for dissolution of the District. The City and the District have agreed to transfer and convey all of the District's sewer collection lines and valves, pump stations and accompanying apparatus to the City. The sanitary sewer services provided by the District will be assumed by the City in accordance with the Plan of Dissolution jointly prepared by the District and the City and filed with the District Court.

Budget: All financial impacts have been anticipated and accounted for in the 2009 Budget.

Action Requested/Recommendation: Adopt a resolution authorizing the acquisition of the District's assets, specifically real property.

Attachments: Resolution

Background Information: The dissolution of the Fruitvale Sanitation District is the first of several sanitation districts to formally dissolve pursuant to the Total Service Agreements signed in 2004 between each sanitation district, Mesa County and the City.

In accordance with the Agreement, the District took the matter to a vote of the qualified voters in the District's Service Area in November 2008. The voters approved the dissolution. The District will transfer by deed to the City its real property, easements, rights-of-way and all District assets such as lines, pipes, taps, valves, etc. The District will transfer by Bill of Sale to the City all tangible and intangible assets such as fittings, fixtures, records, furniture, supplies and inventory. This Resolution authorizes the City to accept those conveyances.

RESOLUTION NO. _____ -09

**A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY AND ASSETS
OF THE FRUITVALE SANITATION DISTRICT**

Recitals:

The Fruitvale Sanitation District, the City and Mesa County are parties to a Total Services Agreement (TSA) whereby the District agreed to dissolve, upon approval by qualified voters, and convey all of the District's assets and property to the City. Those assets are for the benefit of the Persigo 201 Sewer System.

In accordance with the TSA, the City has agreed to assume and continue all sanitary sewer services previously provided by the District.

The District took the dissolution question to the voters in November 2008. Qualified voters in the District approved the dissolution.

The Board of Directors of the District and the City filed a Petition of Dissolution with the Mesa County District Court. A Plan of Dissolution and final Order are pending submittal of financial information from the District and the transfer of assets.

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

The acquisition of assets and real and personal property from the Fruitvale Sanitation District pursuant to the Plan of Dissolution is hereby authorized and the assumption of the District's sanitary sewer services by the City is approved.

PASSED AND APPROVED this ____ of _____, 2009.

Gregg Palmer
President of the Council

ATTEST:

Stephanie Tuin
City Clerk