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**CITY COUNCIL AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET**

**MONDAY, DECEMBER 13, 2010, 7:00 P.M.**

**Call to Order**

Pledge of Allegiance

Invocation – Vaughn Park, Heritage Church

[The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.]

**Proclamations**

Proclaiming December 15, 2010 as "Bill of Rights Day" in the City of Grand Junction

Proclaiming December 18, 2010 as "International Day of the Migrant" in the City of Grand Junction

**Appointments**

Historic Preservation Board

Public Finance Corporation

**Council Comments**

**Citizen Comments**

*\*\* Indicates Changed Item*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

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

*Action:* Approve the Minutes of the November 29, 2010 Regular Meeting

**2. Conduct of the Regular Municipal Election on April 5, 2011 [Attach 2](#)**

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. 49-10—A Resolution Authorizing a Mail Ballot Election in the City of Grand Junction Regular Municipal Election on April 5, 2011, 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. 49-10

Staff presentation: Stephanie Tuin, City Clerk

**3. Property Tax Mill Levies for the Year 2010 [Attach 3](#)**

The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District, and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations; the Ridges levy is for debt service only.

Resolution No. 50-10—A Resolution Levying Taxes for the Year 2010 in the City of Grand Junction, Colorado

Resolution No. 51-10—A Resolution Levying Taxes for the Year 2010 in the Downtown Development Authority

Resolution No. 52-10—A Resolution Levying Taxes for the Year 2010 in the Ridges Metropolitan District

*®Action:* Adopt Resolution Nos. 50-10, 51-10, and 52-10

Staff presentation: Jodi Romero, Financial Operations Manager

4. **Rates and Fees for the Year 2011** [Attach 4](#)

Proposed 2011 rate/fee increases for Lincoln Park and Tiara Rado Golf Courses, Cemetery, Lincoln Park Barn, Persigo plant investment fee, Two Rivers Convention Center, Police Services and Parking as presented and discussed during City Council budget workshops.

Resolution No. 53-10—A Resolution Adopting Fees and Charges for Tiara Rado and Lincoln Park Golf Courses, Cemetery, Lincoln Park Barn, Plant Investment Fees for the Persigo Wastewater Treatment Plant, Two Rivers Convention Center, Police Services and Parking Violations

*®Action: Adopt Resolution No. 53-10*

Staff presentation: Jodi Romero, Financial Operations Manager

5. **School Land Dedication Fee for 2011-2012** [Attach 5](#)

A resolution is proposed continuing the School Land Dedication (SLD) fee at a level of \$460.00 per lot based upon an average per acre cost of \$40,000 (established in 2004), a student generation fee factor of 0.023 (established in 1996), and an estimated average of 2 lots per acre. This fee does not represent an increase or a decrease; it has been at this level since 2004.

Resolution No. 54-10—A Resolution Establishing the 2011-2012 School Land Dedication Fee

*®Action: Adopt Resolution No. 54-10*

Staff presentation: John Shaver, City Attorney

6. **Reallocation of 700 MHz "D Block" to Public Safety** [Attach 6](#)

The City Council Legislative Committee met on December 8 to discuss the upcoming Colorado legislative session. Councilmember Kenyon, who chairs the Colorado Municipal League policy committee, introduced to the City Council Committee various matters that the CML policy committee had recently considered. One of those was the national issue involving the allocation of Block D of the 700 MHz radio spectrum. Following discussion the Committee directed the City Attorney to prepare a resolution and forward the same to City Council.

Resolution No. 55-10—A Resolution Concerning the Allocation of the 700 MHz "D Block" of the Radio Spectrum for a Nationwide Public Safety Radio and Broadband Network

®Action: *Adopt Resolution No. 55-10*

Staff presentation: John Shaver, City Attorney

7. **Setting a Hearing Amending the Grand Junction Municipal Code Exempting Coins and Precious Metal Bullion from Sales Tax** [Attach 7](#)

It is proposed to amend the City's tax code to include an exemption from sales tax for the sale of coins and precious metal bullion.

Proposed Ordinance Amending Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Concerning the Exemption from Sales Tax of Coins and Precious Metal Bullion

Action: *Introduction of a Proposed Ordinance and Set a Hearing for January 3, 2011*

Staff presentation: John Shaver, City Attorney

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

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

8. **Appeal of the Planning Commission's Decision Regarding the Schooley-Weaver Partnership Conditional Use Permit for a Gravel Extraction Facility [File #CUP-2010-008]** [Attach 8](#)

An appeal has been filed regarding the Planning Commission's decision on September 14, 2010 to approve a Conditional Use Permit for a Gravel Extraction Facility, located at 104 29 ¾ Road.

The Conditional Use Permit was considered under the provision of the 2000 Zoning and Development Code; therefore, the appeal was filed in accordance with Section 2.18.E of the 2000 Zoning and Development Code, which specifies that the City Council is the appellate body of the Planning Commission.

According to Section 2.18.E.4.h, no new evidence or testimony may be presented, except City Staff may be asked to interpret materials contained in the record.

®Action: *Hold a Hearing to Consider the Appeal*

Staff presentation: Brian Rusche, Senior Planner

9. **Update on Referendum Petition for Ordinance No. 4437, An Ordinance Prohibiting the Operation of Medical Marijuana Businesses** [Attach 9](#)

This item serves to update the City Council on the status of the referendum petition circulated in November requesting the repeal of Ordinance No. 4437. Ordinance No. 4437 was adopted by the City Council on October 4, 2010. The Ordinance prohibits the operation of medical marijuana businesses in the city limits and amends the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana.

*Action: The Protest Period for the Referendum Ends on December 14, 2010. If No Protest is Filed, the City Council will be asked to Reconsider the Ordinance or Set a Ballot Title for an Election on December 15, 2010*

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

10. **Public Hearing – Consideration of a Proposed Ordinance to Extend the Medical Marijuana Moratorium (Ordinance No. 4392) and Declare an Emergency** [Attach 10](#)

This ordinance proposes to extend the moratorium on commercial medical marijuana centers and facilities imposed by Ordinance No. 4392. Ordinance No. 4392 was duly considered and adopted by the City Council on November 16, 2009 and became effective December 18, 2009. Ordinance No. 4392 instituted a 12 month moratorium on new commercial medical marijuana centers and facilities in the City of Grand Junction.

The City Manager and the City Attorney recommend that the moratorium be extended until April 5, 2011.

Ordinance No. 4446—An Ordinance to Extend the Moratorium on Commercial Medical Marijuana Centers and Facilities Imposed by Ordinance No. 4392 and Declaring an Emergency

*®Action: Approve Proposed Ordinance and Declare an Emergency Making the Ordinance Effective Immediately*

Staff presentation: John Shaver, City Attorney

11. **Non-Scheduled Citizens & Visitors**
12. **Other Business**
13. **Adjournment**

Attach 1  
**Minutes**

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

**November 29, 2010**

The City Council of the City of Grand Junction convened into regular session on the 29<sup>th</sup> day of November, 2010 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Bruce Hill, Gregg Palmer, Bill Pitts, Sam Susuras and Council President Teresa Coons. Councilmember Tom Kenyon was absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Coons called the meeting to order. Councilmember Hill led the Pledge of Allegiance followed by Invocation by Pastor Josh Boling, Lighthouse Foursquare Church.

**Recognition/Presentation**

Kathy Portner, Public Works and Planning, along with Duncan Brown from the Fire Department who helped coordinate the effort, described the work accomplished by the National Guard to clear tamarisk from the Las Colonias Park area. She recognized the representatives from Colorado National Guard for the Tamarisk Work: Staff Sergeant Chris Rowzee, Operations NCO for the 947<sup>th</sup> Engineer Company, Specialist Shannon Faulhaber, Equipment Operator for the 947<sup>th</sup> Engineer Company, and Mrs. Alice Faulhaber, Family Program Coordinator for the 947<sup>th</sup> Engineer Company were present along with Stacy Kolegas of the Tamarisk Coalition. The Tamarisk Coalition will now be able to revegetate the area.

Council President Coons expressed her appreciation for the partnership work done by the Colorado National Guard.

Stacy Kolegas, Director of the Tamarisk Coalition, expressed her appreciation for the work that was accomplished and said their time was worth about \$25,000 of in-kind service.

Duncan Brown, Fire Department, also expressed appreciation and complimented their exemplary work.

Sergeant Rowzee expressed gratitude in turn to the City representatives.

Council President Coons then read and presented a certificate of appreciation to the Colorado National Guard.

## **Council Comments**

There were none.

## **Citizen Comments**

There were none.

## **CONSENT CALENDAR**

Councilmember Susuras moved to approve and then read the Consent Calendar Items #1 through # 8. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

### **1. Minutes of Previous Meetings**

*Action: Approve the Minutes of the November 17, 2010 Regular Meeting*

### **2. Setting a Hearing on Granting a Franchise Agreement to Xcel Energy and Grand Valley Power**

The current franchise agreements with Xcel Energy (Public Service Company of Colorado) and Grand Valley Power (Grand Valley Rural Power) were approved in 1992 and will expire in 2012. The proposed ordinance would establish a new, 20-year franchise agreement with each utility to be placed on the ballot at the April, 2011 Municipal Election.

Proposed People's Ordinance Granting a Franchise by the City of Grand Junction to Public Service Company of Colorado, D/B/A Xcel Energy, Its Successors and Assigns, the Right to Furnish, Sell and Distribute Gas and Electricity to the City and to all Persons, Businesses, and Industry Within the City and the Right to Acquire, Construct, Install, Locate, Maintain, Operate and Extend Into, Within and Through Said City All Facilities Reasonably Necessary to Furnish, Sell and Distribute Gas and Electricity Within the City and the Right to Make Reasonable Use of All Streets and Other Public Places and Public Easements as Herein Defined as May Be Necessary; and Fixing the Terms and Conditions Thereof AND Granting a Franchise by the City of Grand Junction to Grand Valley Rural Power Lines, Inc., Its Successors and Assigns, the Right to Furnish, Sell and Distribute Electricity to the City and to All Persons, Businesses, and Industry Within the City and the Right to Acquire, Construct, Install, Locate, Maintain, Operate and Extend Into, Within and Through Said City All Facilities Reasonably Necessary to Furnish, Sell and Distribute Electricity Within the City and the Right to Make Reasonable Use of All Streets and Other Public Places and Public Easements as Herein Defined as May Be Necessary; and Fixing the Terms and Conditions Thereof



*Action: Introduction of a Proposed People's Ordinance and Set a Hearing for January 31, 2011*

3. **Support for Funding for the League for Land and Water Conservation**

A resolution that outlines the City Council's support for the full funding of the Land and Water Conservation Fund (LWCF) as originally authorized in 1964. Senate Bill 2747, co-sponsored by Senators Udall and Bennet, calls for the funding of the LWCF at its full authorized level.

Resolution No. 45-10—A Resolution Concerning the Funding of the Land and Water Conservation Fund and Supporting SB2747

*Action: Adopt Resolution No. 45-10*

4. **Setting a Hearing on the 2010 Supplemental Appropriation Ordinance and the 2011 Budget Appropriation Ordinance**

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2010 amended and 2011 proposed budgets.

Proposed Ordinance Making Supplemental Appropriations to the 2010 Budget of the City of Grand Junction

Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, and the Ridges Metropolitan District for the Year Beginning January 1, 2011 and Ending December 31, 2011

*Action: Introduction of Proposed Ordinances and Set a Hearing for December 15, 2010*

5. **Grant Award for Auto Theft Task Force**

For the second year in a row, the Grand Junction Police Department has been awarded a grant from the Colorado Department of Public Safety. This grant award in the amount of \$161,481 will support the continuation of a joint auto theft task force for the Grand Valley. Participating agencies include; the Grand Junction Police Department, the Mesa County Sheriff's Office, the Fruita Police Department, and the Colorado State Patrol. The award is for the purchase of equipment vital to the mission of the task force, as well as overtime for participants. If approved, the City of Grand Junction will serve as the fiscal agent for the grant.

*Action: Authorize the City Manager to Accept this Award and Budget the Receipt and Expenditure of \$161,481 of Grant Funds in the Proposed 2011 Budget.*

**Setting a Hearing on the GJ Regional Airport Annexation, Located at 2828 Walker Field Drive** [File #ANX-2010-290]

Request to annex 614.3 acres, located at 2828 Walker Field Drive. The GJ Regional Airport Annexation consists of seven (7) parcels. There is no public right-of-way contained within this annexation area.

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

Resolution No. 46-10—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, GJ Regional Airport Annexation, Located at 2828 Walker Field Drive

*Action: Adopt Resolution No. 46-10*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, GJ Regional Airport Annexation, Approximately 614.3 Acres, Located at 2828 Walker Field Drive

*Action: Introduction of a Proposed Ordinance and Set a Hearing for January 17, 2011*

7. **Marso Revocable Permit, Located within the 26 ¾ Road Right-of-Way** [File #RVP-2010-193]

Applicant is requesting approval of a revocable permit for an existing storage shed, irrigation pump and various landscaping improvements within the 26 ¾ Road right-of-way. The encroachment became apparent with the development of a new public pedestrian trail connecting Capra Way and Lakeside Court within the 26 ¾ Road alignment.

Resolution No. 47-10—A Resolution Concerning the Issuance of a Revocable Permit to Samuel and Audrey Marso

*Action: Adopt Resolution No. 47-10*

8. **Amendment #1 to the Contract between the City of Grand Junction and the Colorado Department of Transportation for the 23 Road and G Road Intersection Reconstruction Project**

Federal aid funds have been awarded to the City from the Federal Hazard Elimination Program for reconstruction of the intersection of 23 Road and G Road. The project consists of right-of-way acquisition and incidentals, design and construction of a roundabout and associated intersection improvements at 23 Road and G Road. As a result of the right-of-way acquisition cost estimate and the engineer's construction cost estimate, additional funds are expected to be needed to complete this Project. The City has estimated that an additional \$196,358.00 needs to be added to the Federal funds and City funds already approved for this Project.

Resolution No. 48-10—A Resolution Accepting Amendment #1 (11 Ha3 25394) to the Contract for Construction Work at the Intersection of 23 Road and G Road, Authorizing the City's Over-Matching Funds, and Authorizing the City Manager to Sign the Contract Amendment #1 Agreement with the Colorado Department of Transportation

*Action: Adopt Resolution No. 48-10*

### **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

#### **Contract for Downtown Uplift – Main Street Phase II Construction**

This is the contract award for the complete reconstruction of three blocks of Main Street between 4<sup>th</sup> Street and 7<sup>th</sup> Street. This phase of the project will provide replacement of deteriorated sidewalks, waterlines, storm drains, and brick planters. In addition, amenities will be added for the beautification to include replacement of dying trees, installation of water features, play areas, shade shelters and drinking fountains. With the exception of the waterline replacement, the project is being funded by the Downtown Development Authority with design and project oversight provided by the City.

Councilmember Palmer read a statement into the record stating he may have a perceived conflict of interest due to being a Main Street business owner and thusly recused himself from the decision-making for this item. He then left the dais.

Tim Moore, Public Works and Planning Director, presented this item. He explained that the scope of work is very similar to the first phase and described the work to be done. The work does meet a number of the City's Comprehensive Plan goals. The project was bid last month and five qualified bidders bid on the project. The recommendation is to award the bid to Sorter Construction. There is a built-in incentive for early

completion as well as a penalty for days past the agreed upon completion date. The funding for the project will primarily come from the Downtown Development Authority (DDA). The City is paying for the waterline replacements.

Council President Coons said that she will not be taking public comment on this item but the City Council has received a number of letters, emails and petitions from citizens and these have assisted them in their decision-making.

Councilmember Hill asked Mr. Moore to describe what the City does when accepting and awarding a contract. Mr. Moore said there are three components: a clear and accurate design, the same communication team in place that was in Phase I, and the construction work. The Public Works Department is just as comfortable with the recommended contractor, Sorter Construction, for this phase as they were for Phase 1. The City has worked with Sorter Construction many times in the past including some very difficult projects.

Councilmember Hill summarized that looking at ten projects the City has worked with Sorter, they have been on time and within budget. Mr. Moore concurred.

Councilmember Beckstein said that in the last phase, communication between the contractor and the City was through the Downtown Development Authority (DDA). Mr. Moore agreed. Kathy Dirks of the DDA, will be working on this project like she did for Phase I. Councilmember Beckstein asked for assurances that the same amount of communication will occur with the merchants as what happened in Phase I. Mr. Moore said yes and then some. Councilmember Beckstein asked if Sorter Construction is planning on doing the construction one block at a time to reduce the impact. Mr. Moore said that is being discussed but has not yet been decided. Councilmember Beckstein asked about communicating to customers on parking. Mr. Moore said the DDA has a plan to utilize the parking garage and communicate this to customers.

Council President Coons asked about a rumor that awarding the contract to a different contractor will cause a one year delay. Mr. Moore disputed that; the start day is in January, 2011. He also talked about the incentive to complete the project early as well as the penalty for late completion. Council President Coons asked Mr. Moore to review why the project was broken into two phases. Mr. Moore responded that one reason was to give more opportunity to the contracting community, another was to reduce the disruption.

Councilmember Susuras said many DDA members sent notes to Council asking that FCI Construction be awarded the project. He noted the difference to award the project to FCI would be around \$71,000 but the funds would have to come from DDA funds. Mr. Moore agreed.

Councilmember Hill asked how the warranty works with two different contractors. Mr. Moore said the two phases are very distinct and it is outlined in the documents who did what.

Councilmember Beckstein asked if saving that amount is worth the cost of possibly not getting the quality of work obtained in the first phase. Downtown merchants want the same comfort level and want it to look like it was done by one contractor. Mr. Moore said the same design team and same consultants are being used for both phases so the continuity won't be lost; it will flow like it was one project. Communication is the same; the same team for communications is being used for Phase II.

Councilmember Beckstein repeated the summary of Sorter's work history and how Sorter even came forward when the work came in less to reduce the contract amount, thus demonstrating their work ethic.

Mr. Moore agreed adding that both contractors, FCI and Sorter, have shown integrity and responsibility with their work performed.

Councilmember Hill moved to authorize the Purchasing Division to enter into a contract with Sorter Construction, Inc. for the Downtown Uplift-Main Street Phase II Project in the amount of \$2,888,562.10. Councilmember Beckstein seconded the motion.

Councilmember Hill noted there is nothing easy about this process when it will impact the storefronts so starting the process isn't easy. He recalled the uneasiness for Phase I when they awarded the contract to FCI. He congratulated them on a job well done. However, the City has an outstanding team on staff that will be managing the project. He is extremely confident with the low bidder but there are no guarantees when a project includes work underground.

Councilmember Susuras agreed that it is a tough decision and Councilmember Hill gives a compelling argument for Sorter. However, since the majority of the merchants would like to award the bid to FCI and the difference in funds will come from DDA funds, he will vote no on the motion.

Councilmember Pitts expressed his concerns about changing horses midstream but after hearing Mr. Moore's description of working with Sorter Construction, he feels assured so he will support the motion.

Councilmember Beckstein said the Council's policy is to guarantee the quality of work at the best price; it is all tax dollars whether it comes from the DDA or the City. She hears the concerns of the merchants but it is \$71,000 that could be used elsewhere. She fears setting a precedent. She will support the motion.

Council President Coons said it is very telling that the conversation is taking place. What it says is that this community is fortunate to have more than one qualified contractor. She is sure that Sorter is listening to all the Council's concerns and she would be surprised if they weren't taking them all to heart. She thanked FCI for making the standard so high. She has concerns about not following the process that has been set up. There are some circumstances where it might make sense. She will support the motion and wishes them and the downtown merchants all the best.

Motion carried by roll call vote with Councilmember Susuras voting NO. (Councilmember Palmer had recused).

Council President Coons called a recess at 7:55 p.m.

The meeting reconvened at 8:10 p.m.

Councilmember Palmer returned to the dais.

### **Downtown Development Authority and Grand Junction Symphony Orchestra Partnership to Maximize Use of The Avalon Theatre**

In January 2009, the Grand Junction Symphony Orchestra (GJSO) and the Downtown Development Authority (DDA) jointly funded a feasibility study to determine the building improvements needed for the GJSO to become the primary, but non-exclusive, tenant of The Avalon Theatre. The findings of the study suggest that the GJSO would be an appropriate tenant for The Avalon as long as building improvements were made. The renovations suggested by the study would meet the diverse needs of all the current and potential users of the Theatre.

Debbie Kovalik, Economic, Convention & Visitor Services Department Director, presented this item. She first reviewed the history of the building and then spoke to the current use of the facility. Ms. Kovalik identified the minor upgrades that have taken place including seats and concessions. The building deficiencies were then listed including items that are not up to Code. Because of this and the interest of the community, there have been studies conducted to determine how the building could be improved to meet the needs of potential and current users. The Westlake Reed Leskosky (WSL) study suggested a phased improvement plan. Ms. Kovalik detailed the first phase which would include expanding the stage, improving acoustics, new seating, and an orchestra pit. These improvements would be accomplished in partnership with the DDA and the Grand Junction Symphony Orchestra.

Heidi Hoffman Ham, Downtown Development Authority Executive Director, presented DDA's perception of the new plan. The plan has served as a reality check to keep the group focused. The theatre is clearly in need of improvements. A long term lease with the Grand Junction Symphony will ensure the stability of the facility. The DDA desires

to dedicate \$3 million to the project. The DDA believes the team understands the needs and desires of the community relative to the facility.

Michael Schwerin, Grand Junction Symphony Orchestra (GJSO) Executive Director, reviewed how the Symphony has been involved with finding a home for the Grand Junction Symphony.

Kurt Gustafson, music director and Symphony board member, who also represents other arts organizations, reviewed the Symphony's goal when looking for a new facility in which to perform. Acoustical quality was one of the primary objectives. They hired Kirkegaard Associates to evaluate their current facility at Grand Junction High School. It was determined that the recommended adjustments could not be supported by the roof structure. They began to search for another location. Design criteria were developed for evaluating facilities. Westlake Reed Leskosky took those criteria and rolled them into their Master Plan. In conclusion, they identified the Avalon as the most viable option for the GJSO.

Michael Schwerin, GJSO Director, then shared the reasons they chose the Avalon. It meets all their needs and is the best option and the renovation costs are more reasonable than building a brand new building which would not be downtown which is where they want to be. Research showed that the model being proposed has been successful in other communities similar in size to Grand Junction. The agreement with the Symphony will double the number of patrons in the theatre and will benefit the City and the downtown without expending taxpayer dollars. Mr. Schwerin then spoke to the economic impact of arts on the community. Art organizations had a \$26 million impact to the community. There are over 500,000 people who attended art events in 2006, of which 100,000 were from outside Mesa County. About half of the art events are free, making them accessible to all residents.

Mr. Schwerin detailed the renovations being planned. Phase I is complete renovation of the performance space as well as a new HVAC System. This will result in a revenue boost for the City as the owners and operators. The remaining phases will correct other deficiencies, add more restrooms, add dressing rooms, storage space, and a multipurpose room.

Karen Hildebrandt, President of the Symphony board, spoke to the capital campaign planned. They have talked to others who have had successful capital campaigns. The long term lease ensures the donors that the Symphony will have a home in the long term. The Avalon will be a home not only for the Symphony but for other performing arts organizations. The time frame is two to three years but Ms. Hildebrandt is confident it will be sooner. They are eager to take this on as construction costs are down and there are no other community capital campaigns going on. Excitement is building for the project. Philanthropic contributions for the arts are still ongoing. The Symphony is ready to commit and asks for the City Council's support.

Council President Coons noted the number of letters and emails received by the City Council, both pro and con, on the proposal. She will not be taking public comment but wanted to assure listeners that Council has considered all the correspondence received.

Councilmember Hill clarified the action for the City Council asking if it is direction to the City Staff to negotiate that agreement.

City Manager Kadrach advised that the Staff is asking for authorization of a fifty year lease with the Symphony, to authorize the capital campaign and ensure the Symphony of the lease and support of the improvements proposed. The Council is also being asked to authorize the City Manager to negotiate an operating agreement. Ms. Kadrach said it would be two different agreements as it would be unfair to ask the Symphony to ask donors for contributions for improvements to a building to which they may not have a leasehold agreement.

Councilmember Hill was very excited about the proposal but asked about the \$3 million from the DDA as that is taxpayers' money. He asked how that \$3 million will be proportioned throughout the phases. City Manager Kadrach said the DDA will commit one dollar for every three dollars raised by the Symphony capital campaign.

Councilmember Palmer asked when the Symphony will become the primary user. Ms. Kadrach said the Symphony will not be able to move in until Phase I is completed. Getting Phase I completed will attract more groups to the Theatre. The Symphony plans to use the facility 70 days of the year.

Councilmember Palmer asked about the required subsidy for the facility. Ms. Kadrach said there will be an increase in expenses if there are more users but there will be more revenue. The City currently staffs and operates the facilities and those expenses would continue, even during construction when there are no revenues. Councilmember Palmer questioned the wisdom of the City owning and running a theatre. Ms. Kadrach said it is a community decision. Some communities have facilities such as these and more. Some have no such facilities. The City made a commitment over twenty years ago to having a facility that has events, i.e. Two Rivers Convention Center. So it matches what the City is already doing.

Councilmember Pitts asked why the City doesn't just sell the building to the Symphony. Ms. Kadrach replied that it is much more expensive for a non-profit to buy and run real estate. The City on the other hand has the infrastructure to operate the facility, the same staff as it uses at Two Rivers Convention Center. The City also handles the liability and legal matters which add to any non-profit's operating costs.



Councilmember Palmer asked what is the cost to the taxpayers for operating the facility? Ms. Kovalik said they are within \$1,700 of breaking even in 2010. The average subsidy over the years has been \$20,000 to \$40,000 with no capital investment.

Councilmember Susuras asked about the cost to maintain the building during the construction. Ms. Kovalik said the Staff would only be scheduled during construction at Two Rivers, however there may be some utility costs during construction.

Council President Coons asked if the current activities can be accommodated in other facilities. Ms. Kovalik said VCB staff will be working toward that goal but there will be some limitations.

Councilmember Palmer asked if the City were to sell the building, is it possible a private entity would step up? Ms. Kovalik said that would be a difficult question to answer. The successful performing arts centers are owned and operated by their city.

Councilmember Palmer asked about the priorities for the funds available to the DDA. What projects will not be accomplished by this partnership? Ms. Ham said the Avalon Theatre has been a priority and this partnership is a better option than the DDA running the Theatre. It is also a better option than a dark theatre. It benefits not only the restaurants but also the retailers. No other projects are being tabled; Main Street is their primary commitment and the Avalon is their second priority. They have had discussions with the Symphony as to the timeline for their fundraising and the encumbrance of the DDA funds.

Councilmember Palmer spoke to previous Councilmembers who were serving when the Avalon Theatre was purchased. Although they did not intend for the City to run it, it was always intended to be a historical building. He asked if the renovations will harm the historical value and the access to historical funding. Ms. Ham said the historical grant was only for the façade and the intention is to leave it as is. The only exterior work will be to the back and the east side. The intent is to maintain and respect the façade work.

Councilmember Susuras moved to authorize the Grand Junction Symphony Orchestra to enter into an agreement with the City to be the primary, but non-exclusive tenant of the Avalon Theatre, with a long-term lease agreement of 50 years, so that the GJSO can initiate a capital campaign to fund improvements as described in Westlake Reed Leskosky's Avalon Theatre Master Plan Study, and further authorize the City Manager to negotiate the necessary operating agreement. Councilmember Pitts seconded the motion.

Councilmember Hill complimented the Staff on the presentation and their response to questions. He felt it is the government's role to facilitate things the private sector cannot do for the benefit of the public. He complimented the Staff on the operation of the facility this year. He will support the motion.

Councilmember Susuras thanked the presenters and all who will participate in this project.

Councilmember Palmer said he will support this but he has reservations. He is not sure the City should have this role. However, the Theatre definitely needs upgrades, it's a big part of downtown, and the Symphony is a good partner but he is still uneasy.

Councilmember Pitts had no further comments except to echo Councilmember Palmer's concerns. He is sold on the project.

Councilmember Beckstein shares the others' concerns and the taxpayers have voted down measures supporting things like this. The Symphony downtown would be good for the community and it seems to be a good fit. It is a positive thing for this historic building but there will be others that disagree especially in these economic times.

Council President Coons referred to the City's vision to be the "Most Livable Community West of the Rockies" and she believes the arts are part of that. She said it is difficult for non-profits to continue to operate as operating funds are hard to come by. Contributors like to see facilities and tangible things. A historical building not being used does not honor the intent of the builders. She thanked the Symphony board.

Motion carried by roll call vote.

Council President Coons called a recess at 9:25 p.m.

The meeting reconvened at 9:32 p.m.

### **Public Hearing—Assessments for Alley Improvement District ST-10**

Improvements to the following alley have been completed as petitioned by a majority of the property owners to be assessed:

- East/West Alley from 11th to 12th, between Belford Avenue and North Avenue

The public hearing was opened at 9:32 p.m.

Tim Moore, Public Works and Planning Director, presented this item. He said this is the last step of an alley improvement district; the improvements have been completed and this approves the assessments.

Councilmember Susuras asked if the property owners will be paying about half the cost. Mr. Moore responded affirmatively.

Councilmember Beckstein noted that this particular alley really needed to be improved. She asked if this was in the original budget. Mr. Moore said it was.

There were no public comments.

The public hearing was closed at 9:35 p.m.

Councilmember Palmer stated that he is opposed to alley improvements in the current economic condition. He would rather see the current infrastructure maintained.

Councilmember Hill said he loves this program because it brings neighbors together, it improves air quality and lessens the impact on the City's vehicles. He likes neighbors investing in improvements in their neighborhood.

Ordinance No. 4444—An Ordinance Approving the Assessable Cost of the Improvements Made In and for Alley Improvement District No. ST-10 in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11<sup>th</sup> Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said Districts; Assessing the Share of Said Cost Against Each Lot or Tract of Land or Other Real Estate in Said Districts; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Councilmember Hill moved to adopt Ordinance No. 4444 and ordered it published. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

**Public Hearing—Amendment to the Zoning and Development Code to Allow Duplexes in the B-1 Zone District** [File #RZN-2010-260]

A proposed amendment to the Grand Junction Municipal Code to allow Two Family Dwellings (duplexes), upon approval of a Conditional Use Permit, in the B-1 (Neighborhood Business) zone district in anticipation of future residential development.

The public hearing was opened at 9:39 p.m.

Greg Moberg, Planning Supervisor, presented this item. He described the request and the reason for the request. He presented a brief history. The use was allowed in the previous Code but was removed in the newly codified Code. The thought was that two family dwelling units are difficult to convert to a business use but it was later determined that they do make a good buffer between business and residential development.

Councilmember Palmer asked about the statement in the report that it is for future residential development. Mr. Moberg said the placement in the Code is to allow for

future residential development. It will allow either business or residential in a B-1 district.

Councilmember Hill asked why a Conditional Use Permit will be required; that adds to the process.

Mr. Moberg said they wanted any residential use allowed to be a component of the commercial.

Councilmember Hill said he wants to encourage mixed use. To not allow, one would have to make an argument that it doesn't fit. Mr. Moberg said it is up to the Council; it is a policy decision.

Councilmember Pitts asked why not a mixed use. Mr. Moberg said the Mixed Use Form District is usually vertical.

Council President Coons asked what is the downside of making it a use by right?

City Attorney Shaver said the Conditional Use Permit allows a look to see if the use is adequately commercial but it could be changed to a use by right if that is what the Council prefers.

There were no public comments.

The public hearing was closed at 9:48 p.m.

Councilmember Hill agreed that it does allow a closer look at putting residential in a B-1 Zone District so he will support it.

Ordinance No. 4445—An Ordinance Amending Section 21.04.010 Use Table, to Allow Two Family Dwellings, with Approval of a Conditional Use Permit, in the B-1 Zone District

Councilmember Beckstein moved to adopt Ordinance No. 4445 and ordered it published. Councilmember Pitts seconded the motion. Motion carried by roll call vote with Councilmember Palmer voting NO.

### **Non-Scheduled Citizens & Visitors**

There were none.

### **Other Business**

There was none.

**Adjournment**

The meeting adjourned at 9:52 p.m.

Stephanie Tuin, MMC  
City Clerk



Date: November 29, 2010  
 Author: Stephanie Tuin  
 Title/ Phone Ext: City Clerk, X  
1511  
 Proposed Schedule: December  
13, 2010  
 2nd Reading (if applicable)

**Attach 2**  
**Conduct of the Regular Municipal Election**

**CITY COUNCIL AGENDA ITEM**

|  |
|--|
| <b>Subject:</b> Conduct of the Regular Municipal Election on April 5, 2011 |
| <b>File # (if applicable):</b>   |
| <b>Presenters Name &amp; Title:</b> Stephanie Tuin, City Clerk             |

**Executive 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.

**How this item relates to the Comprehensive Plan Goals and Policies:**

This action is needed to continue to meet the plan goals and policies.

**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 5, 2011

**Board or Committee Recommendation:**

NA

**Background, Analysis and Options:**

A mail ballot election along with contracting with Mesa County 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.

**Financial Impact/Budget:**

Have finance insert information here.

**Legal issues:**

None.

**Other issues:**

No other issues.

**Previously presented or discussed:**

This has not been previously presented.

**Attachments:**

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

**INTERGOVERNMENTAL AGREEMENT  
CITY OF GRAND JUNCTION  
REGULAR MUNICIPAL ELECTION - APRIL 5, 2011**

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 5, 2011 ("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 14, 2011, each business day thereafter from 8:00 a.m. to 5:00 p.m. through Monday April 4, 2011 and on Election Day, April 5, 2011 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



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 16, 2011**, 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 4, 2011**. 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 22<sup>nd</sup> and 18<sup>th</sup> day prior to the election.

7. RECEIVING OF WRITTEN COMMENTS AS COVERED BY SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION: The Political Subdivision 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 Friday, **February 18, 2011**.
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 22, 2011**, 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 4, 2011**.
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 7, 2011. 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 more than \$60,000.00 (estimating 30,000 registered voters and *approximately* \$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. \_\_\_\_-10**

**A RESOLUTION AUTHORIZING A MAIL BALLOT ELECTION IN THE CITY OF GRAND JUNCTION REGULAR MUNICIPAL ELECTION ON APRIL 5, 2011, 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 5, 2011.

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 5, 2011 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 5, 2011 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 \_\_\_\_\_, 2010.

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President of the Council

ATTEST:

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City Clerk

# MAIL BALLOT PLAN

## COORDINATED OR OTHER NON-PARTISAN ELECTIONS

COLORADO SECRETARY OF STATE  
1700 BROADWAY, SUITE 200  
DENVER, COLORADO 80290  
PHONE: 303-894-2200  
FAX: 303-869-4861

### INTRODUCTION

Pursuant to section 1-7.5-105 of the Colorado Revised Statutes and the Colorado Secretary of State's Election Rule 12, the designated election official responsible for conducting a mail ballot election must submit a written mail ballot plan to the Secretary of State.

This mail ballot plan must be submitted at least sixty-five (65) days prior to a regular special district election and no later than fifty-five (55) days prior to any other coordinated or non-partisan election. Additionally, a special district may request a seven (7) day filing extension if the mail ballot plan is for a regular special district election that may be cancelled. Please see Election Rule 12.4.1 for more information.

The following standard fillable form is designed to aid you in your completion and submission of the required mail ballot plan. This form may be completed online and then saved to your computer. Once you have saved the form to your computer, you will be able to submit the entire plan to the Secretary of State's office via email, regular mail, or fax. Please refer to the instruction section below for more complete guidance.

*NOTE: Pursuant to section 1-7.5-104, C.R.S., a mail ballot election cannot be held for elections or recall elections that involve partisan candidates or elections held in conjunction with, or on the same day as, a congressional vacancy election.*

### INSTRUCTIONS

(Please read this section **COMPLETELY**. Failure to do so may result in undue delay in the approval of your plan.)

Spaces and check boxes are provided below for each required aspect of the mail ballot plan. Please fill out the form in its entirety, making sure to check all boxes where applicable. Additional pages may be attached to the end of the mail ballot plan if necessary.

Election Rule 12.4.1 requires the submission of a sample secrecy sleeve or envelope and a written timetable. A copy of the Secretary of State approved secrecy sleeve is included at the end of this form. Please review the secrecy sleeve and indicate your usage of the approved sleeve by checking the box associated with the secrecy sleeve (Item "21." of the mail ballot plan). Additionally, a written timetable is provided at the end of this fillable form. Please fill in the date column of the timetable to indicate the date or range of dates for each required occurrence.

When you have checked each applicable box and supplied all required information, please save the form to your computer. Once the form is saved, you may choose your method of submittal (email, regular mail, or fax). The Secretary of State's office requests that you email your plan as an attachment to [state.electiondivision@sos.state.co.us](mailto:state.electiondivision@sos.state.co.us).

Please feel free to contact Michael Hagihara via phone at 303-894-2200 ext. 6331 or via email at [michael.hagihara@sos.state.co.us](mailto:michael.hagihara@sos.state.co.us) with any questions you may have.

**ATTENTION HOME RULE MUNICIPALITIES**

The Secretary of State will not review the mail ballot plan of any home rule municipality that fails to read and affirm the following declaration. Please indicate your affirmation by checking the box.

- X      Although I am submitting this plan on behalf of a home rule municipality, this mail ballot election will be conducted in accordance with state law. As such, this plan does not contain any locally-adopted election procedures that differ from the state procedures set forth in the Colorado Mail Ballot Election Act (§§ 1-7.5-101 through 1-7.5-111, C.R.S.) or in Election Rule 12.



**Name of person submitting plan:** Stephanie Tuin

Address: 250 N. 5<sup>th</sup> Street, Grand Junction, CO 81501

Political Subdivision: City of Grand Junction

Email: stepht@gjcity.org

1. **Date of the election:** April 5, 2011
  
2. **Type and name of the jurisdiction(s) involved in the election** (Example: county, municipality, special district, school district, etc.): Municipality, City of Grand Junction; Downtown Development Authority, Grand Junction, Colorado, Downtown Development Authority; County, Mesa County
  
3. **Description of the type of election to be conducted** (Example: coordinated election, recall election, special election, etc.): municipal election
  
4. **Citation of the statute or home rule charter provisions authorizing the election:** [§1-7.5-105, C.R.S.] (please add any additional statutes authorizing the mail ballot election for the jurisdictions involved)  
31-10-101 et seq., C.R.S. and Article II, Secs. 3 through 25, City of Grand Junction Charter
  
5. **Estimated number of eligible electors:** 21,382
  - X Between twenty-two (22) and eighteen (18) days before the election, the designated election official will mail to each active registered elector a mail ballot packet. [§1-7.5-107(3), C.R.S.]
  
  - X No later than 30 days prior to the election the designated election official will send a mail ballot packet to each active registered **UOCAVA** elector. [§1-8-103.5, C.R.S.]
  
6. **Name of the designated election official who will be responsible for all aspects of the election:** [Rule 12.4.1] City Clerk Stephanie Tuin
  
7. **If the election is NOT being conducted by the County Clerk & Recorder, an indication of whether the County Clerk and Recorder will assist in the election for the entity other than by providing a list of registered electors and other information required by statute** (Please check the appropriate box): [Rule 12.4.1]
  - X Yes, the County Clerk and Recorder will assist in the election for the entity other than by providing a list of registered electors and other information required by statute. (If yes, please read the following statement regarding use of county voting

systems, check the corresponding box if applicable, and provide the requested information.)

- The County Clerk and Recorder will assist in the election for the entity by providing voting systems to be used by the entity during the election. The make and model number of the voting systems to be used is as follows:

Make(s): Elections System and Software Model 650, green light sensor, firmware version 2.1.0.0.

Model Number(s): 650

- No, the County Clerk and Recorder will not assist in the Election for the entity other than by providing a list of registered electors and other information required by statute.

**8. The address and hours of operation for all “drop-off locations.” Note:** For security reasons, unmonitored freestanding drop-off locations located out-of-doors are not allowed: [Rule 12.4.1]

Three # of drop-off locations

In the space below please provide the address and hours of operation for each drop-off location (attach additional pages if necessary):

City Clerk’s Office  
City Hall  
250 N. 5th Street  
Grand Junction, Co. 81501  
Hours: 7:30 a.m. – 5:30 p.m. Monday thru Friday

Mesa County Elections Office  
Old Mesa County Courthouse  
544 Rood Avenue Suite 301A  
Grand Junction, Co. 81501  
Hours: 8:00 a.m. – 5:00 p.m. Monday thru Friday

Mesa County Clerk’s Office (Motor Vehicle Division)  
Mesa Mall  
2424 Hwy 6 & 50, #414  
Grand Junction, Co. 81505  
Hours: 7:30 a.m. – 5:30 p.m. Monday thru Friday

Please check one of the boxes below:

- All drop-off locations and any walk-in voting locations will be located within the political subdivision.
- At least one or all drop-off locations will be located outside of the county, municipality, or special district. Such drop-off locations are within reasonable proximity to the political subdivision or the majority of electors. The reasons for requesting permission from the Secretary of State for such drop-off locations are as follows:

**9. For elections coordinated by the County Clerk and Recorder, the total number of walk-in voting locations, and the location and hours of operation for each walk-in voting location:**  
[Rule 12.4.1]

# of walk-in voting locations

In the space below please provide the address for each walk-in location:

NA

All walk-in voting locations will be open during normal business hours from:  
[§1-7.5-107(3)(c), C.R.S.]

Dates: to  
Hours: to

**Example:**

Dates: April 12, 2010 to May 4, 2010  
Hours: 8:00 a.m. to 5:00 p.m.

Walk-in voting locations will not be utilized because this election is being conducted as an independent mail ballot election that is not coordinated with the County Clerk and Recorder.

**10. Number of accessible voting machines anticipated being used for walk-in voting locations in elections coordinated by the County Clerk and Recorder:** [§1-5-705, C.R.S.]

# of accessible voting machines

The use of accessible voting machines is not applicable because the election will not be coordinated by the County Clerk and Recorder.

**11. Length of time accessible voting machines will be available for walk-in voting in elections coordinated by the County Clerk and Recorder:** (Please include the dates and hours of operation.)

Example: April 12, 2010 through May 3, 2010, 8:00 a.m. to 5:00 p.m., Monday through Friday; and 7:00 am to 7:00 pm. on May 4<sup>th</sup>.

The use of accessible voting machines is not applicable because the election will not be coordinated by the County Clerk and Recorder.

**12. Please complete the written timetable near the end of this form. You must provide a date or a range of dates for each occurrence listed in the left-hand column of the timetable.**

**13. Indication of how postage will be handled for ballot packets returned as undeliverable** (Please read and indicate your compliance by checking the box):

As the designated election official, I hereby affirm that ballot packets will be marked **“DO NOT FORWARD. RETURN SERVICE REQUESTED,” “RETURN POSTAGE**

**GUARANTEED,”** or any other similar language that is in accordance with United States Postal Service regulations. [§1-7.5-107(3)(a), C.R.S.]

**14. Indication of procedures to be followed to ensure compliance with statutes and rules, including persons responsible for each stage** (Please read and indicate your compliance by checking each box):

X As the designated election official, I hereby affirm that I have read and understand Article 7.5 of Title 1, C.R.S. and Secretary of State Election Rule 12 and that appropriate measures and procedures will be undertaken to ensure compliance with these statutes and rules.

If the designated election official is not the person responsible for such compliance, please check the box and indicate the person responsible:

Individual responsible for compliance:

The designated election official will supervise the distributing, handling, counting of ballots and the survey of returns in accordance with rules promulgated by the Secretary of State and will take the necessary steps to protect the confidentiality of the ballots cast and the integrity of the election. [§1-7.5-105(3), C.R.S.]

X If the designated election official is not the person responsible for such compliance, please check the box and indicate the person responsible:

Individual responsible for compliance: Mesa County Elections Director  
Catherine Lenhart

X The Postmaster or local postal representative has been notified of the election and provided with the design of the ballot packet to ensure that postal standards are met:

X A ballot packet has been subject to a “Tap Test” by a local postal representative to ensure that all relevant mailing information is visible through the envelope window.

X At least one ballot packet has been submitted to the local postal representative to ensure that the ballot packet has been printed correctly.

For elections where multiple ballots will be included in the same packet or will be sent in separate packets, the ballots and return envelopes shall include distinctive markings or colors to identify political subdivisions when the colors or distinctive markings will aid in the distribution and tabulation of the ballots. [Rule 12.5.2]

Not applicable for the following reason(s) (Please check all that apply):

X This election is being conducted as an independent mail ballot election that is not coordinated with the County Clerk and Recorder.

This election will be conducted with the use of one ballot containing all candidates and ballot issues for the coordinating jurisdictions.

- For all coordinated elections where more than one mail ballot is being mailed or polling place elections are being held as well as the mail ballot election, the outgoing envelope as well as the instructions or other notice shall have the following notice: "This may not be your only ballot. Other elections may be held by other political subdivisions by mail or by polling place." [Rule 12.5.5.] NA
- X All deposited ballots will be counted as provided in Article 7.5 of Title 1, C.R.S. and by rules promulgated by the Secretary of State. A mail ballot will be valid and counted only if it is returned in the return envelope, the self-affirmation on the return envelope is signed and completed by the eligible elector to whom the ballot was issued, and the information on the return envelope is verified. [§1-7.5-107(6), C.R.S.]
- X If the election official determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the first ballot returned by the elector will be considered the elector's official ballot. [§1-7.5-107(6), C.R.S.]

**15. Description of procedures to be used to ensure ballot security at all stages of the process**

(Please read and indicate your compliance by checking each box):

- X The ballot or ballot label will contain the following warning: [§1-7.5-107(3)(b), C.R.S.]

"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 both."

- X The return envelope will have printed on it a self-affirmation substantially in the following form: [§1-7.5-107(3)(b.5)]

"I state under penalty of perjury that I am an eligible elector; that my signature and name 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."

Date: \_\_\_\_\_ Signature of Voter: \_\_\_\_\_.

- X When not being processed, ballot packets will be placed in a safe, secure area under the supervision of the designated election official, election judge, or person designated by the designated election official.
- X A replacement ballot may be requested if the ballot was destroyed, spoiled, lost, or not received by the elector. The elector requesting the replacement ballot must complete a sworn statement in compliance with section 1-7.5-107(3)(d)(I), C.R.S. The form may be mailed to an elector along with their mail ballot packet, however, it must be returned to the election official on or before election day. [§1-7.5-107(3)(d), C.R.S.]

- Ballots will not be left unattended while being processed. After processing is complete, ballots will be placed in a safe and secure area. Access to the secure area shall be determined by the County Clerk and Recorder or designated election official.

**16. Description of procedures for maintaining privacy and security of accessible voting machines to be used in an election coordinated by the County Clerk and Recorder** (If this section does not apply to you, please check the box marked "Not applicable and then indicate the reason(s) why this section does not apply to you):

- At the voter's request, the election judge will instruct the voter on the use of the accessible machine. [Rule 9]
- Each accessible voting device will be positioned as to protect each voter's privacy while voting. [Rule 12.12.3]
- For elections coordinated by the County Clerk and Recorder, a security plan will be submitted in accordance with Rule 43 in addition to the mail ballot plan, if such security plan has not already been received by the Secretary of State. [Rule 43]
- In an election coordinated by the County Clerk and Recorder, if a voter surrenders a mail ballot to the designated election official and votes in-person on an accessible device provided for the election, the accessible device will be subject to the privacy, security and accuracy standards set forth in the Election Rules and Title 1, C.R.S. [Rule 12.12]
- Not applicable for the following reason(s) (Please check all that apply):
- This election is being conducted as an independent mail ballot election that is not coordinated with the County Clerk and Recorder.
- This election will be conducted with the use of paper ballots; no voting machines will be involved in this election.

**17. Description of procedures to be used for signature verification** (Please read and indicate your compliance by checking each box. If this section does not apply to you, please check the box marked "Not applicable".): [§1-7.5-107.3, C.R.S.]

- Not applicable** as this election is being conducted as an independent mail ballot election that is not coordinated with or conducted by the County Clerk and Recorder.
- An election judge will compare the signature on the self-affirmation on each return envelope with the signature of the eligible elector stored in the statewide voter registration system.
- If, upon comparing the signature on the self-affirmation on the return envelope with the signature of the eligible elector stored in the statewide voter registration system, the election judge determines that the signatures do not match, two other election judges of different political party affiliations will simultaneously compare the signatures.
- If both other election judges agree that the signatures do not match, the County Clerk and Recorder will, within three (3) days after the signature deficiency has been

confirmed, but in no event later than two (2) days after the election day, send a letter to the eligible elector explaining the discrepancy in signatures and a form for the eligible elector to confirm that the elector returned a ballot to the County Clerk and Recorder.

- If the County Clerk and Recorder receives the form within eight (8) days after the election confirming that the elector returned a ballot to the County Clerk and Recorder and enclosing a copy of the elector's identification, and if the ballot is otherwise valid, the ballot will be counted.
- If the eligible elector returns the form indicating that the elector did not return a ballot to the County Clerk and Recorder, or if the eligible elector does not return the form within eight (8) days after election day, the self-affirmation on the return envelope will be categorized as incorrect, the ballot will not be counted, and the County Clerk and Recorder will send copies of the eligible elector's signature on the return envelope and the signature stored in the statewide voter registration system to the District Attorney for investigation.
- An original return envelope with an enclosed secrecy envelope containing a voted ballot that is not counted due to a discrepancy in signatures in accordance with the above procedures will be stored under seal in the office of the County Clerk and Recorder in a secure location separate from valid return envelopes and may be removed only under the authority of the District Attorney or by order of a court having jurisdiction.
- In the case of a disagreement among the election judges as to whether the signature of an eligible elector on the self-affirmation on the return envelope matches the signature of the eligible elector stored in the statewide voter registration system, the mail ballot will be counted in the same manner as ballots received in valid, verified return envelopes.
- An election judge will not determine that the signature of an eligible elector on the self-affirmation does not match the signature of that eligible elector stored in the statewide voter registration system solely on the basis of substitution of initials or use of a common nickname.

**18. Description of Procedures to be used for ballots returned by electors who have not previously voted in Colorado and have failed to include proper proof of identification: [§ 1-7.5-107(3.5)(d), C.R.S.]**

- X Upon receipt of a mail ballot, from an elector who has not previously voted in Colorado, which does not contain a proper form of identification as required under section 1-7.5-107(3.5)(b), C.R.S., the designated election official will, within three (3) days after receipt of the mail ballot, but in no event later than two (2) days after election day, send to the eligible elector a letter explaining the lack of compliance with section 1-7.5-107(3.5)(b), C.R.S.
- X If the designated election official receives a copy of identification in compliance with section 1-7.5-107(3.5)(b), C.R.S. within eight (8) days after election day, and if the mail ballot is otherwise valid, the mail ballot will be counted.

**19. Description of procedures to ensure privacy by use of a secrecy sleeve or secrecy envelope so receiving judges cannot tell how the elector voted** (Please read and indicate your compliance by checking the box):

- X To protect the voter's privacy, a secrecy sleeve or envelope will be included in the mail ballot package. [§1-7.5-106(1), C.R.S.]

**20. Description of procedures to be used to reconcile ballots issued, ballots received, defective ballots and substitute ballots** (Please read and indicate your compliance by checking each box):

- X Ballots will be date stamped upon receipt. Each day when ballots come in, a judge will count the ballots, batch them, and record the number of ballots received including those that were returned as undeliverable. [Rule 12.7.3]
- X The designated election official or the County Clerk and Recorder will maintain a daily reconciliation log containing the number of ballots issued, returned, and outstanding. [Rule 12.7.2]

**21. Please review the Secretary of State approved Secrecy Sleeve with Voter Instructions at the bottom of this fillable form.** (Please read the following statement and indicate your compliance by checking the box):

- X As the designated election official, I hereby affirm that the Secretary of State approved secrecy sleeve with voter instructions or voter instructions page as included at the end of this form will be used in the mail ballot election.
- X As the designated election official, I hereby affirm that the political jurisdiction will be using the attached secrecy sleeve, which is in substantial compliance with the requirements set forth by the Secretary of State.



**MAIL BALLOT PLAN TIMETABLE  
COORDINATED OR OTHER NON-PARTISAN ELECTIONS  
COLORADO SECRETARY OF STATE  
1700 BROADWAY, SUITE 200  
DENVER, COLORADO 80290  
PHONE: 303-894-2200  
FAX: 303-869-4861**

Pursuant to Election Rule 12.4, the designated election official must prepare a written timetable for conducting the mail ballot election with specific dates or range of dates when each activity is to be completed.

Please complete the following timetable by supplying the following dates or range of dates on the right:

|  |                             |
|--|-----------------------------|
| Date copy of written plan was submitted to the governing body [Rule 12.4.1]  | 12/13/2010                  |
| Date of approval of election by governing body [Rule 12.4.1]   | 12/13/2010                  |
| Date by which local jurisdictions must submit notice of election to the County Clerk and Recorder if the County Clerk will assist with the election (no later than 40 days before the election) [§1-5-303(1), C.R.S.; Rule 12.4.1]   | 2/24/2011                   |
| Date by which local jurisdictions must submit notice of election to the county assessor, if property owners are eligible to vote in the election (no later than 40 days before the election) [§1-5-304(1), C.R.S.]   | 2/24/2011                   |
| Date by which the County Clerk and Recorder must submit the list of eligible electors to the local jurisdiction conducting the mail ballot election. Also, for special district elections, the date by which the county assessor must submit the list of property owners who are eligible to vote in the election to the jurisdiction. (No later than 30 days before the election) [§1-7.5-107(2), C.R.S.]                       | 3/4/2011                    |
| Date of close of registration (29 days before the election) [§1-2-201(3), C.R.S.]  | 3/7/2011                    |
| Date ballots will be mailed (no sooner than 22 days before the election and no later than 18 days before the election) [§1-7.5-107(3), C.R.S.]   | 3/14/2011 through 3/18/2011 |
| Date ballots will be made available at the designated election official's office, or the office designated in the Mail Ballot Plan (no sooner than 22 days prior to the election) [§1-7.5-107(3), C.R.S.]  | 3/14/2011                   |
| Date by which the County Clerk and Recorder must submit a supplemental list of eligible electors to the local jurisdiction conducting the mail ballot election. Also, for special district elections, the date by which the county assessor must submit a supplemental list of property owners who are eligible to vote in the election to the jurisdiction. (No later than 20 days before the election) [§1-7.5-107(2), C.R.S.] | 3/16/2011                   |
| Date of publication of notice of election, including information regarding walk-in voting and accessible voting options.(no later than 20 days before the election) [§§1-5-705, 1-7.5-107(2.5), C.R.S.]  | 3/16/2011                   |
| Date verification and counting of ballots will begin (counting may begin 15 days before the election) [§1-7.5-107.5, C.R.S.]   | 3/21/2011                   |
| Date of Election   | 4/5/2011                    |



### Return your ballot

You may return your voted ballot by mail (include adequate postage of ????) or you may hand deliver your ballot to a designated drop-off location. (See Frequently Asked Questions below.)

Ballots must be RECEIVED at the Mesa County Elections office and/or Designated Drop-off/Service Center locations by 7:00 p.m. on Election Day in order for your vote(s) to be counted. Ballots received after 7:00 p.m. on Election Day will not be counted.

**Postmarks do not count as a received date.**

### Frequently Asked Questions:

#### Where can I drop off my ballot?

City Clerk's Office  
City Hall  
250 N. 5th Street  
Grand Junction, Co. 81501  
Hours: 7:30 a.m. – 5:30 p.m. Monday thru Friday

Mesa County Elections Office  
Old Mesa County Courthouse  
544 Rood Avenue Suite 301A  
Grand Junction, Co. 81501  
Hours: 8:00 a.m. – 5:00 p.m. Monday thru Friday

Mesa County Clerk's Office (Motor Vehicle Division)  
Mesa Mall  
2424 Hwy 6 & 50, #414  
Grand Junction, Co. 81505  
Hours: 7:30 a.m. – 5:30 p.m. Monday thru Friday

**All locations will be open 7 a.m until 7 p.m. on Election Day (Tuesday, April 5, 2011)**

#### What do I do if I make a mistake, damage or lose my ballot?

You may request a Replacement Ballot by calling 970-244-1662 during regular business hours, 8 a.m. to 5 p.m. or on Election Day from 7:00 a.m. to 7:00 p.m.

#### How do I know you received my ballot?

To verify that your Mail-In Ballot was received by the Elections Office, please call 970-244-1662 or visit our website [www.mesa-county.us](http://www.mesa-county.us)

#### I've heard that mail ballots are only counted if there are close races. Is that true?

No. All ballots, both polling place and mail, are counted in the same manner. All valid mail ballots are counted in every election in Colorado, regardless of the outcome or closeness of any race.

#### Are ADA accessible voting machines available?

Yes. ADA accessible voting machines are available for use. For more information, please contact the Mesa County Elections office at 970-244-1662

SOS Approved 04/20/10

### Secrecy Sleeve with Voter Instructions

### City of Grand Junction Municipal Election, April 5, 2011

#### What are the contents of my Official Mail Ballot Packet?

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

#### How do I vote my ballot?

Follow all the voting instructions shown on your ballot. After you have marked all your voting choices and finished voting:

1. Refold your ballot along the original fold lines.
2. Place your voted ballot in the Secrecy Sleeve.
3. Place the Secrecy Sleeve (with voted ballot) into the Official Return Envelope.
4. Sign and date the "Affidavit of Voter" located on the back of the Official Return Envelope. See 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. Do not place your ID photocopy in the Secrecy Sleeve with your voted ballot. See the AM I REQUIRED TO PROVIDE ID? section below.

By law, your signature is required on the AFFIDAVIT OF VOTER (located on the back of the Official Return Envelope). If you do not sign the affidavit, your ballot will not be counted.

#### AFFIDAVIT OF VOTER

I state under penalty of perjury that I am an eligible elector, that my signature and name 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 applicant's disability or inability to sign personally, his/her mark shall be witnessed by another person.

#### Am I required to provide identification (ID)?

If there are the words "ID REQUIRED" stamped in RED on the outside of your envelope then you must return a copy of an ID listed below:

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.) All ID's must be current and valid. If your ID shows your address, that address must be in the State of Colorado for the ID to be considered a valid form of identification.

- Colorado driver's license
- Colorado ID card issued by the department of revenue
- United States passport
- Employee ID 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
- Pilot's license issued by the federal aviation administration or other authorized agency of the United States
- United States military ID 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. For examples, please visit: [www.elections.colorado.gov](http://www.elections.colorado.gov)
- 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
- Student ID card with a photograph issued by an institution of higher education in Colorado

For additional information regarding acceptable forms of ID visit [www.elections.colorado.gov](http://www.elections.colorado.gov), see SOS Election Rule 30.1.6, or call Mesa County Elections.

Thank you for accessing the mail ballot plan online form. Please save this form to your computer so that it may be submitted to our office upon completion. Forms should be submitted via email ([state.electiondivision@sos.state.co.us](mailto:state.electiondivision@sos.state.co.us)).

Please feel free to contact Michael Hagihara via phone at 303-894-2200 ext. 6331 or via email at [michael.hagihara@sos.state.co.us](mailto:michael.hagihara@sos.state.co.us) with any questions you may have.



Date: 12-6-10  
 Author: Jay Valentine  
 Title/ Phone Ext: Asst. Fin. Ops. Mgr., 1517  
 Proposed Schedule: \_\_\_\_\_ Dec.  
13, 2010  
 2nd Reading  
 (if applicable):

**Attach 3**  
**Property Tax Mill Levies for the Year 2010**

**CITY COUNCIL AGENDA ITEM**

|   |
|---|
| <b>Subject:</b> Property Tax Resolutions for Levy Year 2010                   |
| <b>File # (if applicable):</b>  |
| <b>Presenters Name &amp; Title:</b> Jodi Romero, Financial Operations Manager |

**Executive Summary:**

The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District, and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations; the Ridges levy is for debt service only.

**How this action item meets City Council Comprehensive Plan Goals and Policies:**

This action is needed as a financing source to meet the plan goals and policies of the City of Grand Junction, DDA and Ridges Metropolitan District.

**Action Requested/Recommendation:**

Adoption of Proposed Resolution Setting the 2010 Mill Levies

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

The Adoption of the Tax Levy Resolutions will generate property tax revenue for the City, DDA and the Ridges Metropolitan District. The amount of property tax generated is calculated by taking the adopted mill levy multiplied by the assessed valuation of property located within the taxing area. The revenue generated by the City's 8 mills will be \$9,457,442.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Background, Analysis and Options:**

Levies are filed by the City and its various tax levying bodies according to revenue required for the proper performance of their various functions. After the levies are certified to the County Assessor, it is then the Assessor's duty to extend the tax on all property assessed and the County Treasurer's duty to collect them.

**Attachments:**

Proposed Property Tax Resolutions  
Tax Levy Certifications

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION LEVYING TAXES FOR THE YEAR 2010 IN THE  
CITY OF GRAND JUNCTION, COLORADO**

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

That there shall be and hereby is levied upon all taxable property within the limits of the **City of Grand Junction**, Colorado, for the year 2010 according to the assessed valuation of said property, a tax of eight (**8.000**) mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado for the purpose of paying the expenses of the municipal government of said City for the fiscal year ending December 31, 2011.

**ADOPTED AND APPROVED THIS** \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk

**TAX LEVY CERTIFICATION**

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO  
COUNTY OF MESA  
CITY OF GRAND JUNCTION

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the limits of the **City of Grand Junction** for the year 2010, as determined and fixed by the City Council by Resolution duly passed on the 13<sup>th</sup> day of December, 2010, is eight **(8.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the municipal government, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this 13<sup>th</sup> day of December, 2010.

---

City Clerk, City of Grand Junction

C: County Assessor



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION LEVYING TAXES FOR THE YEAR 2010 IN THE  
DOWNTOWN DEVELOPMENT AUTHORITY

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

That there shall be and hereby is levied upon all taxable property within the Grand Junction, Colorado, **Downtown Development Authority** limits, for the year 2010 according to the assessed valuation of said property, a tax of five **(5.000)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado, Downtown Development Authority, for the purpose of paying the expenses of said Authority for the fiscal year ending December 31, 2011.

ADOPTED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk

## **TAX LEVY CERTIFICATION**

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO  
COUNTY OF MESA  
CITY OF GRAND JUNCTION

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the Grand Junction, Colorado, **Downtown Development Authority** limits, for the year 2010, as determined and fixed by the City Council by Resolution duly passed on the 13<sup>th</sup> day of December, 2010, is five **(5.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the Grand Junction, Colorado, Downtown Development Authority, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this 13<sup>th</sup> day of December, 2010.

---

City Clerk, City of Grand Junction

C: County Assessor

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION LEVYING TAXES FOR THE YEAR 2010 IN THE  
RIDGES METROPOLITAN DISTRICT

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

That there shall be and hereby is levied upon all taxable property within the limits of the Ridges Metropolitan District, City of Grand Junction, Colorado, for the year 2010 according to the assessed valuation of said property, a tax of five and eight hundred thousandths (5.800) mills on the dollar (\$1.00) upon the total assessment of taxable property within the Ridges Metropolitan District, City of Grand Junction, Colorado, for the purpose of paying certain indebtedness of the District, for the fiscal year ending December 31, 2011.

ADOPTED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk

**TAX LEVY CERTIFICATION**

TO: County Commissioners of Mesa County, Colorado.

For the year **2010**, the Board of Directors of the **Ridges Metropolitan District** hereby certifies the following mill levy to be extended upon the total assessed valuation:

| <b>PURPOSE</b>  | <b>LEVY</b>               | <b>REVENUE</b>           |
|---|---------------------------|--------------------------|
| 4. General Obligation Bonds and Interest - 1992 *   | <u>5.800</u> mills        | \$ <u>203,987</u>        |
| 9. Temporary Property Tax Credit/<br>Temporary Mill Levy Rate Reduction<br>CRS 39-5-121 (SB 93-255) | <u>n/a</u> mills          | \$ <u>0.00</u>           |
| <b>TOTAL</b>  | <b><u>5.800</u> MILLS</b> | <b>\$ <u>203,987</u></b> |

=====

Contact person: Stephanie Tuin Daytime Phone: (970) 244-1511

Signed \_\_\_\_\_ Title City Clerk, City of Grand Junction

\* CRS 32-1-1603 (SB 92-143) requires Special Districts to “certify separate mill levies to the Board of County Commissioners, one each for funding requirements of each debt.”

Send a copy to Division of Local Government, Room 521, 1313 Sherman Street, Denver, Colorado 80203.

Original form (FORM DLG 70 (Rev. 6/92))



Date: 12-7-10  
 Author: Jay Valentine  
 Title/ Phone Ext: Asst. Fin. Ops. Mgr., 1517  
 Proposed Schedule: \_\_\_\_\_ Dec. 13, 2010  
 2nd Reading  
 (if applicable):

**Attach 4**  
**Rates and Fees for the Year 2011**  
**CITY COUNCIL AGENDA ITEM**

|   |
|---|
| <b>Subject:</b> Rates and Fees for the Year 2011                              |
| <b>File # (if applicable):</b>  |
| <b>Presenters Name &amp; Title:</b> Jodi Romero, Financial Operations Manager |

**Executive Summary:**

Proposed 2011 rate/fee increases for Lincoln Park and Tiara Rado Golf Courses, Cemetery, Lincoln Park Barn, Persigo plant investment fee, Two Rivers Convention Center, Police Services and Parking as presented and discussed during City Council budget workshops.

**How this action item meets City Council Comprehensive Plan Goals and Policies:**

This action is needed to meet the plan goals and policies of Lincoln Park and Tiara Rado Golf Courses, Persigo Wastewater Treatment Plant, Two Rivers Convention Center, Police Services and Parking.

**Action Requested/Recommendation:**

Adopt the Resolution Establishing the Fees for Golf, Cemetery, Lincoln Park Barn, Plant Investment, Two Rivers Convention Center, Police Services and Parking

**Board or Committee Recommendation:**

The Parking Management Advisory Group recommended the increases to the parking fines at their meeting on November 4<sup>th</sup>.

**Financial Impact/Budget:**

The proposed fee increase of 7.8% on annual passes and 11.9% on greens fees at Tiara Rado and Lincoln Park Golf Courses is included in the 2011 budget. The season pass rate will range from \$92.00 - \$399.00 while green fees will range from \$4.00-\$37.75.

Cemetery grave openings and closings will increase 24%-75% now ranging from \$445.00-\$1,258.00. The fees increase for opening and closing graves is due to new requirement for vaults for all in-ground burials.

Lincoln Park Barn Facility rental will increase 4% with a rental structure ranging from \$5.00-\$525.00.

The proposed fee increase of 9.68% in the Plant Investment Fee would increase the rate from \$3,100.00 to \$3,400.00.

The proposed fee increases at Two Rivers Convention Center differ over the various fee structures from 3%-26%. Meeting room rates will increase 3%-5% and service club lunch and dinners will increase 6%-26%.

Police services will be adopting charges for report copies, background checks, record searches, and VIN inspections. The Police Department did not previously charge for these services but with the proposed increases, will be comparable to other agencies.

Parking Violations will increase 50% to \$15 for overtime meters and to \$75 for handicap parking violations. Fines will be increase to 33% to \$20 for other illegal parking violations.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

Rates and fees were discussed throughout the various budget workshops with City Council.

**Background, Analysis and Options:**

**Golf:** With the recent \$3.5 million in improvements to Tiara Rado Golf Course, modest fee increases are required to make the annual dept payment for the renovation. With the increase in season passes and green fees, the prices at Tiara Rado and Lincoln Park golf courses will still remain lower than the average in the valley. Players may choose to purchase their 2011 pass during 2010 to avoid the modest increase.

**Plant Investment:** As a result of several meetings with City Council and the Mesa County Commissioners during 2007, it was agreed that the Wastewater Plant Investment Fee (PIF) increase, paid by new development, will provide adequate revenue to fund growth-related capacity upgrades to the sewage treatment system. The PIF is scheduled to increase \$300 per year until the year 2013; this is when the PIF will be at the correct amount as indicated by the 2006 independent rate study. After the year 2013, the PIF is scheduled to increase at approximately 2% per year.

**Two Rivers Convention Center:** The fee increases at Two Rivers Convention Center are the result of a thorough look at all fees and charges in relation to expenditures at the convention center.

**Police Services:** The GJPD did not previously charge for the services of copying incident reports, making copies of DVD/CD's or doing VIN inspections. Although these charges are new to the department, it is in line with what other police departments charge for similar services.

**Parking:** Parking fines have not been increased since 2002 when the base overtime rate went from \$3 to \$10. Fines increases are necessary in order to service the debt associated with the parking garage, and are consistent with other communities with comparable parking systems. Parking fees (meter rates, permits, and garage fees) will not change.

**Attachments:**

Proposed Resolution

**RESOLUTION NO. \_\_\_\_-10**

**A RESOLUTION ADOPTING FEES AND CHARGES FOR TIARA RADO AND LINCOLN PARK GOLF COURSES, CEMETERY, LINCOLN PARK BARN, PLANT INVESTMENT FEES FOR THE PERSIGO WASTEWATER TREATMENT PLANT, TWO RIVERS CONVENTION CENTER, POLICE SERVICES AND PARKING VIOLATIONS**

**Recitals:**

The City of Grand Junction establishes rates for utility services, golf, convention center and police services on a periodic basis, and by this resolution, the City Council establishes these rates to implement decisions made in the long-term financial plans for the golf, parks and recreation, wastewater, Two Rivers Convention Center, and Police Services.

**Now, therefore, be it resolved that:**

**Golf:** There will be a 7.8% increase in the annual pass fee charged to those who wish to purchase one and an 11.9% increase in green fees.

**Golf**

|                    | <b>2010 Rate</b>     | <b>2011 Rate</b>     | <b>% Change</b> |
|--------------------|----------------------|----------------------|-----------------|
| <b>Season Pass</b> | <b>\$92 - \$370</b>  | <b>\$92 - \$399</b>  | <b>7.8%</b>     |
| <b>Green Fees</b>  | <b>\$4 - \$33.75</b> | <b>\$4 - \$37.75</b> | <b>11.9%</b>    |

**Parks and Recreation:** There will be 24%-75% increase in cemetery grave opening/closing. The fee will increase from a range of \$285-\$631 to \$445-\$1,258.

The facility rental rate at the Lincoln Park Barn will increase 4% with costs now ranging from \$5-\$525.

**Persigo:** There will be a 9.68% increase in the Persigo plant investment fee charged to provide adequate revenue to fund planned capacity related upgrades to the treatment system. The charge will increase from \$3,100 / EQU to \$3,400 / EQU.

**Two Rivers Convention Center:** There will be a 3%-5% increase in facilities rental and an 9%-26% increase in service club meals.

**TRCC**

|  | <b>2010 Rate</b>      | <b>2011 Rate</b>         | <b>% Change</b> |
|--|-----------------------|--------------------------|-----------------|
| <b>Facilities Rental</b>                 |                       |                          |                 |
| <b>Meeting Rooms, Ballrooms, Theatre</b> | <b>\$86 - \$3,272</b> | <b>All Fees</b>          | <b>3% - 5%</b>  |
| <b>Equipment, Furnishings, Staging</b>   | <b>\$12 - \$250</b>   | <b>All Fees</b>          | <b>3% - 5%</b>  |
| <b>Service Club Weekly Lunch/Person</b>  | <b>\$11.50</b>        | <b>\$12.50 - \$14.50</b> | <b>9% - 26%</b> |
| <b>Service Club Monthly Lunch/Person</b> | <b>\$12.00</b>        | <b>\$13.00 - \$15.00</b> | <b>8% - 26%</b> |
| <b>Service Club Dinner Per Person</b>    | <b>\$16.00</b>        | <b>\$17.00 - \$19.00</b> | <b>6% - 26%</b> |



**Police Services:** The Police Department is proposing the following charges in 2011. There is currently no charge for these services.

| <b>Police</b>   |                                     |   |                 |
|---|-------------------------------------|---|-----------------|
|   | <b>2010 Rate</b>                    | <b>2011 Rate</b>                        | <b>% Change</b> |
| <b>Incident Reports</b>                                     | <b>1 ( \$.25 add after 4 pages)</b> | <b>No Change</b>                        | <b>0%</b>       |
| <b>Traffic Accidents<br/>(minimum 3 pages @ \$.25/page)</b> | <b>\$0</b>                          | <b>\$.75 / report</b>                   | <b>100%</b>     |
| <b>Background Checks</b>                                    | <b>\$0</b>                          | <b>\$5.00/name</b>                      | <b>100%</b>     |
| <b>CFS Reports</b>  | <b>\$0</b>                          | <b>\$1.00 4 pages,<br/>\$.25 add</b>    | <b>100%</b>     |
| <b>Search, redaction and/or microfilm (15 mins each)</b>    | <b>\$0</b>                          | <b>\$5.00 1/4 hr.</b>                   | <b>100%</b>     |
| <b>DVD/CD Copies</b>  | <b>\$0</b>                          | <b>\$6.00 1/4 hr.</b>                   | <b>100%</b>     |
| <b>Computer Manipulation/DB query (Lee only)</b>            | <b>\$0</b>                          | <b>\$5.00 1/4 hr.</b>                   | <b>100%</b>     |
| <b>VIN inspections</b>                                      | <b>\$0</b>                          | <b>\$5.00 on site \$10<br/>off site</b> | <b>100%</b>     |

**Parking:** The following violation fee increases in the Parking Fund are summarized below.

|   |             |             |            |
|---|-------------|-------------|------------|
| <b>Overtime Parking Violation</b>         | <b>\$10</b> | <b>\$15</b> | <b>50%</b> |
| <b>Illegal Parking Violation</b>          | <b>\$15</b> | <b>\$20</b> | <b>33%</b> |
| <b>Illegal Handicap Parking Violation</b> | <b>\$50</b> | <b>\$75</b> | <b>50%</b> |

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk



Date: Dec. 7, 2010  
 Author: Shelly Dackonish, Sr. Staff Attorney and John Shaver, City Attorney  
 Title/ Phone Ext: 4042  
 Proposed Schedule: Dec. 13, 2010  
 2nd Reading (if applicable): n/a

**Attach 5**  
**School Land Dedication Fee for 2011-2012**

**CITY COUNCIL AGENDA ITEM**

|  |
|--|
| <b>Subject:</b> School Land Dedication Fee for 2011-2012       |
| <b>File # (if applicable):</b>                                 |
| <b>Presenters Name &amp; Title:</b> John Shaver, City Attorney |

**Executive Summary:**

A resolution is proposed continuing the School Land Dedication (SLD) fee at a level of \$460.00 per lot based upon an average per acre cost of \$40,000 (established in 2004), a student generation fee factor of 0.023 (established in 1996), and an estimated average of 2 lots per acre. This fee does not represent an increase or a decrease; it has been at this level since 2004.

**How this action item meets City Council Comprehensive Plan Goals and Policies:**

**Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.**

**Policies:**

- A. To create large and small “centers” throughout the community that provides services and commercial areas.
- B. Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

**Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.**

**Policies:**

- A. Through the Comprehensive Plan’s policies the City and County will improve as a regional center of commerce, culture and tourism.

The Comprehensive Plan also establishes “Six Guiding Principles” that will shape the City’s growth, including the following:

**2. Sustainable Growth Patterns** - Fiscal sustainability where we grow efficiently and cost-effectively. Encourage infill and redevelopment and discourage growth patterns that cause disproportionate increases in cost of services.

**6. A Regional Center** - Preserve Grand Junction as a provider of diverse goods and services and residential neighborhoods. The Plan calls for a community that provides strong health, education and other regional services. The Plan calls for the continued development and delivery of those services.

Education services are included among those services needed for the City and County to develop and improve as a regional center. The School Land Dedication Fee helps the school district to acquire land where schools are needed to accommodate orderly urban growth.

**Action Requested/Recommendation:**

Adopt a Resolution Establishing the School Land Dedication Fee for the Years 2011-2012.

**Board or Committee Recommendation:**

School District 51 Superintendant Steven D. Schultz has requested the City to continue the SLD fee at its current level for the next two years.

**Background, Analysis and Options:**

Since 1996, the City of Grand Junction has, at the request of the Mesa County Valley School District No. 51, required the dedication of land or payment of a fee-in-lieu by development permit applicants for the purpose of establishing new school facilities necessitated by urban growth. It has done so by the School Land Dedication Fee Ordinance (Ordinance No. 2886), now codified as §21.060.030 of the Zoning and Development Code.

The SLD fee is calculated with a formula set forth in §21.060.030. For purposes of calculation, at the request of the School District and by approval of the City Council, the School District's cost of land has been established at an average of \$40,000 per acre, with an assumption of two lots per acre, since 2005; the Student Generation Fee Factor has been 0.023 (unchanged since the fee's inception in 1996). The resulting fee is \$460.00 per lot.

The School District has requested that these figures continue to form the basis for calculation of the SLD fee for another two years, at which the time District requests that the fee structure be revisited. The School District represents that this level is consistent with that established by Mesa County and the City of Fruita. The resolution proposed herewith establishes the SLD fee at current levels for the next two years. No increase or decrease in the fee is now proposed or requested by the School District.

**Financial Impact/Budget:**

N/A

**Legal issues:**

The City is authorized by state law (C.R.S. §30-28-133(4)) to establish and collect development fees or land dedications for school districts operating within its boundaries. In 1996 the City enacted Ordinance No. 2886 which, among other things, established a formula for calculation of the fee. Ordinance No. 2886 expired by its own terms after five years unless renewed by the City Council upon the request of a school district operating within City boundaries. The City Council extended and renewed the Ordinance in 2000 by Resolution 119-00. Subsequently the substance of Ordinance No. 2886 was re-enacted and codified in both the 2004 and 2010 Zoning and Development Codes without a repeal or sunset clause, and has thus been in constant effect since 1996. Section 21.060.030 of the Zoning and Development Code authorizes the City Council to establish the fee from time to time based upon the needs of any school district operating within City boundaries. The City also entered into an intergovernmental agreement (IGA) in 1996 to establish the fee and to administer the funds collected. The term of the IGA is co-extensive with that of the Ordinance.

**Other issues:**

N/A

**Previously presented or discussed:**

January 3, 1996: The City Council approved and adopted Ordinance No. 2886 establishing the requirement of dedication of land for school development and formula for calculation of the School Land Dedication Fee.

February 20, 1996: The City of Grand Junction and Mesa County Valley School District No. 51 entered into an Intergovernmental Agreement for the implementation and administration of the School Land Dedication Fee in which the City agreed to collect such fee in the form of cash payments from applicants developing property in the City and to hold the funds in trust for the School District.

November 15, 2000: The City Council adopted Resolution No. 119-00 extending the School Land Dedication Fee Ordinance and setting the amount of the school land dedication fee at \$292.00 per lot/unit until 2005.

December 21, 2005: The City Council adopted Resolution No. 193-05 extending the School Land Dedication Fee Ordinance and setting the amount of the school land dedication fee at \$460.00 per lot, effective January 1, 2006.

**Attachments:**

Proposed Resolution



## RESOLUTION NO. \_\_-10

### A RESOLUTION ESTABLISHING THE 2011-2012 SCHOOL LAND DEDICATION FEE

Recitals.

In the year 1996 the City Council adopted what is now section 21.6.030 of the Zoning and Development Code, at the request of Mesa County Valley School District 51. Since then, the City has collected school impact fees pursuant to law along with Mesa County and the City of Fruita.

The school dedication fees are used by District 51 exclusively to acquire future school sites and lands, pursuant to the City's home rule powers and specifically as authorized by 30-28-133(4) C.R.S.

When it adopted the ordinance authorizing the collection of the school impact fee, the City Council provided that the dollar amount of the impact fee would be reviewed periodically, based on data obtained by and with the recommendation of the Board of Education of School District 51.

As recommended and requested by the Superintendent of District 51 school land fees in the City shall be collected at \$460.00 per lot. School District 51 has studied the need or demand for school lands generated by proposed developments and/or anticipated population growth in the City and in the Urban Growth boundary where the City is expected to annex as development occurs. District 51 has reviewed its data about the average cost per acre of suitable school lands. The District has reviewed its data, its capital needs and other relevant information and has concluded that \$460.00 per lot is fair and adequate to meet the District's needs for 2011-2012.

Section 21.6.030 of the Zoning and Development Code requires a public hearing if the dollar amount of the impact fee is recommended to change. The per lot fee of \$460.00 does not represent a change from the previous amount so no public hearing is required.

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

Ordinance No. 2886 known as the School Land Dedication Fee Ordinance is hereby adopted, continued, extended and ratified, as provided therein.

The dollar amount of the school impact fee authorized by the City's Zoning and Development Code section 21.6.030 shall be set at \$460.00 per lot. The City Council incorporates by this reference the evidence and supporting documentation developed by the District.

The \$460.00 per lot school land impact fee, pursuant to the Zoning and Development Code section 21.6.030 shall become effective on January 1, 2011. The school land dedication fee shall established herein shall be reviewed by the City

Council on or before January 1, 2012.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk



Date: Dec. 8, 2010  
 Author: John Shaver  
 Title/ Phone Ext: 1506  
 Proposed Schedule: Dec. 13, 2010  
 2nd Reading (if applicable):  
NA

**Attach 6**  
**Reallocation of 700 MHz "D Block" to Public Safety**

**CITY COUNCIL AGENDA ITEM**

|   |
|---|
| <b>Subject:</b> Reallocation of 700MHz "D Block" to Public Safety |
| <b>File # :</b>   |
| <b>Presenters Name &amp; Title:</b> John Shaver, City Attorney    |

**Executive Summary:**

The City Council Legislative Committee met on December 8 to discuss the upcoming Colorado legislative session. Councilmember Kenyon, who chairs the Colorado Municipal League policy committee, introduced to the City Council Committee to various matters that the CML policy committee had recently considered. One of those was the national issue involving the allocation of Block D of the 700 MHz radio spectrum. Following discussion the Committee directed the City Attorney to prepare a resolution and forward the same to City Council.

**How this action item meets City Council Comprehensive Plan Goals and Policies:**

The Comprehensive Plan Goals and Policies are not applicable to this proposed resolution.

**Action Requested/Recommendation:**

Adopt the Draft Resolution Supporting the Allocation of the 700MHz Band to Public Safety Communications.

**Board or Committee Recommendation:**

The Legislative Committee has recommended consideration of the Resolution.

**Background, Analysis and Options:**

Allocating the D Block of the 700MHz spectrum to public safety would double the amount of spectrum available for first responder broadband communications. Access to that part of the spectrum will provide reliable modern technology and will allow for the creation of a nationwide interoperable communications network.



**Financial Impact/Budget:**

There is no financial or budget impact as a result of consideration and/or adoption of the Resolution.

**Legal issues:**

By providing a sufficient amount of contiguous spectrum public safety will be able to utilize the most modern and reliable technologies for video and data communications. The Federal agencies will need to act to preempt commercial use of the spectrum.

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

Proposed Resolution

**RESOLUTION NO. \_\_\_-10**

**A RESOLUTION CONCERNING THE ALLOCATION OF THE 700 MHz “D BLOCK” OF THE RADIO SPECTRUM FOR A NATIONWIDE PUBLIC SAFETY RADIO AND BROADBAND NETWORK**

**Recitals.**

Adequate, dedicated broadcast spectrum that is free from interference is essential for municipal first responders to communicate during emergencies. Public safety agencies have only been granted small sections of the radio spectrum over time and never enough to have all operations on a single frequency band. Those facts cause concern for public safety operations needing interoperable communications.

In these days of advancing technology first responders are greatly benefitted by the ability to utilize mobile technology. Real time video and data, detailed pictures, high resolution maps and other electronic information that may be distributed by emergency dispatch systems is essential to achieving more effective and efficient emergency and disaster response. In emergency and disaster situations commercial bandwidth may be slow or blocked and public safety authorities may be denied the information that is vital to their response. Public safety needs a dedicated and secure access to a network.

The segment of the 700 MHz spectrum known as the “D Block” is uniquely positioned to provide a one time opportunity to improve first responder communications and emergency response capabilities. By and through this Resolution the City Council of the City of Grand Junction, Colorado does call on the federal government to provide adequate telecommunications spectrum and to create a secure and dedicated Nationwide Public Safety Broadband Communications Network for the use and benefit of public safety and emergency services agencies nationwide.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION** does request that the Department of Commerce, the Department of Homeland Security, the Department of Justice and the Federal Communications Commission, through the respective authority of each agency, reallocate the 700MHz “D Block” of the radio spectrum to public safety for the purpose of building a Nationwide Public Safety Broadband Communications Network and that in developing that Network that the agencies work directly with State and Local government to ensure appropriate governance of the D Block spectrum;

**BE IT FURTHER RESOLVED** that the Federal government must ensure that municipalities are included in all nationwide interoperability planning and that the developed Network and equipment for its use be accessible, affordable and enduring.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

CITY OF GRAND JUNCTION

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Mayor and President of the City Council

ATTEST:

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City Clerk



Date: Dec. 8, 2010  
 Author: Shelly Dackonish and John Shaver  
 Title/ Phone Ext: 4042  
 Proposed Schedule: Dec. 13, 2010  
 2nd Reading (if applicable): Jan. 3, 2011

**Attach 7**  
**Setting a Hearing Amending the Grand Junction Municipal Code Exempting Coins and Precious Metal Bullion from Sales Tax**

**CITY COUNCIL AGENDA ITEM**

|   |
|---|
| <b>Subject:</b> Amending the Municipal Tax Code to Exempt Coins and Precious Metal Bullion from Sales Tax |
| <b>File # (if applicable):</b>  |
| <b>Presenters Name &amp; Title:</b> John Shaver, City Attorney  |

**Executive Summary:**

It is proposed to amend the City’s tax code to include an exemption from sales tax for the sale of coins and precious metal bullion.

**How this action item meets City Council Comprehensive Plan Goals and Policies:**

The Comprehensive Plan Goals and Policies are not applicable to this proposed amendment of the City’s tax code.

**Action Requested/Recommendation:**

Introduction of Proposed Ordinance and Set a Hearing for January 3, 2011

**Board or Committee Recommendation:**

The Legislative Committee has reviewed this matter and recommends approval of the sales tax exemption for coins and bullion.

**Background, Analysis and Options:**

Presently the sale of coins and precious metal bullion are subject to sales tax under the City tax code, but merchants of these commodities have been subjected to inconsistent requirements between the City and the State with respect to sales tax application. In order to minimize the effects of such inconsistencies, this amendment is proposed to exempt the sale of coins and precious metal bullion (as those are defined in the State tax code) from City sales tax.

**Financial Impact/Budget:**

The City's Financial Operations Manager has reviewed the fiscal impact of implementing this exemption and found it to be negligible.

**Legal issues:**

The City is not legally required to maintain consistency between its sales taxes and those of the State or any other taxing jurisdiction.

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

Proposed Ordinance

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AMENDING SECTION 3.12.070 OF TITLE 3 OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING THE EXEMPTION FROM SALES TAX OF COINS AND PRECIOUS METAL BULLION**

**RECITALS:**

The City Council has recently considered a modification to the City's tax code. The proposed change is to exempt from City sales tax the sale of coins and precious metal bullion. The proposed change is contemplated to create consistency between the Grand Junction Municipal Code and the Colorado Revised Statutes.

The proposed change has been considered by the City Council Legislative Committee. The Committee forwarded a recommendation of approval to the full City Council.

The City Council is committed to a fair and responsible tax code, which often but not always means that the terms thereof are consistent with the terms of the State tax code.

The City Council finds that achieving consistency with the State law by exempting coins and precious metal bullion from City sales tax is protective of the interests of the citizens of the City of Grand Junction.

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

That Section 3.12.070 of the Grand Junction Municipal Code is amended as follows: (Additions are shown in ALL CAPS)

**3.12.070 Exemptions from sales tax.**

The tax levied by GJMC [3.12.030](#)(a) shall not apply to the following:  
(MM) THE SALE OF COINS AND PRECIOUS METAL BULLION , AS DEFINED BY 39-26-102(2.6) C.R.S.

Introduced on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Passed and adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President of the City Council

ATTEST:

\_\_\_\_\_  
City Clerk

Attach 8

**Appeal of the Planning Commission**

The Schooley-Weaver Gravel Extraction Appeal file is very large so it has been saved as a pdf as a separate file for easier opening and viewing. Please refer to a file titled [SchooleyWeaverAppealof14Sept10Approval20101213CCA.pdf](#)



Date: December 3, 2010  
 Author: Stephanie Tuin & John Shaver  
 Title/ Phone Ext: City Atty, X 1503, City Clerk, x 1511  
 Proposed Schedule: Monday, December 13, 2010  
 2nd Reading  
 (if applicable): NA

**Attach 9**  
**Update of Referendum Petition**

**CITY COUNCIL AGENDA ITEM**

|  |
|--|
| <b>Subject:</b> Update on Referendum Petition for Ordinance No. 4437, An Ordinance Prohibiting the Operation of Medical Marijuana Businesses |
| <b>File # (if applicable):</b>   |
| <b>Presenters Name &amp; Title:</b> Stephanie Tuin, City Clerk<br>John Shaver, City Attorney   |

**Executive Summary:**

This item serves to update the City Council on the status of the referendum petition circulated in November requesting the repeal of Ordinance No. 4437. Ordinance No. 4437 was adopted by the City Council on October 4, 2010. The Ordinance prohibits the operation of medical marijuana businesses in the city limits and amends the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana.

**How this item relates to the Comprehensive Plan Goals and Policies:**

The Comprehensive Plan/consideration of the Plan is not applicable to this action.

**Action Requested/Recommendation:**

The protest period for the referendum ends on December 14, 2010. If no protest is filed, the City Council will be asked to reconsider the ordinance or set a ballot title for an election.

Because either action requires further action by the Council, on December 15, 2010 the Council will deliberate and direct Staff to either prepare the ballot title and question or prepare an ordinance repealing Ordinance No. 4437.

**Board or Committee Recommendation:**

None.



## **Background, Analysis and Options:**

The City Council, after three public input sessions on medical marijuana retail sales, adopted an ordinance on October 4, 2010 prohibiting the operation of medical marijuana businesses. The effective date of the ordinance was to be November 5, 2010 with enforcement beginning January 1, 2011.

On November 4, 2010, a referendum petition containing 5,446 signatures was filed with the City Clerk. That filing protested the passage and suspended the effective date of the ordinance.

On November 15, 2010 the City Clerk and her staff completed an inspection of the 278 petition sections. The City Clerk determined that of the 5,446 signatures submitted, 2,073 were valid City voters. The City Charter §136 states "a petition signed by registered electors of the city equal in number to at least ten per centum of the last preceding vote cast in the city for all candidates for Governor of the State of Colorado, be presented to the council, protesting against such ordinance taking effect, the same shall thereupon and thereby be suspended from taking effect, the council shall immediately reconsider such ordinance, and if the same be not entirely repealed, the council shall submit it, by the method provided in this article, to a vote of the registered electors of the city, either at the next general municipal election, or at a special election, which may, in their discretion, be called by them for that purpose, and such ordinance shall not take effect unless a majority of the registered electors voting on the same at such election, shall vote in favor thereof." The number of City voters who voted in the last gubernatorial election (2006) was 18,599 so 1,860 signatures were required for a valid referendum petition.

According to Colorado law (31-11-110 (1) C.R.S.) a forty day period in which the Clerks findings may be challenged must elapse before the City Council may review the protest to the ordinance. That forty day period ends December 14, 2010.

Pursuant to the City Charter the City Council must now reconsider the ordinance. Reconsideration in this context means that the Council may act to either repeal Ordinance No. 4437 in its entirety or it may refer the Ordinance to a vote of the registered electors of the City.

On or after December 15, 2010 the Council will direct staff to either prepare the ballot title and question or prepare an ordinance repealing Ordinance No. 4437.

## **Financial Impact/Budget:**

There is a regular municipal election scheduled for April 5, 2011. To add a question to the ballot would have no financial impact. Referring the matter to a Special Election would incur costs of around \$60,000.

**Legal issues:**

The City Charter states that the Council shall immediately reconsider such ordinance or if not repealed, the Council shall submit it to a vote of the registered electors of the City. State Law, §31-11-111 (1) C.R.S. provides that after an election has been ordered, the legislative body of the municipality shall fix a ballot title for the referendum.

**Other issues:**

None.

**Previously presented or discussed:**

There was extensive discussion prior to the adoption of the ordinance. It has not been presented since October 4 and the protest petition has not been discussed by the City Council.

**Attachments:**

City Clerk's Examination Certificate

## EXAMINATION CERTIFICATE

Re: Referendum petitions filed on November 4, 2010 regarding Ordinance No. 4437, an ordinance prohibiting the operation of medical marijuana businesses and amending the Grand Junction Municipal Code by the addition of a new section prohibiting certain uses relating to marijuana adopted by the City Council on October 4, 2010.

I, Stephanie Tuin, City Clerk for the City of Grand Junction, Colorado, have, with the assistance of the City Clerk staff, examined the foregoing petitions of which there were 278 sections and make the following findings:

1. That the petitions were timely filed.
2. That there was 1 petition section (#111) on which the circulator failed to include either the County or the State of the circulators residence. Although a defect under the strict reading of 31-11-106(e)(I)(A), C.R.S., the omission of county or state on the circulator's affidavit is deemed insubstantial. Because the City Charter is silent regarding the content of the affidavit, I requested an opinion from the City Attorney. In reading *Fabec v Beck*, 922 P.2d 330 (Colo. 1996), the City Attorney advised me that it is his opinion that the omission is insubstantial and that the petition need not be disqualified solely on this omission. Inclusion of the circulator's city and zip code, does allow the reviewer enough information to determine the circulator meets the requirements of the statute. I adopt the City Attorney's advice and recommendation and am not disqualifying the petition due to the defect in the circulator's affidavit.
3. One petition section (#112) was rejected as the circulator did not include the date he or she signed the affidavit. There were 25 signatures on that petition.
4. One petition section (#282) was rejected as the affidavit was signed prior to the petition being signed. There were 5 signatures on that petition.
5. There are 2,073 signatures on the petition sections that are accepted.
6. 1,860 signatures are required for presenting the petition to the City Council for reconsideration or placing a referendum on a municipal election ballot.

In witness whereof, I affixed my hand and official seal of the City of Grand Junction this 15th day of November 2010.



*Stephanie Tuin*

Stephanie Tuin, City Clerk  
City of Grand Junction, Colorado  
250 N. 5th Street  
Grand Junction, Co. 81501



Date: December 1, 2010  
 Author: John P. Shaver  
 Title/ Phone Ext: City Attorney  
Ext. 1503  
 Proposed Schedule: December  
13, 2010  
 \_\_\_\_\_  
 2nd Reading: NA

**Attach 10**  
**Public Hearing – Consideration of a Proposed Ordinance to Extend Medical Marijuana Moratorium**

**CITY COUNCIL AGENDA ITEM**

|  |
|--|
| <b>Subject:</b> Consideration of a Proposed Ordinance to Extend the Medical Marijuana Moratorium (Ordinance No. 4392) and Declare an Emergency |
| <b>File # (if applicable):</b>   |
| <b>Presenters Name &amp; Title:</b> John Shaver, City Attorney   |

**Executive Summary:**

This ordinance proposes to extend the moratorium on commercial medical marijuana centers and facilities imposed by Ordinance No. 4392. Ordinance No. 4392 was duly considered and adopted by the City Council on November 16, 2009 and became effective December 18, 2009. Ordinance No. 4392 instituted a 12 month moratorium on new commercial medical marijuana centers and facilities in the City of Grand Junction.

The City Manager and the City Attorney recommend that the moratorium be extended until April 5, 2011.

**How this item relates to the Comprehensive Plan Goals and Policies:**

The Comprehensive Plan/consideration of the Plan is not applicable to this action.

**Action Requested/Recommendation:**

Approve Proposed Ordinance and Declare an Emergency Making the Ordinance Effective Immediately

**Background, Analysis and Options:**

This ordinance proposes to extend the moratorium on commercial medical marijuana centers and facilities imposed by Ordinance No. 4392. Ordinance No. 4392 was duly considered and adopted by the City Council on November 16, 2009 and became effective December 18, 2009. Ordinance No. 4392 instituted a 12 month moratorium on new commercial medical marijuana centers and facilities in the City of Grand Junction.

On June 7, 2010, Governor Ritter signed into law HB 10-1284 and SB10-109. Both the House and Senate bills concerned medical marijuana. Among other provisions, House Bill 10-1284, now codified as the Colorado Medical Marijuana Code, 12-43.3.101 C.R.S. *et. seq.* authorized the City to adopt an ordinance to license, regulate or prohibit the cultivation and/or sale of medical marijuana. C.R.S. 12-43.3-103(2).

On October 4, 2010 the City Council duly considered and adopted Ordinance No. 4437, an ordinance prohibiting the operation of medical marijuana businesses in the City. Ordinance No. 4437 also amended the Grand Junction Municipal Code by the addition of legal provisions prohibiting certain uses relating to marijuana. Ordinance No. 4437 also extended the term of the moratorium established under Ordinance No. 4392 to December 31, 2010. By its terms Ordinance No. 4437 was to become applicable on January 1, 2011.

In accordance with the City Charter, a protest petition was filed prior to Ordinance No. 4437 becoming effective. The protest petitions were found to be sufficient by the City Clerk on November 15, 2010. Under Colorado law the Clerk's findings may be challenged. That challenge period extends to December 14, 2010. During the protest period further proceedings are stayed.

If the protest petition is not successfully challenged then, pursuant to the City Charter, the City Council shall either repeal the protested ordinance in its entirety or refer it to the ballot. Because of the protest petition, Ordinance No. 4437 is suspended from taking effect. That suspension includes the provision thereof that would have extended the moratorium.

So that the status quo may be maintained while the protest is being decided and while the City Council determines its position relative thereto, the City Manager and the City Attorney recommend that the City Council extend the moratorium on commercial medical marijuana centers and facilities imposed by Ordinance No. 4392 to and through April 5, 2011 (the date of the next municipal election) and find and declare for the foregoing reasons that the matter be deemed an emergency.

#### **Financial Impact/Budget:**

There is no direct financial or budget impact to the City by approving the Proposed Ordinance.

#### **Legal issues:**

Pursuant to the City Charter no ordinance shall be passed on the date it is introduced except in cases of special emergency. The City Council determines the existence of an emergency considering the preservation of the public peace, health or safety and then only by the unanimous vote of all members of the Council.

The City Attorney has advised the City Council that the proposed ordinance may lawfully be adopted as an emergency.

**Previously presented or discussed:**

Extension of Ordinance No. 4392 has not been previously discussed by the City Council. The City Council did discuss and lawfully approve Ordinance No. 4392 in November 2009.

**Attachments:**

Proposed Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO EXTEND THE MORATORIUM ON COMMERCIAL MEDICAL MARIJUANA CENTERS AND FACILITIES IMPOSED BY ORDINANCE NO. 4392 AND DECLARING AN EMERGENCY**

**RECITALS:**

This ordinance proposes to extend the moratorium on commercial medical marijuana centers and facilities imposed by Ordinance No. 4392. Ordinance No. 4392 was duly considered and adopted by the City Council on November 16, 2009 and became effective December 18, 2009. Ordinance No. 4392 instituted a 12 month moratorium on new commercial medical marijuana centers and facilities (also known as dispensaries, grow operations and infused products manufacturing and sales) in the City of Grand Junction.

On June 7, 2010, Governor Ritter signed into law HB 10-1284 and SB10-109. Both the House and Senate bills concerned medical marijuana. Among other provisions, House Bill 10-1284, now codified as the Colorado Medical Marijuana Code, 12-43.3.101 C.R.S. *et. seq.* authorized the City to adopt an ordinance to license, regulate or prohibit the cultivation and/or sale of medical marijuana. C.R.S. 12-43.3-103(2).

On October 4, 2010 the City Council duly considered and adopted Ordinance No. 4437, an ordinance prohibiting the operation of medical marijuana businesses in the City. Ordinance No. 4437 also amended the Grand Junction Municipal Code by the addition of legal provisions prohibiting certain uses relating to marijuana. Ordinance No. 4437 also extended the term of the moratorium established under Ordinance No. 4392 to December 31, 2010. By its terms Ordinance No. 4437 was to become applicable on January 1, 2011.

In accordance with the City Charter, a protest was filed prior to Ordinance No. 4437 becoming effective. The protest petitions were found to be sufficient by the City Clerk on November 15, 2010. Under Colorado law the Clerk's findings may be challenged. That challenge period extends to December 14, 2010. During the protest period further proceedings are stayed.

If the protest petition is not successfully challenged then, pursuant to the City Charter, the City Council shall either repeal the protested ordinance in its entirety or refer it to the ballot. Because of the protest petition Ordinance No. 4437 is suspended from taking effect. That suspension includes the provision thereof that would have extended the moratorium.

So that the status quo may be maintained while the protest is being decided and while the City Council determines its position relative thereto, the City Manager and the City Attorney do recommend that the City Council extend the moratorium on commercial medical marijuana centers and facilities imposed by Ordinance No. 4392 to and through April 5, 2011 (the date of the next municipal election) and find and declare for the foregoing reasons that the matter be deemed an emergency.

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

The terms, conditions and provisions of Ordinance No. 4392 shall continue and remain in full force and effect from the Date hereof to and through April 5, 2011.

This Ordinance shall expire, if not renewed or sooner repealed by the City Council, on April 6, 2011.

PASSED AND ADOPTED as an emergency ordinance of the City Council of the City of Grand Junction, Colorado this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
President of the Council

Attest:

\_\_\_\_\_  
City Clerk